

1983 Assembly Bill 301

Date of enactment: February 21, 1984

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1983 Wisconsin Act 128

AN ACT to amend 144.445 (9) (f); and to create 144.445 (6) (e) of the statutes, relating to late submittal of siting resolutions and approval of negotiated agreements for the siting of solid and hazardous waste facilities.

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

SECTION 1. 144.445 (6) (e) of the statutes is created to read:

144.445 (6) (e) If the governing body of an affected municipality adopts a siting resolution under par. (a) or (b), and if the affected municipality does not send a copy of the siting resolution to the applicant and the board within 7 days, the board may grant an extension of time to allow the affected municipality to send a copy of the siting resolution to the applicant and the board, if the board determines that:

1. The municipality failed to send the siting resolution through mistake, inadvertence or excusable neglect; and
2. The granting of an extension will not create a significant hardship for other parties to the negotiation and arbitration process.

SECTION 2. 144.445 (9) (f) of the statutes is amended to read:

144.445 (9) (f) 1. All issues subject to negotiation which are resolved to the satisfaction of both the applicant and the local committee and, if necessary, are approved by the department under par. (e), shall be incorporated into a written agreement.

2. Within 2 weeks after approval of the written agreement by the applicant and the local committee, the negotiated agreement shall be submitted for approval by the governing body of each town, city or village where all or a portion of the facility is to be located ~~or, if the local committee does not include members from any town, city or village where all or a portion of the facility is to be located, the negotiated agreement shall~~

be submitted for approval by the governing body of each affected municipality with members on the local committee.

3. If the local committee includes a member from any town, city or village where all or a portion of the facility is to be located and if the negotiated agreement is approved by resolution by each town, city or village where all or a portion of the facility is to be located, the negotiated agreement is binding on all of the participating municipalities. ~~If but if~~ the negotiated agreement is not approved by any town, city or village where all or a portion of the facility is to be located, the negotiated agreement is void.

4. If the local committee does not include a member from any town, city or village where all or a portion of the facility is to be located and if the negotiated agreement is approved by resolution by a majority of the affected municipalities with members on the local committee, the agreement is binding on all of the participating municipalities but if the negotiated agreement is not approved by a majority of the affected municipalities with members on the local committee, the negotiated agreement is void.

SECTION 3. **Initial applicability.** The creation of section 144.445 (6) (e) of the statutes by this act is remedial in nature and applies to solid or hazardous waste facilities for which the applicant submits requests concerning the applicability of local approvals under section 144.44 (1m) of the statutes after March 15, 1982.
