



1995 ASSEMBLY BILL 381

May 18, 1995 - Introduced by Representatives DUFF, SCHNEIDERS, URBAN, FOTI, ALBERS, FREESE, UNDERHEIM, KAUFERT, HUEBSCH, LAZICH, HOVEN, POWERS, JENSEN, GOETSCH and GROTHMAN, cosponsored by Senators FARROW, PANZER, ADELMAN, SCHULTZ, RUDE, HUELSMAN and FITZGERALD. Referred to Committee on Environment and Utilities.

1 **AN ACT to repeal** 66.882 (2) (a) 1. to 6., 66.884 (1) (a) 2. and 3., 66.884 (7) and
2 66.884 (8); **to renumber and amend** 66.882 (2) (a) (intro.); **to consolidate,**
3 **renumber and amend** 66.884 (1) (a) (intro.) and 1.; **to amend** 66.882 (2)
4 (intro.), 66.882 (2) (b), 66.884 (1) (b), 66.884 (1) (c), 66.884 (2), 66.884 (3), 66.884
5 (6), 66.886 (1), 66.886 (2) (a) 2. and 66.888 (2) (b); **to repeal and recreate**
6 66.882 (2) (c); and **to create** 66.882 (2) (bm) of the statutes; **relating to:** the
7 reorganization of the Milwaukee Metropolitan Sewerage District commission.
8

Analysis by the Legislative Reference Bureau

Under current law, there are 11 members of the Milwaukee Metropolitan Sewerage District (MMSD) commission. Seven of the commissioners are appointed by the mayor of Milwaukee and 3 of those 7 must be elected officials. The other 4 commissioners are appointed by an executive council composed of the elected executive officer of each city, village and town that is wholly or partly within the boundaries of the district, except for Milwaukee.

Under this bill, the commission consists of 5 members. One member is appointed by the mayor of Milwaukee, one is appointed by an executive council that consists of the elected executive officers of each city, village or town that is wholly or partly within Milwaukee County, one is appointed by an executive council that consists of the elected executive officers of each city, village or town that is served by the district and is outside of Milwaukee County and 2 are appointed by the governor. No commissioners may be elected officials.

For further information see the *state and 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:

1 **SECTION 1.** 66.882 (2) (intro.) of the statutes is amended to read:

2 66.882 (2) COMPOSITION OF THE COMMISSION. (intro.) The commission is
3 composed of ~~11~~ 5 members, of the public who do not hold elective office and who are
4 appointed as follows:

5 **SECTION 2.** 66.882 (2) (a) (intro.) of the statutes is renumbered 66.882 (2) (a) and
6 amended to read:

7 66.882 (2) (a) ~~Except as provided in s. 66.884 (7), the~~ The mayor of the 1st class
8 city shall appoint ~~7 individuals as members~~ one member of the commission, ~~each of~~
9 ~~whom.~~ The appointee shall have his or her principal residence in the 1st class city.
10 ~~Three of the commissioners appointed under this paragraph shall be elected officials~~
11 ~~Each commissioner appointed under this paragraph~~ and may take his or her seat
12 immediately upon appointment, pending confirmation or rejection by a majority of
13 the members-elect of the common council. An appointee whose confirmation is
14 pending may act within the scope of authority of a commissioner until the mayor
15 withdraws the appointment or the common council rejects the appointment,
16 whichever is earlier. ~~The mayor shall withdraw any appointment that the common~~
17 ~~council rejects and may only resubmit the appointment for confirmation after at least~~
18 ~~one subsequent appointment is rejected. For the purposes of this paragraph, "elected~~
19 ~~official" means:~~

20 **SECTION 3.** 66.882 (2) (a) 1. to. 6. of the statutes are repealed.

21 **SECTION 4.** 66.882 (2) (b) of the statutes is amended to read:

1 66.882 (2) (b) ~~Except as provided in s. 66.884 (7), an~~ An executive council
2 composed of the elected executive officer of each city, village and town that is wholly
3 or partly within the boundaries of the district ~~under s. 66.888 (1), except a 1st class~~
4 city, shall appoint ~~4 members~~ one member of the commission by a majority vote of
5 the members of the executive council. ~~Each of these members~~ The appointee shall
6 have his or her principal residence within ~~the district but outside the 1st class city.~~
7 ~~Three of these members shall be elected officials. Each~~ Milwaukee County. The
8 commissioner appointed under this paragraph may take his or her seat immediately
9 upon appointment.

10 **SECTION 5.** 66.882 (2) (bm) of the statutes is created to read:

11 66.882 (2) (bm) An executive council composed of the elected executive officer
12 of each city, village and town that is served by the district and is outside of Milwaukee
13 County shall appoint one member of the commission by a majority vote of the
14 members of the executive council. The appointee shall have his or her principal
15 residence within a municipality that is served by the district but outside of
16 Milwaukee County. The commissioner appointed under this paragraph may take his
17 or her seat immediately upon appointment.

18 **SECTION 6.** 66.882 (2) (c) of the statutes is repealed and recreated to read:

19 66.882 (2) (c) The governor shall appoint two members of the commission. One
20 appointee under this paragraph may not be a resident of any city, village or town that
21 is served by the district and shall have knowledge or expertise in providing sewer
22 services. One appointee under this paragraph shall have his or her principal
23 residence within a city, village or town that is served by the district.

24 **SECTION 7.** 66.884 (1) (a) (intro.) and 1. of the statutes are consolidated,
25 renumbered 66.884 (1) (a) and amended to read:

1 66.884 (1) (a) Except as provided in par. (b) and sub. (8): 1. ~~Each (c), each~~
2 commissioner appointed by the mayor of the 1st class city under s. 66.882 (2) (a) who
3 ~~is not an elected officer~~ serves for a ~~3-year~~ 6-year term or until a successor is
4 appointed, whichever is later.

5 **SECTION 8.** 66.884 (1) (a) 2. and 3. of the statutes are repealed.

6 **SECTION 9.** 66.884 (1) (b) of the statutes is amended to read:

7 66.884 (1) (b) Each term commences on the 2nd Tuesday of July. ~~No Subject~~
8 to par. (a), no commissioner may serve more than ~~9~~ 12 consecutive years.

9 **SECTION 10.** 66.884 (1) (c) of the statutes is amended to read:

10 66.884 (1) (c) Of the initial commissioners ~~who are not elected officers, the~~
11 commissioner appointed by the mayor of the 1st class city under s. 66.882 (2) (a), ~~one~~
12 ~~commissioner~~ has a term of one year, ~~one commissioner has a term the~~
13 commissioners appointed by the executive councils under s. 66.882 (2) (b) and (bm)
14 have terms of 2 years and 2 commissioners have one of the commissioners appointed
15 by the governor under s. 66.882 (2) (c) has a term of 2 years and the other has a term
16 of 3 years. ~~One of the initial commissioners appointed by the executive council under~~
17 ~~s. 66.882 (2) (b) has a term of one year, one of the initial commissioners has a term~~
18 of 2 years and 2 of the initial commissioners have terms of 3 years.

19 **SECTION 11.** 66.884 (2) of the statutes is amended to read:

20 66.884 (2) SUCCESSORS. The mayor shall appoint successors to commissioners
21 appointed under s. 66.882 (2) (a) and the, The executive council councils shall
22 appoint successors to commissioners appointed under s. 66.882 (2) (b) and (bm), as
23 provided in s. 66.882. The governor shall appoint successors to the commissioners
24 appointed under s. 66.882 (2) (c). Each successor shall be appointed at least 6 weeks
25 before the expiration of the preceding commissioner's term.

1 **SECTION 12.** 66.884 (3) of the statutes is amended to read:

2 66.884 (3) (title) ~~CHANGE OF RESIDENCE OR LOSS OF ELECTED, STATUS AS AN ELECTED~~
3 ~~OFFICIAL.~~ Any commissioner appointed under s. 66.882 (2) (a) who moves his or her
4 principal residence outside the 1st class city ~~and,~~ any commissioner appointed under
5 s. 66.882 (2) (b) who moves his or her principal residence outside ~~the district or into~~
6 ~~the 1st class city~~ Milwaukee County and any commissioner appointed under s.
7 66.882 (2) (bm) who moves his or her principal residence into Milwaukee County
8 shall resign. Any commissioner who is becomes an elected official ~~and who is not~~
9 ~~reelected or who otherwise leaves the elected office~~ may serve not more than an
10 additional 90 days after ~~leaving~~ taking office or until a successor is appointed,
11 whichever occurs first.

12 **SECTION 13.** 66.884 (6) of the statutes is amended to read:

13 66.884 (6) EXPENSES; SALARY. Each commissioner, ~~including any commissioner~~
14 ~~who serves as a member of the legislature,~~ shall receive actual and necessary
15 expenses incurred while in the performance of the duties of the office and, in
16 addition, shall receive a salary in an amount the commission specifies by resolution.
17 Any change in salary after its initial establishment applies only to subsequently
18 appointed or reappointed commissioners. The salary shall be paid at the time and
19 in the same manner that the salaries of employes of the commission are paid.

20 **SECTION 14.** 66.884 (7) of the statutes is repealed.

21 **SECTION 15.** 66.884 (8) of the statutes is repealed.

22 **SECTION 16.** 66.886 (1) of the statutes is amended to read:

23 66.886 (1) QUORUM. ~~Six~~ Four commissioners constitute a quorum for the
24 transaction of business. ~~If after reapportionment under s. 66.884 (7) the number of~~
25 ~~commissioners is increased to 12 or 13, 7 commissioners constitute a quorum. If after~~

1 reapportionment under s. ~~66.884 (7)~~ the number of commissioners is reduced to 9 or
2 10, 5 commissioners constitute a quorum.

3 **SECTION 17.** 66.886 (2) (a) 2. of the statutes is amended to read:

4 66.886 (2) (a) 2. No resolution adopted by the commission under s. 67.12 (1) (b)
5 is valid unless adopted by an affirmative vote of at least a ~~three-fourths~~ two-thirds
6 majority of all commissioners.

7 **SECTION 18.** 66.888 (2) (b) of the statutes is amended to read:

8 66.888 (2) (b) The name of a district created under s. 66.882 (1) (b) is the
9 Milwaukee metropolitan sewerage district Metropolitan Sewerage District.

10 **SECTION 19. Nonstatutory provisions.**

11 (1) The terms of all commissioners of the Milwaukee Metropolitan Sewerage
12 District who were appointed under section 66.882 (2), 1993 stats., shall end on July
13 1, 1995 or the date on which all of the commissioners who are appointed under section
14 66.882 (2) of the statutes, as affected by this act, are confirmed, whichever is later.

15 **SECTION 20. Effective date.**

16 (1) This act takes effect on July 1, 1995 or on the day after publication,
17 whichever is later.

18 (END)