



2019 SENATE BILL 264

June 7, 2019 - Introduced by Senators MILLER, COWLES, LARSON, SMITH, L. TAYLOR, WIRCH and CARPENTER, cosponsored by Representatives MURSAU, HEBL, ANDERSON, BALLWEG, BILLINGS, OHNSTAD, SHANKLAND, SINICKI, SKOWRONSKI, SPREITZER, STUBBS, TUSLER, VRUWINK, SPIROS and SUBECK. Referred to Committee on Natural Resources and Energy.

1 **AN ACT** *to renumber* 287.17 (8) (b) 3.; *to renumber and amend* 287.17 (1) (k),
2 287.17 (8) (b) 1. and 287.17 (8) (b) 2.; *to amend* 287.17 (1) (eg) 1. b., 287.17 (1)
3 (eg) 2., 287.17 (1) (np), 287.17 (3) (a) (intro.), 287.17 (3) (e), 287.17 (4) (b) 1.,
4 287.17 (4) (b) 2., 287.17 (4) (b) 3., 287.17 (4) (d) (intro.), 287.17 (5) (a) 1. a., 287.17
5 (5) (a) 1. b., 287.17 (5) (a) 1. c., 287.17 (5) (b), 287.17 (7) (a) 1. (intro.), 287.17 (7)
6 (a) 2., 287.17 (7) (b), 287.17 (8) (a) 1. (intro.), 287.17 (8) (a) 2., 287.17 (8) (c) 4.,
7 287.17 (9m), 287.17 (10) (d) (intro.), 287.17 (10) (j) and 287.17 (10) (k); and **to**
8 **create** 287.17 (1) (k) 1., 287.17 (1) (k) 2., 287.17 (1) (k) 3., 287.17 (1) (pg), 287.17
9 (4) (b) (intro.), 287.17 (4) (be), 287.17 (8) (b) 1m., 2m., 3m., 4. and 5. and 287.17
10 (10) (m) of the statutes; **relating to:** changes to the electronic waste recycling
11 program and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes certain changes to this state's electronic waste recycling program, known as "E-Cycle Wisconsin," which is administered by the Department of Natural Resources.

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Under the program, a manufacturer may not sell certain consumer electronic devices to households or schools in this state, or deliver consumer electronic devices to a retailer, unless the manufacturer registers with DNR each year, pays a registration fee, and either recycles a certain amount of consumer electronic devices or pays a shortfall fee. A retailer may not sell certain consumer electronic devices to households or schools in this state unless the device's manufacturer is registered under the program. A recycler that receives electronic devices on behalf of a registered manufacturer must also register under the program and comply with certain reporting and recordkeeping requirements.

The bill expands the definition of a school, for purposes of the program, to include all public elementary or secondary schools, including charter schools; all private elementary or secondary schools; and all tribal schools. The bill also narrows the types of consumer printers that are covered under the program.

Under current law, a manufacturer in the program must ordinarily pay a registration fee with its annual registration, based on the number of electronic devices it sold in the state during the previous year. The bill raises the threshold for requiring a manufacturer to pay a registration fee. Under the bill, a manufacturer's registration fee is \$5,000 if it sold at least 500 electronic devices in this state during the previous program year, and \$1,250 if it sold at least 250 but fewer than 500 electronic devices. There is no registration fee if the manufacturer sold fewer than 250 electronic devices during the previous program year.

Under current law, a manufacturer must report certain information to DNR when it submits its annual registration under the program. This bill requires manufacturers, when reporting the total weight of electronic devices recycled by or on behalf of the manufacturer each year, to also report the weight of devices collected from rural counties separately from devices collected from urban counties.

Under current law, every year a registered recycler must report to DNR the total weight of electronic devices the recycler received from a registered manufacturer for recycling during the previous program year. This bill requires a recycler, in its annual report, to also separate this total weight into different categories, depending on the type of device and whether the device contains a cathode-ray tube. The bill also requires a recycler to report the estimated weight of certain materials, such as cathode-ray tube glass, metals, and plastics, that the recycler derived from the electronic devices it received during the previous program year.

Finally, under current law, a program year runs from July 1 to the following June 30. This bill creates an 18-month transition period (transition year) that runs from the July 1 following the effective date of the bill to the December 31 of the following year. After the transition year, a program year runs from January 1 to December 31.

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For further information see the *state* 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.** 287.17 (1) (eg) 1. b. of the statutes is amended to read:

2 287.17 (1) (eg) 1. b. A device listed under par. (gs) 1. to 6. or 7. that prints and
3 ~~has other functions, such as copying, scanning, or sending facsimiles,~~ and that is
4 designed to be placed on a work surface.

5 **SECTION 2.** 287.17 (1) (eg) 2. of the statutes is amended to read:

6 287.17 (1) (eg) 2. “Consumer printer” does not include a calculator with
7 printing capabilities ~~or a~~, label maker, or other similar household printing device;
8 a floor-standing printer or printer with optional floor stand; or a point-of-sale
9 receipt printer.

10 **SECTION 3.** 287.17 (1) (k) of the statutes is renumbered 287.17 (1) (k) (intro.)
11 and amended to read:

12 287.17 (1) (k) (intro.) “Program year” means ~~the period from July 1 to the~~
13 ~~following June 30.~~ one of the following:

14 **SECTION 4.** 287.17 (1) (k) 1. of the statutes is created to read:

15 287.17 (1) (k) 1. For any period before the beginning of the transition year, a
16 period that runs from July 1 to the following June 30.

17 **SECTION 5.** 287.17 (1) (k) 2. of the statutes is created to read:

18 287.17 (1) (k) 2. The transition year.

19 **SECTION 6.** 287.17 (1) (k) 3. of the statutes is created to read:

20 287.17 (1) (k) 3. For any period after the end of the transition year, a period that
21 runs from January 1 to the following December 31.

SENATE BILL 264**SECTION 7**

1 **SECTION 7.** 287.17 (1) (np) of the statutes is amended to read:

2 287.17 (1) (np) “School” means a public school, as defined in s. 115.01 (1), a
3 ~~private school participating in the program under s. 118.60, or a private school~~
4 ~~participating in the program under s. 119.23~~ elementary or secondary school,
5 including a charter school, as defined in s. 115.001 (1), or a private elementary or
6 secondary school, or a tribal school, as defined in s. 115.001 (15m).

7 **SECTION 8.** 287.17 (1) (pg) of the statutes is created to read:

8 287.17 (1) (pg) “Transition year” means the 18-month period from the July 1
9 following the effective date of this paragraph ... [LRB inserts date], to the December
10 31 of the following year.

11 **SECTION 9.** 287.17 (3) (a) (intro.) of the statutes is amended to read:

12 287.17 (3) (a) (intro.) To comply with sub. (2) (a) 2., a manufacturer shall, ~~no~~
13 ~~later than February 1, 2010, and annually,~~ no later than September 1 beginning in
14 2010 the first day of the 3rd month of each program year, submit to the department
15 a registration that includes all of the following:

16 **SECTION 10.** 287.17 (3) (e) of the statutes is amended to read:

17 287.17 (3) (e) A complete registration is effective on receipt by the department
18 and is valid until the first day of the 3rd month of the following September 1- program
19 year unless revoked before that date.

20 **SECTION 11.** 287.17 (4) (b) (intro.) of the statutes is created to read:

21 287.17 (4) (b) (intro.) In each program year other than the program year
22 immediately following the transition year:

23 **SECTION 12.** 287.17 (4) (b) 1. of the statutes is amended to read:

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1 287.17 (4) (b) 1. If the manufacturer sold at least ~~250~~ 500 covered electronic
2 devices in this state during the previous program year, the manufacturer shall pay
3 a registration fee of \$5,000, except, as provided under sub. (10) (k).

4 **SECTION 13.** 287.17 (4) (b) 2. of the statutes is amended to read:

5 287.17 (4) (b) 2. If the manufacturer sold at least ~~25~~ 250 but fewer than ~~250~~ 500
6 covered electronic devices in this state during the previous program year, the
7 manufacturer shall pay a registration fee of \$1,250.

8 **SECTION 14.** 287.17 (4) (b) 3. of the statutes is amended to read:

9 287.17 (4) (b) 3. If the manufacturer sold fewer than ~~25~~ 250 covered electronic
10 devices in this state during the previous program year, the manufacturer is not
11 required to pay a registration fee.

12 **SECTION 15.** 287.17 (4) (be) of the statutes is created to read:

13 287.17 (4) (be) *Registration fees immediately following the transition year.* In
14 the program year immediately following the transition year:

15 1. If the previous program year was the transition year and the manufacturer
16 sold at least 750 covered electronic devices in this state during the transition year,
17 the manufacturer shall pay a registration fee of \$7,500, except as provided in sub.
18 (10) (k).

19 2. If the previous program year was the transition year and the manufacturer
20 sold at least 375 but fewer than 750 covered electronic devices in this state during
21 the transition year, the manufacturer shall pay a registration fee of \$1,875.

22 3. If the previous program year was the transition year and the manufacturer
23 sold fewer than 375 covered electronic devices in this state during the transition year,
24 the manufacturer is not required to pay a registration fee.

25 **SECTION 16.** 287.17 (4) (d) (intro.) of the statutes is amended to read:

SENATE BILL 264**SECTION 16**

1 287.17 (4) (d) *Annual shortfall fee after 2010.* (intro.) The annual shortfall fee
2 to be paid by a manufacturer in a program year after 2010 is calculated as follows:

3 **SECTION 17.** 287.17 (5) (a) 1. a. of the statutes is amended to read:

4 287.17 (5) (a) 1. a. The total weight of each model of its covered electronic
5 devices sold to households or schools in this state during the program year that began
6 ~~24 months~~ 2 program years before the beginning of the program year in which the
7 report is made.

8 **SECTION 18.** 287.17 (5) (a) 1. b. of the statutes is amended to read:

9 287.17 (5) (a) 1. b. The total weight of all of its covered electronic devices sold
10 to households or schools in this state during the program year that began ~~24 months~~
11 2 program years before the beginning of the program year in which the report is
12 made.

13 **SECTION 19.** 287.17 (5) (a) 1. c. of the statutes is amended to read:

14 287.17 (5) (a) 1. c. An estimate, based on national sales data, of the total weight
15 of its covered electronic devices sold to households or schools in this state during the
16 program year that began ~~24 months~~ 2 program years before the beginning of the
17 program year in which the report is made.

18 **SECTION 20.** 287.17 (5) (b) of the statutes is amended to read:

19 287.17 (5) (b) *Weight of eligible electronic devices recycled.* ~~With the~~
20 ~~registration that it submits under sub. (3) that is due by September 1, 2010, a~~
21 ~~manufacturer shall report to the department the total weight of eligible electronic~~
22 ~~devices used by households or schools in this state that were collected by or delivered~~
23 ~~to the manufacturer for recycling by the manufacturer or that were collected by or~~
24 ~~delivered to a registered recycler for recycling on behalf of the manufacturer during~~
25 ~~the last 2 program quarters of the preceding program year. Beginning in 2011, with~~

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1 the registration that it submits under sub. (3), a manufacturer shall report to the
2 department the total weight of eligible electronic devices used by households or
3 schools in this state that were collected by or delivered to the manufacturer for
4 recycling by the manufacturer or that were collected by or delivered to a registered
5 recycler for recycling on behalf of the manufacturer during the preceding program
6 year. A manufacturer ~~may~~ shall also report separately the weight of eligible
7 electronic devices used by households or schools in rural counties and used by
8 households or schools in urban counties for the purpose of obtaining the weight
9 adjustment under sub. (4) (f) for eligible electronic devices received from households
10 or schools in rural counties.

11 **SECTION 21.** 287.17 (7) (a) 1. (intro.) of the statutes is amended to read:

12 287.17 (7) (a) 1. (intro.) ~~Beginning on January 1, 2010, no~~ No person may
13 operate as a collector delivering or arranging for the delivery of eligible electronic
14 devices to a registered recycler for recycling on behalf of a manufacturer who is
15 registered under sub. (3) unless the person is registered under this paragraph. A
16 person shall register by submitting, ~~no later than January 1, 2010, and annually, no~~
17 ~~later than August 1 beginning in 2010~~ the first day of the 2nd month of each program
18 year, to the department a registration, using a form prescribed by the department,
19 that includes all of the following:

20 **SECTION 22.** 287.17 (7) (a) 2. of the statutes is amended to read:

21 287.17 (7) (a) 2. A complete registration is effective on receipt by the
22 department and is valid until the first day of the 2nd month of the following August
23 ~~1- program year~~ unless suspended or revoked before that date.

24 **SECTION 23.** 287.17 (7) (b) of the statutes is amended to read:

SENATE BILL 264**SECTION 23**

1 287.17 (7) (b) *Reports and records*. No later than ~~August 1~~ the first day of the
2 2nd month of each program year, ~~beginning August 1, 2010~~, a registered collector
3 shall report to the department the total weight of eligible electronic devices collected
4 in this state during the preceding program year and the names of all registered
5 recyclers to whom the collector delivered eligible electronic devices. A registered
6 collector shall maintain records of the sources of eligible electronic devices it collects
7 and of the registered recyclers to whom the collector delivers eligible electronic
8 devices.

9 **SECTION 24.** 287.17 (8) (a) 1. (intro.) of the statutes is amended to read:

10 287.17 (8) (a) 1. (intro.) ~~Beginning on January 1, 2010, no~~ No person may
11 operate as a recycler receiving eligible electronic devices on behalf of a manufacturer
12 who is registered under sub. (3) unless the person is registered under this paragraph.
13 A person shall register by submitting, ~~no later than January 1, 2010, and annually,~~
14 ~~no later than August 1 beginning in 2010~~ the first day of the 2nd month of each
15 program year, to the department a registration, using a form prescribed by the
16 department, that includes all of the following:

17 **SECTION 25.** 287.17 (8) (a) 2. of the statutes is amended to read:

18 287.17 (8) (a) 2. A complete registration is effective on receipt by the
19 department and is valid until the first day of the 2nd month of the following August
20 ~~1~~ program year unless suspended or revoked before that date.

21 **SECTION 26.** 287.17 (8) (b) 1. of the statutes is renumbered 287.17 (8) (b) (intro.)
22 and amended to read:

23 287.17 (8) (b) *Reports and records* Annual reporting requirements. (intro.) No
24 later than ~~August 1~~ the first day of the 2nd month of each program year, ~~beginning~~
25 ~~with August 1, 2010~~, a registered recycler shall report to the department ~~the total~~

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1 ~~weight of eligible electronic devices collected in this state that the recycler received~~
2 ~~for recycling on behalf of a manufacturer registered under sub. (3) during the~~
3 ~~preceding program year and the name of the manufacturer. all of the following:~~

4 **SECTION 27.** 287.17 (8) (b) 1m., 2m., 3m., 4. and 5. of the statutes are created
5 to read:

6 287.17 **(8)** (b) 1m. The total weight of eligible electronic devices collected in this
7 state that the recycler received for recycling on behalf of a manufacturer registered
8 under sub. (3) during the preceding program year and the name of the manufacturer.

9 2m. The weight of eligible electronic devices collected in this state that the
10 recycler received for recycling on behalf of a manufacturer registered under sub. (3)
11 during the preceding program year, separated into the following categories:

- 12 a. Televisions that contain a cathode-ray tube.
13 b. Televisions that do not contain a cathode-ray tube.
14 c. Computer monitors that contain a cathode-ray tube.
15 d. Computer monitors that do not contain a cathode-ray tube.
16 e. Consumer computers.
17 f. Consumer printers and other eligible electronic devices not included under
18 subd. 2m. a. to e.

19 3m. The estimated weight of materials derived from the devices described in
20 subd. 1m. during the preceding program year, separated into the following
21 categories:

- 22 a. Cathode-ray tube glass.
23 b. Glass, not including cathode-ray tube glass.
24 c. Metals.
25 d. Plastics.

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1 e. Other materials.

2 4. The estimated weight of materials derived from the devices described in
3 subd. 1m. that the registered recycler sent to another person for use in a
4 manufacturing process or for recovery of usable materials during the preceding
5 program year, separated into the categories under subd. 3m. a. to e.

6 5. The estimated weight of materials derived from the devices described in
7 subd. 1m. that the registered recycler sent to be disposed of in a solid waste disposal
8 facility or burned at a solid waste treatment facility during the preceding program
9 year, separated into the categories under subd. 3m. a. to e.

10 **SECTION 28.** 287.17 (8) (b) 2. of the statutes is renumbered 287.17 (8) (bm), and
11 287.17 (8) (bm) (intro.), as renumbered, is amended to read:

12 287.17 (8) (bm) *Mid-year reporting requirements.* (intro.) No later than
13 ~~February 1~~ the first day of the 8th month of each program year, ~~beginning in 2011,~~
14 a registered recycler shall report to the department all of the following:

15 **SECTION 29.** 287.17 (8) (b) 3. of the statutes is renumbered 287.17 (8) (bs).

16 **SECTION 30.** 287.17 (8) (c) 4. of the statutes is amended to read:

17 287.17 (8) (c) 4. A registered recycler shall maintain records that can be used
18 to determine, for each program year, ~~the total weight of eligible electronic devices~~
19 ~~recycled by the recycler on behalf of manufacturers under this section, the weight of~~
20 ~~materials derived from those eligible electronic devices that the registered recycler~~
21 ~~sends to another person for use in a manufacturing process or for recovery of usable~~
22 ~~materials, and the weight of materials derived from those eligible electronic devices~~
23 ~~that the registered recycler sends to be disposed of in a solid waste disposal facility~~
24 ~~or burned at a solid waste treatment facility~~ weights described in par. (b) 1m. to 5.

25 **SECTION 31.** 287.17 (9m) of the statutes is amended to read:

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1 287.17 **(9m)** RECORD KEEPING AND INSPECTION. A person subject to sub. (3), (7),
2 (8), or (9) shall maintain records related to the program under this section and
3 reports required under this section for at least 3 program years. The department
4 may inspect records of a person subject to sub. (3), (7), (8), or (9) that are related to
5 the program under this section.

6 **SECTION 32.** 287.17 (10) (d) (intro.) of the statutes is amended to read:

7 287.17 **(10)** (d) *Annual report.* (intro.) Before December 1 of each program year,
8 ~~beginning in 2012 prior to the transition year, and before June 1 of each program year~~
9 beginning with the transition year, the department shall provide a report on the
10 program under this section to the legislature under s. 13.172 (2) and to the governor.
11 The department shall include all of the following in the report:

12 **SECTION 33.** 287.17 (10) (j) of the statutes is amended to read:

13 287.17 **(10)** (j) *Audits.* The department may perform or contract for the
14 performance of an audit of the activities of a registered collector or registered
15 recycler. If the department performs or contracts for the performance of an audit of
16 a collector or recycler during the first 3 program years in which the collector or
17 recycler is registered under sub. (7) or (8) (a), the collector or recycler shall pay 25
18 percent of the cost of the audit. If the department performs or contracts for the
19 performance of an audit of a collector or recycler after the first 3 program years in
20 which the collector or recycler is registered, the collector or recycler shall pay 50
21 percent of the cost of the audit.

22 **SECTION 34.** 287.17 (10) (k) of the statutes is amended to read:

23 287.17 **(10)** (k) *Modification of registration fee.* The department may modify
24 the registration fee fees under sub. (4) (b) ~~1. and (be)~~ by rule. ~~The department may~~
25 ~~not promulgate a rule under this paragraph that takes effect before October 1, 2011.~~

