

2009 DRAFTING REQUEST

Bill

Received: **05/28/2009**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Robin Vos (608) 266-9171**

By/Representing: **Janine**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - sewerage districts**

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Rep.Vos@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Compensation of metropolitan sewerage district commissioners

Instructions:

See attached. Change \$50 per diem for met. sewerage dist commissioners to any amount that's set by the commissioners. Does not apply to Milwaukee Metropolitan Sewerage District.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	mshovers 05/28/2009	bkraft 06/01/2009	phenry 06/01/2009	_____	cduerst 06/01/2009	cduerst 09/10/2009	

FE Sent For:

<END>

↳ At Intro.

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FE Sent For:							
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FE Sent For:

<END>

Shovers, Marc

From: Rep.Vos
Sent: Thursday, May 28, 2009 8:59 AM
To: Shovers, Marc
Subject: RE: BILL DRAFT REQUEST: Metropolitan Sewerage Districts - commissioners' compensation

Marc,

Yes that is correct. Remove the maximum and specify that the commission itself sets the per diem rate.

Janine

Janine L. Hale

Office of State Representative Robin Vos

105 West, State Capitol

P.O. Box 8953

Madison, WI 53708

608-266-9171 - office

1-888-534-0063 - toll-free

608-282-3663 - fax

janine.hale@legis.wi.gov

From: Shovers, Marc
Sent: Wednesday, May 27, 2009 4:12 PM
To: Rep.Vos
Cc: Mueller, Eric
Subject: RE: BILL DRAFT REQUEST: Metropolitan Sewerage Districts - commissioners' compensation

Hi Janine:

Currently, the county board appoints the commissioners, and the maximum per diem rate is set by statute, although it's not clear who sets the actual rate. I would guess that the county board sets the rate now. Just to clarify, do you want to remove the \$50 maximum rate so there is no maximum that may be paid, and specify that the commission itself sets the per diem rate? Thanks.

Marc

Marc E. Shovers

Managing Attorney

Legislative Reference Bureau

Phone: (608) 266-0129

Fax: (608) 264-6948

e-mail: marc.shovers@legis.wisconsin.gov

05/28/2009

From: Rep.Vos
Sent: Wednesday, May 27, 2009 1:45 PM
To: Shovers, Marc; Mueller, Eric
Subject: BILL DRAFT REQUEST: Metropolitan Sewerage Districts - commissioners' compensation

Marc and Eric,

Rep. Vos would like to request a bill draft to change WI Stat: 200.09 relating to commissioner compensation. Currently the law says "a per diem compensation not to exceed \$50 may be paid to commissioners." Rep. Vos would like remove that language and give the authority to the local board of commissioners to establish the rate of compensation.

Please let me know if you have any questions.

Sincerely,

Janine Hale

Janine L. Hale

Office of State Representative Robin Vos

105 West, State Capitol

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Madison, WI 53708

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janine.hale@legis.wi.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2956

MESQ

bjk

Handwritten initials and circled text: "FMA" circled in black.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note circled in black.

SA
X-ref

Handwritten signature circled in black.

1 AN ACT ...; **relating to:** changing the method for per diem payments of certain
2 metropolitan sewerage district commissioners.

Analysis by the Legislative Reference Bureau

Under current law, commissioners of a metropolitan sewerage district other than commissioners of the Milwaukee Metropolitan Sewerage District (MMSD) may receive per diem compensation in an amount that may not exceed \$50. MMSD commissioners receive a salary in an amount specified by the MMSD commission.

Under this bill, commissioners of a metropolitan sewerage district other than MMSD commissioners, may receive a per diem payment in an amount that is set by ~~the~~ commission. *that not MMSD*

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 200.09 (1) of the statutes is amended to read:
4 200.09 (1) A district formed under this subchapter shall be governed by a
5 5-member commission appointed for staggered 5-year terms. Except as provided in
6 sub. (11), commissioners shall be appointed by the county board of the county in

1 which the district is located. If the district contains territory of more than one county,
 2 the county boards of the counties not having the greatest population in the district
 3 shall appoint one commissioner each and the county board of the county having the
 4 greatest population in the district shall appoint the remainder. Of the initial
 5 appointments, the appointments for the shortest terms shall be made by the counties
 6 having the least amount of population, in reverse order of their population included
 7 in the district. Commissioners shall be residents of the district. Initial appointments
 8 shall be made no sooner than 60 days and no later than 90 days after issuance of the
 9 department order forming a district or after completion of any court proceedings
 10 challenging such order. ~~A per diem compensation not to exceed \$50 may be paid to~~
 11 ~~commissioners. Commissioners may be reimbursed for actual expenses incurred as~~
 12 ~~commissioners in carrying out the work of the commission.~~

History: 1971 c. 276; 1973 c. 289; 1979 c. 221; 1987 a. 399; 1989 a. 359; 1993 a. 246; 1999 a. 150 s. 319; Stats. 1999 s. 200.09; 2001 a. 103; 2007 a. 1.

13 **SECTION 2.** 200.09 (7) of the statutes is amended to read:

14 200.09 (7) A per diem compensation ~~not to exceed \$50~~ may be paid to
 15 commissioners in an amount the commission specifies by resolution. Any change in
 16 the per diem amount after its initial establishment applies only to subsequently
 17 appointed or reappointed commissioners. Commissioners shall be reimbursed for
 18 actual expenses incurred as commissioners in carrying out the work of the
 19 commission.

History: 1971 c. 276; 1973 c. 289; 1979 c. 221; 1987 a. 399; 1989 a. 359; 1993 a. 246; 1999 a. 150 s. 319; Stats. 1999 s. 200.09; 2001 a. 103; 2007 a. 1.

20 **SECTION 3. Initial applicability.**

21 (1) This act first applies to a commissioner who is appointed or reappointed on
 22 the effective date of this subsection, except that if a commission specifies by
 23 resolution a per diem amount that is at least equal to the per diem amount that is

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2956/dn

MES.....

g Lbjk

Date

Representative Vos:

As you can see in this draft, the current law which applies to metropolitan sewerage district commissioners contains provisions relating to per diem payments, and reimbursement for actual expenses incurred, in both s. 200.09 (1) and (7). I deleted the provisions in sub. (1) and left the provision in sub. (7). Oddly, the reimbursement for actual expenses incurred by a commissioner is permissive in sub. (1), "Commissioners may be reimbursed" while the similar provision is mandatory in sub. (7), "Commissioners shall be reimbursed."

I have no idea how or why this happened. By deleting the provision in sub. (1), reimbursement for actual expenses incurred while carrying out the work of a commission is now without a doubt mandatory, which is consistent with the treatment of Milwaukee Metropolitan Sewerage District commissioners. See s. 200.25 (6). My guess is that even under these inconsistent statutes, reimbursements are mandatory under the canon of statutory interpretation which holds that a more specific statute trumps a less specific statute, although I have not checked with any sewerage districts to confirm that this is their practice. Please let me know if this treatment of subs. (1) and (7) is not consistent with your intent.

→ the initial applicability provision

Marc E. Shovers
Managing Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.wisconsin.gov

50200009A

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2956/1dn
MES:bjk:ph

June 1, 2009

Representative Vos:

As you can see in this draft, the current law which applies to metropolitan sewerage district commissioners contains provisions relating to per diem payments, and reimbursement for actual expenses incurred, in both s. 200.09 (1) and (7). I deleted the provisions in sub. (1) and left the provision in sub. (7). Oddly, the reimbursement for actual expenses incurred by a commissioner is permissive in sub. (1), "Commissioners may be reimbursed..." while the similar provision is mandatory in sub. (7), "Commissioners shall be reimbursed..."

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Marc E. Shovers
Managing Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.wisconsin.gov

Duerst, Christina

From: Rep.Vos

Sent: Thursday, September 10, 2009 3:05 PM

To: LRB.Legal

Subject: Draft Review: LRB 09-2956/1 Topic: Compensation of metropolitan sewerage district commissioners

Please Jacket LRB 09-2956/1 for the ASSEMBLY.