



## 2013 ASSEMBLY BILL 286

August 13, 2013 – Introduced by Representatives MURPHY, BROOKS, TITTL, BIES, BERNIER, BERNARD SCHABER and BALLWEG, cosponsored by Senator GROTHMAN. Referred to Committee on Environment and Forestry.

1     **AN ACT to amend** 289.41 (3) (a) 3.; and **to create** 289.41 (3) (a) 4m. of the statutes;  
2             **relating to:** methods of establishing proof of financial responsibility for the  
3             closure and long-term care of a landfill.

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### *Analysis by the Legislative Reference Bureau*

Current law requires the owner of a landfill to maintain proof of financial responsibility to ensure the availability of funds to cover the costs of closing the landfill and maintaining the property after the landfill is closed. The Department of Natural Resources (DNR) must approve the proof of financial responsibility.

Under current law, one method of providing proof of financial responsibility is an established escrow account, which under DNR's rules may include securities issued by the federal government.

Under this bill, an escrow account established by the owner of a landfill to provide proof of financial responsibility may include debt securities issued by an instrumentality of the federal government, as long as the securities have the highest rating assigned by a nationally recognized rating agency, as well as securities issued by the federal government.

Under current DNR rules, another method of providing proof of financial responsibility is an irrevocable trust, which may include securities issued by the federal government.

Under this bill, an irrevocable trust established by the owner of a landfill to provide proof of financial responsibility may include securities issued by an instrumentality of the federal government, as long as the securities have the highest

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rating assigned by a nationally recognized rating agency as well as securities issued by the federal government.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 289.41 (3) (a) 3. of the statutes is amended to read:

2           289.41 (3) (a) 3. An established escrow account, the assets of which may include  
3 securities issued by the federal government or debt securities that are issued by a  
4 commission, board, agency, or other instrumentality of the federal government and  
5 that have a rating that is the highest rating category assigned by Standard & Poor’s  
6 Corporation, Moody’s Investors Service, or other similar nationally recognized  
7 rating agency.

8           **SECTION 2.** 289.41 (3) (a) 4m. of the statutes is created to read:

9           289.41 (3) (a) 4m. An irrevocable trust, the corpus of which may include  
10 securities issued by the federal government or debt securities that are issued by a  
11 commission, board, agency, or other instrumentality of the federal government and  
12 that have a rating that is the highest rating category assigned by Standard & Poor’s  
13 Corporation, Moody’s Investors Service, or other similar nationally recognized  
14 rating agency.

15                           (END)