

State of Wisconsin



2021 Senate Bill 425

Date of enactment: **February 4, 2022**

Date of publication*: **February 5, 2022**

2021 WISCONSIN ACT 124

AN ACT *to renumber and amend* 200.35 (14) (a) 2.; *to amend* 200.35 (14) (title) and 200.35 (14) (b); and *to create* 200.35 (14) (a) 2. b., 200.35 (14) (d) 3m. and 200.35 (14) (h) of the statutes; **relating to:** authorization for metropolitan sewerage districts containing a first class city to finance and construct a dredged material management facility located in the city of Milwaukee.

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

SECTION 1. 200.35 (14) (title) of the statutes is amended to read:

200.35 (14) (title) SHORE PROTECTION PROJECTS AND DREDGED MATERIAL MANAGEMENT FACILITY.

SECTION 2. 200.35 (14) (a) 2. of the statutes is renumbered 200.35 (14) (a) 2. (intro.) and amended to read:

200.35 (14) (a) 2. (intro.) "Project" means a any of the following:

a. A shore protection or erosion control project which consists, in whole or in part, of waste rock produced by construction projects undertaken by the commission and which has been requested, by resolution, by a political subdivision with territory in the district's service area.

SECTION 3. 200.35 (14) (a) 2. b. of the statutes is created to read:

200.35 (14) (a) 2. b. A dredged material management facility.

SECTION 4. 200.35 (14) (b) of the statutes is amended to read:

200.35 (14) (b) The commission may construct a project under this subsection and may finance and construct a project that is a dredged material management

facility. This paragraph does not apply to the construction of any project on or after January 1, ~~1992~~ 2032.

SECTION 5. 200.35 (14) (d) 3m. of the statutes is created to read:

200.35 (14) (d) 3m. Notwithstanding any requirements to the contrary in subs. 1. to 3., for a dredged material management facility constructed by the commission, the commission shall pay for all the costs of the project through its capital budget and may finance the project pursuant to s. 200.55. Notwithstanding s. 67.07, district bonds or notes issued to finance the project shall be made payable within a period of 35 years from the date of the bonds or notes.

SECTION 6. 200.35 (14) (h) of the statutes is created to read:

200.35 (14) (h) For a dredged material management facility constructed by the commission, the commission may reserve space in the dredged material management facility for the disposal of sediment from flood management projects.

SECTION 9101. Nonstatutory provisions; Administration.

(1) METROPOLITAN SEWERAGE COMMISSION LEVY INCREASE. If the metropolitan sewerage commission created under s. 200.23 adopts a resolution by December 31,

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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2021, that establishes a requirement that through 2027, the Milwaukee Metropolitan Sewerage District's capital budget levy increases will be at or below 3 percent, then the treatment of s. 200.35 (14) (title), (a) 2. and 2. b., (b), (d) 3m., and (h) takes effect on the effective date of that resolution. If the metropolitan sewerage commission created under s. 200.23 does not adopt such a resolution by December 31, 2021, then the treatment of s. 200.35

(14) (title), (a) 2. and 2. b., (b), (d) 3m., and (h) is void. An exemption to the 3 percent limit is allowable to address circumstances associated with a state, city, or county declared state of emergency or an emergency declaration or major disaster declaration by the Federal Emergency Management Agency, if enacted by a two-thirds majority vote by the commission.
