



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4073/1
SWB:cdc

2021 ASSEMBLY BILL 408

June 23, 2021 - Introduced by JOINT COMMITTEE ON FINANCE. Referred to Joint Committee on Finance.

AUTHORS SUBJECT TO CHANGE

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

Analysis by the Legislative Reference Bureau

This bill allows a metropolitan sewerage commission for a sewerage district including a first class city (currently only the city of Milwaukee) to finance and construct a dredged material management facility for the Milwaukee Estuary Area of Concern at a location in the city of Milwaukee.

The Milwaukee Estuary is one of the “Areas of Concern” across the Great Lakes identified under the 1987 Great Lakes Water Quality Agreement. The Great Lakes Water Quality Agreement is an agreement between the United States and Canada to restore and protect the waters of the Great Lakes. The U.S. Environmental Protection Agency coordinates U.S. activities under this agreement. The Water Quality Agreement defines an “area of concern” as “a geographic area designated by the Parties where significant impairment of beneficial uses has occurred as a result of human activities at the local level.”

Current law allows a metropolitan sewerage commission for a sewerage district including a first class city to participate in certain shore protection projects, but the provision does not apply to any project after January 1, 1992. The bill would modify

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certain current law requirements, including the date restriction, to specifically allow the metropolitan sewerage commission to construct projects, including a dredged material management facility project, before January 1, 2032. Under the bill, the commission must pay for all the costs of the dredged material management facility project through its capital budget and may finance the project by issuance of bonds or notes that must be made payable within 35 years. The bill also provides that the commission may reserve space in the dredged material management facility for the disposal of sediment from flood management projects. The bill is contingent upon the commission adopting a resolution by the end of calendar year 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. The bill allows for an exemption to the 3 percent limit 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, but only if enacted by a two-thirds majority vote by the commission.

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

2 200.35 (14) (title) SHORE PROTECTION PROJECTS AND DREDGED MATERIAL
3 MANAGEMENT FACILITY.

4 **SECTION 2.** 200.35 (14) (a) 2. of the statutes is amended to read:

5 200.35 (14) (a) 2. "Project" means -a- any of the following:

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

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

11 200.35 (14) (a) 2. b. A dredged material management facility.

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

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1 200.35 (14) (b) The commission may construct a project under this subsection
2 and may finance and construct a project that is a dredged material management
3 facility. This paragraph does not apply to the construction of any project on or after
4 January 1, ~~1992~~ 2032.

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

6 200.35 (14) (d) 3m. Notwithstanding any requirements to the contrary in
7 subds. 1. to 3., for a dredged material management facility constructed by the
8 commission, the commission shall pay for all the costs of the project through its
9 capital budget and may finance the project pursuant to s. 200.55. Notwithstanding
10 s. 67.07, district bonds or notes issued to finance the project shall be made payable
11 within a period of 35 years from the date of the bonds or notes.

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

13 200.35 (14) (h) For a dredged material management facility constructed by the
14 commission, the commission may reserve space in the dredged material
15 management facility for the disposal of sediment from flood management projects.

16 **SECTION 9101. Nonstatutory provisions; Administration.**

17 (1) METROPOLITAN SEWERAGE COMMISSION LEVY INCREASE. If the metropolitan
18 sewerage commission created under s. 200.23 adopts a resolution by December 31,
19 2021, that establishes a requirement that through 2027, the Milwaukee
20 Metropolitan Sewerage District's capital budget levy increases will be at or below 3
21 percent, then the treatment of s. 200.35 (14) (title), (a) 2. and 2. b., (b), (d) 3m., and
22 (h) takes effect on the effective date of that resolution. If the metropolitan sewerage
23 commission created under s. 200.23 does not adopt such a resolution by December
24 31, 2021, then the treatment of s. 200.35 (14) (title), (a) 2. and 2. b., (b), (d) 3m., and
25 (h) is void. An exemption to the 3 percent limit is allowable to address circumstances

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SECTION 9101

1 associated with a state, city, or county declared state of emergency or an emergency
2 declaration or major disaster declaration by the Federal Emergency Management
3 Agency, if enacted by a two-thirds majority vote by the commission.

4 (END)