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# Wisconsin Legislative Council

## ACT MEMO

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May 9, 2022

### 2021 Wisconsin Act 124 [2021 Senate Bill 425]

### Authorization for a Metropolitan Sewerage District Containing a First Class City to Finance and Construct a Dredged Material Management Facility

2021 Wisconsin Act 124 authorizes the commission of a metropolitan sewerage district containing a first class city to finance and construct a dredged material management facility. This authorization only applies to the Milwaukee Metropolitan Sewerage District (MMSD) as Milwaukee is currently the state's only first class city.<sup>1</sup> The authorization does not apply to the construction of any project after January 1, 2032.

The act provides that, notwithstanding certain provisions under current law, the MMSD commission must pay for all of the costs of the dredged material management facility through its capital budget and may finance the project pursuant to the commission's financing authority under existing law. However, the act requires that district bonds or notes issued to finance the project must be made payable within a period of 35 years from the date of the bonds or notes.

The act also provides that the MMSD commission may reserve space in the dredged material management facility for the disposal of sediment from flood management projects.

The act's treatment of the statutes takes effect pursuant to a nonstatutory provision within the act. Specifically, the treatment of the statutes takes effect on the effective date of a resolution passed by the MMSD commission that establishes a requirement that, through 2027, the MMSD capital budget levy increases will be at or below three percent.<sup>2</sup> If the MMSD commission does not adopt such a resolution by December 31, 2021, then the act's treatment of the statutes is void. The nonstatutory provision provides an exemption to the three percent limit in circumstances relating to an emergency or disaster declaration.

**Effective date:** The act's nonstatutory provision takes effect on February 6, 2022. The act's statutory provisions take effect pursuant to the conditions established in the nonstatutory provision, described previously.

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<sup>1</sup> Although Madison currently meets the population threshold for a first class city, it has not fulfilled the criteria necessary for reclassification under s. 62.05, Stats.

<sup>2</sup> The MMSD commission adopted a resolution ([21-095-6](#)) satisfying this condition on June 28, 2021.