



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1141/2
RCT:kmg:jf

SDW

smr

see pp 6, 12 & 15

ARC:.....Anderson - 302, Eliminate recycling mandates

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

DNote

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 33, line 4: after that line insert:

3 "SECTION 43n. 16.15 (1) (ae) of the statutes is amended to read:

4 16.15 (1) (ae) "Cost of disposing of processed material" ~~has the meaning given~~
5 ~~in s. 287.11 (2m) (a) 1.~~ means the gross cost of transferring processed material to a
6 solid waste disposal facility and disposing of the processed material in the facility,
7 including any disposal costs not paid through fees charged by the facility.

8 SECTION 44p. 16.15 (1) (ah) of the statutes is amended to read:

9 16.15 (1) (ah) "Cost of selling processed material" ~~has the meaning given in s.~~
10 287.11 (2m) (a) 2. means the net cost, including any storage costs, of selling processed

1 material to a broker, dealer or manufacturing facility, plus any cost of transporting
2 the processed material from the waste processing facility to the destination specified
3 by the broker, dealer or manufacturing facility.

4 **SECTION 43q.** 16.15 (1) (ar) of the statutes is amended to read:

5 16.15 (1) (ar) "Processed material" ~~has the meaning given in s. 287.11 (2m) (a)~~
6 3. means a component of solid waste that has been collected, transported to a waste
7 processing facility and prepared for sale to a broker, dealer or manufacturer.

8 **SECTION 43s.** 16.15 (3) (a) 3. of the statutes is amended to read:

9 16.15 (3) (a) 3. Separate for recycling at least 50% of each of the materials listed
10 in s. 287.07 (3), 1997 stats., or s. 287.07 (4), 1997 stats., that is generated as solid
11 waste by the agency or authority beginning on January 1, 1993, and such greater
12 amount of such materials as the department determines is reasonably feasible
13 beginning on January 1, 1995."

14 **2.** Page 162, line 6: delete lines 6 to 8.

15 **3.** Page 315, line 15: after that line insert:

16 "SECTION 311g. 20.370 (2) (hq) of the statutes is amended to read:

17 20.370 (2) (hq) *Recycling; administration.* From the recycling fund, the
18 amounts in the schedule for the administration of subch. II of ch. 287, other than ss.
19 s. 287.21, ~~287.23 and 287.25.~~"

20 **4.** Page 316, line 13: after that line insert:

21 "SECTION 316m. 20.370 (3) (mr) of the statutes is amended to read:

22 20.370 (3) (mr) *Recycling; enforcement and research.* From the recycling fund,
23 the amounts in the schedule for research and enforcement under subch. II of ch. 287,
24 other than under ss. s. 287.21, ~~287.23 and 287.25.~~"

- 1 **5.** Page 320, line 21: after that line insert:
- 2 “SECTION 325y. 20.370 (6) (bq) of the statutes, as affected by 1999 Wisconsin
- 3 Act (this act), is repealed.”
- 4 **6.** Page 320, line 23: delete “\$227,749,200” and substitute “\$229,749,200”.
- 5 **7.** Page 321, line 2: delete “\$242,749,200” and substitute “\$249,749,200”.
- 6 **8.** Page 321, line 5: delete lines 5 to 10 and substitute:
- 7 “SECTION 328b. 20.370 (6) (br) of the statutes is repealed.”
- 8 **9.** Page 763, line 23: after that line insert:
- 9 “SECTION 1581m. 59.70 (2) (L) of the statutes is amended to read:
- 10 59.70 (2) (L) Appropriate funds and levy taxes to provide funds for acquisition
- 11 or lease of sites, easements, necessary facilities and equipment and for all other costs
- 12 required for the solid waste management system except that no municipality which
- 13 operates its own solid waste management program under s. 287.09 (2) (a) or waste
- 14 collection and disposal facility, or property therein, shall be subject to any tax levied
- 15 hereunder to cover the capital and operating costs of these functions. Such
- 16 appropriations may be treated as a revolving capital fund to be reimbursed from
- 17 proceeds of the system.”
- 18 **10.** Page 786, line 18: after that line insert:
- 19 “SECTION 1621m. 66.35 (1) (a) of the statutes is amended to read:
- 20 66.35 (1) (a) “Medical waste incinerator” has the meaning given in s. 287.07 (7)
- 21 (e) 1. or (8) (a) 5.”
- 22 **11.** Page 806, line 9: after that line insert:
- 23 “SECTION 1638i. 66.606 of the statutes is repealed.”

1 **12.** Page 951, line 5: after that line insert:

2 **"SECTION 1803q.** 74.01 (5) of the statutes is amended to read:

3 74.01 (5) "Special tax" means any amount entered in the tax roll which is not
4 a general property tax, special assessment or special charge. "Special tax" includes
5 any interest and penalties assessed for nonpayment of the tax before it is placed in
6 the tax roll ~~and any charge under s. 66.606(1)(a) 2. that is placed on the tax roll under~~
7 ~~s. 66.606(2)."~~

8 **13.** Page 1018, line 14: after that line insert:

9 **"SECTION 1978m.** 101.126 (1) (intro.) of the statutes is amended to read:

10 101.126 (1) (intro.) The department shall establish, by rule, requirements for
11 a person engaging in any of the following to provide adequate space in or adjacent
12 to the building for the separation, temporary storage and collection of the materials
13 listed in s. 287.07 (3), 1997 stats., or s. 287.07 (4), 1997 stats., likely to be generated
14 by the occupants of the building:".

15 **14.** Page 1037, line 19: after that line insert:

16 **"SECTION 1998ae.** 101.578 (1) of the statutes is amended to read:

17 101.578 (1) In this section, "medical waste incinerator" has the meaning given
18 in s. 287.07 (7) ~~(e) 1. ex. (8) (a) 5.~~

19 **15.** Page 1194, line 9: after that line insert:

20 **"SECTION 2353t.** 227.01 (13) (ym) of the statutes is repealed.

21 **SECTION 2353u.** 227.01 (13) (zi) of the statutes is repealed."

22 **16.** Page 1276, line 4: after that line insert:

23 **"SECTION 2554r.** 285.53 (1) (a) of the statutes is amended to read:

1 285.53 (1) (a) *Applicability.* This subsection applies to a medical waste
2 incinerator, as defined in s. 287.07 (7) (e) 1. ~~cr. (8) (a) 5.~~, that has a capacity of 5 tons
3 or more per day.

4 **SECTION 2554rm.** 285.53 (2) of the statutes is amended to read:

5 285.53 (2) **CONTINUOUS MONITORING.** A person operating or responsible for the
6 operation of a medical waste incinerator, as defined in s. 287.07 (7) (e) 1. ~~cr. (8) (a) 5.~~,
7 shall continuously monitor emissions from the medical waste incinerator.

8 **SECTION 2554t.** 285.55 (1) of the statutes is amended to read:

9 285.55 (1) In this section, "medical waste incinerator" means a facility for solid
10 waste treatment, as defined in s. 289.01 (39), that burns medical waste, as defined
11 in s. 287.07 (7) (e) 1. ~~eg. (8) (a) 4.~~

12 **SECTION 2554u.** 285.55 (4) (intro.) of the statutes is amended to read:

13 285.55 (4) (intro.) Subsection (2) does not apply to the issuance of an air
14 pollution control permit or a license under s. 289.31 for the construction or
15 modification of a medical waste incinerator by one or more hospitals, as defined in
16 s. 50.33 (2), clinics, as defined in s. 287.07 (7) (e) 1. ~~a. (8) (a) 1.~~, or nursing homes, as
17 defined in s. 50.01 (3), if all of the following apply:

18 **SECTION 2555e.** 285.63 (10) (a) of the statutes is amended to read:

19 285.63 (10) (a) In this subsection, "medical waste incinerator" has the meaning
20 given in s. 287.07 (7) (e) 1. ~~cr. (8) (a) 5.~~

21 **SECTION 2555f.** 285.63 (10) (c) 4. of the statutes is repealed."

22 **17.** Page 1278, line 15: after that line insert:

23 **"SECTION 2559b.** 287.01 (2) of the statutes is repealed.

24 **SECTION 2559bm.** 287.01 (5) of the statutes is repealed.

1 SECTION 2559c. 287.01 (6) of the statutes is repealed.

2 SECTION 2559cm. 287.01 (8) of the statutes is repealed.

3 SECTION 2559d. 287.01 (9) of the statutes is repealed.

4 SECTION 2559e. 287.03 (1) (e) of the statutes is created to read:

5 287.03 (1) (e) Promulgate by rule a model recycling ordinance for
6 municipalities and counties.

7 SECTION 2559f. 287.07 (1m) (title) of the statutes is amended to read:

8 287.07 (1m) (title) BATTERIES, MAJOR APPLIANCES AND, OIL AND TIRES.

9 SECTION 2559fm. 287.07 (1m) (c) of the statutes is created to read:

10 287.07 (1m) (c) Dispose of a waste tire, as defined in s. 289.55 (1) (c), in a solid
11 waste disposal facility or burn a waste tire, as defined in s. 289.55 (1) (c), without
12 energy recovery in a solid waste ^{treatment} facility in this state.

13 SECTION 2559g. 287.07 (2) of the statutes is repealed.

14 SECTION 2559gm. 287.07 (3) of the statutes is repealed.

15 SECTION 2559h. 287.07 (4) of the statutes is repealed.

16 SECTION 2559i. 287.07 (7) (a) of the statutes, as affected by 1997 Wisconsin Act
17 27, is repealed.

18 SECTION 2559j. 287.07 (7) (b) 1. b. of the statutes is amended to read:

19 287.07 (7) (b) 1. b. "Operating solid waste treatment facility" means a solid
20 waste treatment facility that has an operating permit or license issued under s.
21 285.60 or 289.31 prior to May 11, 1990, except for a medical waste incinerator, as
22 defined in ~~par. (e) 1. or sub. (8) (a) 5.~~

23 SECTION 2559jm. 287.07 (7) (b) 2. of the statutes is amended to read:

24 287.07 (7) (b) 2. ~~A The prohibition in sub. (3) (b), (c), (e), (f), (g), (h) or (j) or (4)~~
25 ~~(b), (c), (f), (g), (h) or (i) (1m) (c)~~ does not apply to a person who converts into fuel or

1 burns at an operating solid waste treatment facility ~~a~~ the type of material identified
2 in ~~one of these paragraphs~~ that paragraph that was converted into fuel or burned at
3 the operating solid waste treatment facility during April, 1990, and either is
4 generated in the operating solid waste treatment facility's current service area or is
5 generated by the owner of the operating solid waste treatment facility.

6 **SECTION 2559k.** 287.07 (7) (b) 3. of the statutes, as created by 1997 Wisconsin
7 Act 27, is amended to read:

8 287.07 (7) (b) 3. The ~~prohibitions in subs. (3) and (4)~~ prohibition in sub. (1m)
9 (c) does not apply to a person who converts into fuel or burns at an operating solid
10 waste treatment facility ~~any~~ the material identified in ~~those subsections~~ that
11 paragraph if the person converted into fuel or burned the material at the operating
12 solid waste treatment facility during April, 1990, and the material is generated
13 outside of this state.

14 **SECTION 2559L.** 287.07 (7) (bg) of the statutes is amended to read:

15 287.07 (7) (bg) The prohibitions in ~~subs. sub. (1m) to (4)~~ do not apply to a person
16 who burns solid waste at a facility that uses solid waste as a supplemental fuel if less
17 than 30% of heat input to the facility is derived from the solid waste burned as
18 supplemental fuel.

19 **SECTION 2559m.** 287.07 (7) (c) of the statutes is repealed.

20 **SECTION 2559mm.** 287.07 (7) (d) of the statutes, as affected by 1997 Wisconsin
21 Act 27, is repealed.

22 **SECTION 2559n.** 287.07 (7) (e) of the statutes is repealed.

23 **SECTION 2559p.** 287.07 (7) (f) of the statutes is amended to read:

24 287.07 (7) (f) The ~~prohibitions in subs. (2) and (3)~~ prohibition in sub. (1m)
25 (c) does not apply to the beneficial reuse of ~~a material~~ waste tires within a solid waste

1 disposal facility if the beneficial reuse of the ~~material waste tires~~ is approved in the
2 solid waste disposal facility's plan of operation under s. 289.30.

3 **SECTION 2559pm.** 287.07 (7) (g) of the statutes is repealed.

4 **SECTION 2559q.** 287.07 (7) (h) of the statutes is repealed.

5 **SECTION 2559qm.** 287.07 (8) (a) of the statutes is renumbered 287.07 (8) (am),
6 and 287.07 (8) (am) (intro.), as renumbered, is amended to read:

7 287.07 (8) (am) (intro.) A generator of medical waste that sends waste to a
8 medical waste incinerator shall develop policies concerning reduction of medical
9 waste, ~~as defined in sub. (7) (e) 1. eg.,~~ including all of the following:

10 **SECTION 2559r.** 287.07 (8) (a) of the statutes is created to read:

11 287.07 (8) (a) In this subsection:

12 1. "Clinic" means a place, other than a residence, that is used primarily for the
13 provision of nursing, medical, podiatric, dental, chiropractic, optometric or
14 veterinary care and treatment.

15 2. "Hospital" has the meaning given in s. 50.33 (2).

16 3. "Infectious waste" means solid waste that contains pathogens with sufficient
17 virulence and in sufficient quantity that exposure of a susceptible human or animal
18 to the solid waste could cause the human or animal to contract an infectious disease.

19 4. "Medical waste" means containers, packages and materials that contain
20 infectious waste or that are from a treatment area and are mixed with infectious
21 waste.

22 5. "Medical waste incinerator" means a solid waste treatment facility that
23 primarily burns infectious waste and other waste that contains or may be mixed with
24 infectious waste.

25 6. "Nursing home" has the meaning given in s. 50.01 (3).

1 7. "Treatment area" means a room or area in a hospital or clinic the primary
2 use of which is to provide emergency care, diagnosis or radiological treatment; an
3 obstetrics delivery room in a hospital, other than a patient's room; or a room or area
4 in a hospital, clinic or nursing home, identified by the department by rule, in which
5 infectious waste is generated.

6 **SECTION 2559rm.** 287.09 of the statutes is repealed.

7 **SECTION 2559s.** 287.095 of the statutes is amended to read:

8 **287.095 Responsible unit Local governmental liability.** (1) DEFINITION.

9 In this section, "~~responsible unit local~~ official" means any officer, official, agent or
10 employe of a ~~responsible unit~~ municipality or county engaged in the planning,
11 management, operation or approval of a recycling program or recycling site or
12 facility.

13 (2) EXEMPTION FROM LIABILITY. No ~~responsible unit local~~ official is liable for civil
14 damages as a result of good faith actions taken by the ~~responsible unit local~~ official
15 within the scope of duties relating to the ~~responsible unit's~~ municipality or county
16 recycling program or recycling site or facility.

17 **SECTION 2559t.** 287.10 of the statutes is repealed."

18 **18.** Page 1278, line 16: delete that line and substitute:

19 "**SECTION 2559v.** 287.11 of the statutes, as affected by 1997 Wisconsin Act 27,
20 is repealed.

21 **SECTION 2560e.** 287.19 (1) (b) (intro.) of the statutes is amended to read:

22 287.19 (1) (b) *Recycling programs.* (intro.) With respect to local recycling
23 programs created under s. 287.09 (2) (a):

24 **SECTION 2560m.** 287.21 (intro.) of the statutes is amended to read:

1 **287.21 Statewide education program.** (intro.) The department shall
2 collect, prepare and disseminate information and conduct educational and training
3 programs designed to assist in the implementation of solid waste management
4 programs under ss. 287.01 to 287.31, enhance municipal and county solid waste
5 management programs under ~~s. 287.09 (2) (a)~~ and inform the public of the
6 relationship among an individual's consumption of goods and services, the
7 generation of different types and quantities of solid waste and the implementation
8 of the solid waste management priorities in s. 287.05 (12). The department shall
9 prepare the information and programs on a statewide basis for the following groups:

10 **SECTION 2560w.** 287.23 of the statutes, as affected by 1999 Wisconsin Act
11 (this act), is repealed.”.

12 **19.** Page 1278, line 17: delete the material beginning with that line and
13 ending with page 1279, line 7, and substitute:

14 “**SECTION 2560wm.** 287.23 (4) (intro.) of the statutes is amended to read:

15 **287.23 (4) APPLICATION.** (intro.) A responsible unit that seeks assistance under
16 the program shall submit an application to the department. To qualify for a full
17 grant, the responsible unit must submit the application no later than October 1 in
18 the year preceding the year for which the assistance is sought. For the purpose of
19 this subsection ~~and sub. (5p)~~, if an application is postmarked, it is considered to be
20 submitted on the date that it is postmarked. An application shall include all of the
21 following:

22 **SECTION 2560x.** 287.23 (5) (intro.) of the statutes is renumbered 287.23 (5) and
23 amended to read:

1 **287.23 (5) GRANT AWARD.** The department shall award a grant to each eligible
2 responsible unit that submits a complete grant application under sub. (4) for
3 expenses allowable under sub. (3) (b). ~~Except as provided under sub. (5m) or (5p),~~
4 ~~the amount of the grant shall be determined as follows:~~ For the grant for 2000, the
5 department shall award to a responsible unit the proportion of the total amount
6 available for grants under this section for 2000 that is equal to the proportion of the
7 total amount awarded under this section for 1999 that the responsible unit received
8 for 1999. For the grant for 2001, the department shall award to a responsible unit
9 the proportion of the total amount available for grants for 2001 that is equal to the
10 proportion of the total amount awarded under this section for 1999 that the
11 responsible unit received for 1999.

12 **SECTION 2560y.** 287.23 (5) (a) to (c) of the statutes are repealed.

13 **SECTION 2562m.** 287.23 (5e) to (5s) of the statutes are repealed.”.

14 **20.** Page 1279, line 10: after that line insert:

15 “**SECTION 2564c.** 287.25 of the statutes is repealed.

16 **SECTION 2564e.** 287.27 (1) of the statutes is amended to read:

17 **287.27 (1) DEFINITION.** In this section, “materials recovery facility” means a
18 facility where the materials specified in sub. (4) (b) or s. 287.07 (3), 1997 stats., or s.
19 287.07 (4), 1997 stats., not mixed with other solid waste, are processed for reuse or
20 recycling by conversion into a consumer product or a product which is used as a raw
21 material in a commercial or industrial process. “Materials recovery facility” does not
22 include a facility operated by a pulp or paper mill which utilizes fiber or paper that
23 has been separated from waste for use as a raw material in a commercial product.

24 **SECTION 2564g.** 287.27 (2) of the statutes is amended to read:

1 **287.27 (2) REPORTS BY MATERIALS RECOVERY FACILITIES.** Annually, the owner or
2 operator of a materials recovery facility shall report to the department the amount
3 of each of the materials specified in s. 287.07 (3), 1997 stats., or s. 287.07 (4), 1997
4 stats., and any other materials specified by the department under sub. (4) (b) that
5 the materials recovery facility receives and that were recovered from waste
6 generated in this state.

7 **SECTION 2564i.** 287.42 (1) (intro.) and (a) of the statutes are consolidated,
8 renumbered 287.42 (1) and amended to read:

9 **287.42 (1)** Promote the development of sustainable, high-value markets for
10 recovered materials on behalf of, and in cooperation with, waste generators and
11 promote the orderly and efficient marketing of recovered materials by waste
12 generators to do all of the following: (a) ~~Maximize~~ maximize the marketability of
13 these recovered materials on a statewide basis.

14 **SECTION 2564j.** 287.42 (1) (b) and (c) of the statutes are repealed.

15 **SECTION 2564k.** 287.42 (5) of the statutes is amended to read:

16 **287.42 (5)** In consultation with the council on recycling, annually establish a
17 list of materials recovered from solid waste for which financial assistance may be
18 provided under this subchapter, which shall include the materials specified in s.
19 287.07 (3), 1997 stats., and other materials that the board determines create
20 opportunities to recycle and reduce the amount of materials deposited in landfills,
21 as defined in s. 289.01 (20), based on the board's analysis of current and future
22 markets for materials recovered from solid waste. The list shall give priority to
23 materials specified in s. 287.07 (3), 1997 stats., that will support community
24 recycling efforts.

25 **SECTION 2567e.** 287.91 (2) of the statutes is amended to read:

1 287.91 (2) Notwithstanding sub. (1) and ~~s. 287.95 (3) (a)~~, the attorney general
2 may enforce s. 287.07 ~~(3) and (4)~~ (1m) (c) by seeking injunctive relief against any
3 person violating those provisions.

4 **SECTION 2567g.** 287.95 (2) (a) of the statutes is repealed.

5 **SECTION 2567h.** 287.95 (2) (b) of the statutes is renumbered 287.95 (2) and
6 amended to read:

7 287.95 (2) (b) ~~After December 31, 1994, any~~ Any person who violates s. 287.07
8 ~~(2) or~~ 287.08 may be required to forfeit \$50 for a first violation, may be required to
9 forfeit \$200 for a 2nd violation and may be required to forfeit not more than \$2,000
10 for a 3rd or subsequent violation.

11 **SECTION 2567j.** 287.95 (3) of the statutes is repealed.

12 **SECTION 2567L.** 287.95 (4) of the statutes is amended to read:

13 287.95 (4) The department may follow the procedures for the issuance of a
14 citation under ss. 23.50 to 23.99 to collect a forfeiture for the violations under subs.
15 (1), and (2) (b) and (3) (b).”.

16 **21.** Page 1313, line 16: after that line insert:

17 “**SECTION 2681m.** 299.51 (1) (a) of the statutes is amended to read:

18 299.51 (1) (a) “Clinic” has the meaning given in s. 287.07 ~~(7) (e) 1. a.~~ (8) (a) 1.

19 **SECTION 2681n.** 299.51 (1) (b) of the statutes is amended to read:

20 299.51 (1) (b) “Medical waste” means infectious waste, as defined in s. 287.07
21 ~~(7) (e) 1. e.~~ (8) (a) 3., and other waste that contains or may be mixed with infectious
22 waste.”.

23 **22.** Page 1378, line 12: after that line insert:

24 “**SECTION 2937p.** 560.12 (1) (ae) of the statutes is amended to read:

1 560.12 (1) (ae) "Recyclable material" means a material identified in s. 287.07
2 (3), 1997 stats., or s. 287.07 (4), 1997 stats., that is recovered from solid waste."

3 **23.** Page 1400, line 18: after that line insert:

4 "SECTION 3020p. 560.835 (1) (c) of the statutes is amended to read:

5 560.835 (1) (c) The development and operation of a facility to process materials
6 recovered from a solid waste management program that complies with s. 287.07
7 (1m), ~~(3) or (4)~~ or the development and operation of a solid waste collection business
8 if the solid waste collected is used in the production of a product."

9 **24.** Page 1431, line 11: after that line insert:

10 "SECTION 3113h. 895.517 (1) (d) of the statutes is repealed.

11 SECTION 3113i. 895.517 (2) of the statutes is amended to read:

12 895.517 (2) Any person who donates or sells, at a price not exceeding overhead
13 and transportation costs, solid waste, or a material that is separated from mixed soil
14 waste, to a materials reuse program that is operated by a charitable organization,
15 or municipality or responsible unit is immune from civil liability for the death of or
16 injury to an individual or the damage to property caused by the solid waste or
17 material donated or sold by the person."

18 **25.** Page 1611, line 17: after that line insert:

19 "(1zz) RECYCLING. The treatment of sections 16.15 (1) (ae), (ah) and (ar) and (3)
20 (a) 3., 20.370 (2) (hq) and (3) (mr), 59.70 (2) (L), 66.35 (1) (a), 66.606, 74.01 (5), 101.126
21 (1) (intro.), 101.578 (1), 227.01 (13) (ym) and (zi), 285.53 (1) (a), 285.55 (1) and (4)
22 (intro.), 285.63 (10) (a) and (c) 4., 287.01 (2), (5), (6), (8) and (9), 287.07 (1m) (title)
23 and (c), (2), (3), (4) and (7) (a), (b) 1. b., 2. and 3., (bg), (c), (d), (e), (f), (g) and (h), 287.09,
24 287.095, 287.10, 287.11, 287.19 (1) (b) (intro.), 287.21 (intro.), 287.27 (1) and (2),

1 ~~287.42 (Intro.), (a), (b) and (c) and (d)~~ 287.91 (2), 287.95 (2) (a) and (b), (3) and (4),
2 299.51 (1) (a) and (b), 560.12 (1) (ae), 560.835 (1) (c) and 895.517 (1) (d) and (2) of the
3 statutes, the repeal of sections 20.370 (6) (bq) and 287.23 of the statutes, the
4 renumbering and amendment of section 287.07 (8) (a) of the statutes and the creation
5 of section 287.07 (8) (a) of the statutes take effect on July 1, 2001.”

6

(END)

b1141/2d1
Ret: Kmgj

This is a redraft of the draft eliminating recycling
mandates. It makes only technical corrections.

lit

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1141/2dn
RCT:kmg:km

June 25, 1999

This is a redraft of the draft eliminating recycling mandates. It makes only technical corrections.

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1141/2
RCT:kmg:km

ARC:.....Anderson - 302, Eliminate recycling mandates

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

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2 **1.** Page 33, line 4: after that line insert:

3 **SECTION 43n.** 16.15 (1) (ae) of the statutes is amended to read:

4 16.15 (1) (ae) "Cost of disposing of processed material" ~~has the meaning given~~
5 ~~in s. 287.11 (2m) (a) 1.~~ means the gross cost of transferring processed material to a
6 solid waste disposal facility and disposing of the processed material in the facility,
7 including any disposal costs not paid through fees charged by the facility.

8 **SECTION 44p.** 16.15 (1) (ah) of the statutes is amended to read:

9 16.15 (1) (ah) "Cost of selling processed material" ~~has the meaning given in s.~~
10 287.11 (2m) (a) 2. means the net cost, including any storage costs, of selling processed

1 material to a broker, dealer or manufacturing facility, plus any cost of transporting
2 the processed material from the waste processing facility to the destination specified
3 by the broker, dealer or manufacturing facility.

4 **SECTION 43q.** 16.15 (1) (ar) of the statutes is amended to read:

5 16.15 (1) (ar) "Processed material" ~~has the meaning given in s. 287.11 (2m) (a)~~
6 3. means a component of solid waste that has been collected, transported to a waste
7 processing facility and prepared for sale to a broker, dealer or manufacturer.

8 **SECTION 43s.** 16.15 (3) (a) 3. of the statutes is amended to read:

9 16.15 (3) (a) 3. Separate for recycling at least 50% of each of the materials listed
10 in s. 287.07 (3), 1997 stats., or s. 287.07 (4), 1997 stats., that is generated as solid
11 waste by the agency or authority beginning on January 1, 1993, and such greater
12 amount of such materials as the department determines is reasonably feasible
13 beginning on January 1, 1995."

14 **2.** Page 162, line 6: delete lines 6 to 8.

15 **3.** Page 315, line 15: after that line insert:

16 **"SECTION 311g.** 20.370 (2) (hq) of the statutes is amended to read:

17 20.370 (2) (hq) *Recycling; administration.* From the recycling fund, the
18 amounts in the schedule for the administration of subch. II of ch. 287, other than ss.
19 ~~s. 287.21, 287.23 and 287.25.~~"

20 **4.** Page 316, line 13: after that line insert:

21 **"SECTION 316m.** 20.370 (3) (mr) of the statutes is amended to read:

22 20.370 (3) (mr) *Recycling; enforcement and research.* From the recycling fund,
23 the amounts in the schedule for research and enforcement under subch. II of ch. 287,
24 other than under ss. ~~s. 287.21, 287.23 and 287.25.~~"

1 **5.** Page 320, line 21: after that line insert:

2 “**SECTION 325y.** 20.370 (6) (bq) of the statutes, as affected by 1999 Wisconsin
3 Act (this act), is repealed.”

4 **6.** Page 320, line 23: delete “\$227,749,200” and substitute “\$229,749,200”.

5 **7.** Page 321, line 2: delete “\$242,749,200” and substitute “\$249,749,200”.

6 **8.** Page 321, line 5: delete lines 5 to 10 and substitute:

7 “**SECTION 328b.** 20.370 (6) (br) of the statutes is repealed.”

8 **9.** Page 763, line 23: after that line insert:

9 “**SECTION 1581m.** 59.70 (2) (L) of the statutes is amended to read:

10 59.70 (2) (L) Appropriate funds and levy taxes to provide funds for acquisition
11 or lease of sites, easements, necessary facilities and equipment and for all other costs
12 required for the solid waste management system except that no municipality which
13 operates its own solid waste management program ~~under s. 287.09 (2) (a)~~ or waste
14 collection and disposal facility, or property therein, shall be subject to any tax levied
15 hereunder to cover the capital and operating costs of these functions. Such
16 appropriations may be treated as a revolving capital fund to be reimbursed from
17 proceeds of the system.”

18 **10.** Page 786, line 18: after that line insert:

19 “**SECTION 1621m.** 66.35 (1) (a) of the statutes is amended to read:

20 66.35 (1) (a) “Medical waste incinerator” has the meaning given in s. 287.07 (7)
21 (e) ~~1. ex. (8) (a) 5.~~”

22 **11.** Page 806, line 9: after that line insert:

23 “**SECTION 1638i.** 66.606 of the statutes is repealed.”

1 **12.** Page 951, line 5: after that line insert:

2 “**SECTION 1803q.** 74.01 (5) of the statutes is amended to read:

3 74.01 (5) “Special tax” means any amount entered in the tax roll which is not
4 a general property tax, special assessment or special charge. “Special tax” includes
5 any interest and penalties assessed for nonpayment of the tax before it is placed in
6 the tax roll and any charge ~~unders. 66.606 (1) (a) 2. that is placed on the tax roll under~~
7 ~~s. 66.606 (2).”.~~

8 **13.** Page 1018, line 14: after that line insert:

9 “**SECTION 1978m.** 101.126 (1) (intro.) of the statutes is amended to read:

10 101.126 (1) (intro.) The department shall establish, by rule, requirements for
11 a person engaging in any of the following to provide adequate space in or adjacent
12 to the building for the separation, temporary storage and collection of the materials
13 listed in s. 287.07 (3), 1997 stats., or s. 287.07 (4), 1997 stats., likely to be generated
14 by the occupants of the building:”

15 **14.** Page 1037, line 19: after that line insert:

16 “**SECTION 1998ae.** 101.578 (1) of the statutes is amended to read:

17 101.578 (1) In this section, “medical waste incinerator” has the meaning given
18 in s. 287.07 ~~(7) (e) 1. cr. (8) (a) 5.~~”.

19 **15.** Page 1194, line 9: after that line insert:

20 “**SECTION 2353t.** 227.01 (13) (ym) of the statutes is repealed.

21 **SECTION 2353u.** 227.01 (13) (zi) of the statutes is repealed.”.

22 **16.** Page 1276, line 4: after that line insert:

23 “**SECTION 2554r.** 285.53 (1) (a) of the statutes is amended to read:

1 285.53 (1) (a) *Applicability.* This subsection applies to a medical waste
2 incinerator, as defined in s. 287.07 (7) ~~(e) 1. ex. (8) (a) 5.~~, that has a capacity of 5 tons
3 or more per day.

4 **SECTION 2554rm.** 285.53 (2) of the statutes is amended to read:

5 285.53 (2) CONTINUOUS MONITORING. A person operating or responsible for the
6 operation of a medical waste incinerator, as defined in s. 287.07 (7) ~~(e) 1. ex. (8) (a) 5.~~,
7 shall continuously monitor emissions from the medical waste incinerator.

8 **SECTION 2554t.** 285.55 (1) of the statutes is amended to read:

9 285.55 (1) In this section, “medical waste incinerator” means a facility for solid
10 waste treatment, as defined in s. 289.01 (39), that burns medical waste, as defined
11 in s. 287.07 (7) ~~(e) 1. ex. (8) (a) 4.~~

12 **SECTION 2554u.** 285.55 (4) (intro.) of the statutes is amended to read:

13 285.55 (4) (intro.) Subsection (2) does not apply to the issuance of an air
14 pollution control permit or a license under s. 289.31 for the construction or
15 modification of a medical waste incinerator by one or more hospitals, as defined in
16 s. 50.33 (2), clinics, as defined in s. 287.07 (7) ~~(e) 1. a. (8) (a) 1.~~, or nursing homes, as
17 defined in s. 50.01 (3), if all of the following apply:

18 **SECTION 2555e.** 285.63 (10) (a) of the statutes is amended to read:

19 285.63 (10) (a) In this subsection, “medical waste incinerator” has the meaning
20 given in s. 287.07 (7) ~~(e) 1. ex. (8) (a) 5.~~

21 **SECTION 2555f.** 285.63 (10) (c) 4. of the statutes is repealed.”.

22 **17.** Page 1278, line 15: after that line insert:

23 “**SECTION 2559b.** 287.01 (2) of the statutes is repealed.

24 **SECTION 2559bm.** 287.01 (5) of the statutes is repealed.

1 **SECTION 2559c.** 287.01 (6) of the statutes is repealed.

2 **SECTION 2559cm.** 287.01 (8) of the statutes is repealed.

3 **SECTION 2559d.** 287.01 (9) of the statutes is repealed.

4 **SECTION 2559e.** 287.03 (1) (e) of the statutes is created to read:

5 287.03 (1) (e) Promulgate by rule a model recycling ordinance for
6 municipalities and counties.

7 **SECTION 2559f.** 287.07 (1m) (title) of the statutes is amended to read:

8 287.07 (1m) (title) BATTERIES, MAJOR APPLIANCES AND, OIL AND TIRES.

9 **SECTION 2559fm.** 287.07 (1m) (c) of the statutes is created to read:

10 287.07 (1m) (c) Dispose of a waste tire, as defined in s. 289.55 (1) (c), in a solid
11 waste disposal facility or burn a waste tire, as defined in s. 289.55 (1) (c), without
12 energy recovery in a solid waste treatment facility in this state.

13 **SECTION 2559g.** 287.07 (2) of the statutes is repealed.

14 **SECTION 2559gm.** 287.07 (3) of the statutes is repealed.

15 **SECTION 2559h.** 287.07 (4) of the statutes is repealed.

16 **SECTION 2559i.** 287.07 (7) (a) of the statutes, as affected by 1997 Wisconsin Act
17 27, is repealed.

18 **SECTION 2559j.** 287.07 (7) (b) 1. b. of the statutes is amended to read:

19 287.07 (7) (b) 1. b. “Operating solid waste treatment facility” means a solid
20 waste treatment facility that has an operating permit or license issued under s.
21 285.60 or 289.31 prior to May 11, 1990, except for a medical waste incinerator, as
22 defined in ~~par. (e) 1. or sub. (8) (a) 5.~~

23 **SECTION 2559jm.** 287.07 (7) (b) 2. of the statutes is amended to read:

24 287.07 (7) (b) 2. ~~A The prohibition in sub. (3) (b), (c), (e), (f), (g), (h) or (j) or (4)~~
25 ~~(b), (c), (f), (g), (h) or (i) (1m) (c)~~ does not apply to a person who converts into fuel or

1 burns at an operating solid waste treatment facility a the type of material identified
2 in ~~one of these paragraphs~~ that paragraph that was converted into fuel or burned at
3 the operating solid waste treatment facility during April, 1990, and either is
4 generated in the operating solid waste treatment facility's current service area or is
5 generated by the owner of the operating solid waste treatment facility.

6 **SECTION 2559k.** 287.07 (7) (b) 3. of the statutes, as created by 1997 Wisconsin
7 Act 27, is amended to read:

8 287.07 (7) (b) 3. The ~~prohibitions in subs. (3) and (4) do~~ prohibition in sub. (1m)
9 (c) does not apply to a person who converts into fuel or burns at an operating solid
10 waste treatment facility any the material identified in ~~those subsections~~ that
11 paragraph if the person converted into fuel or burned the material at the operating
12 solid waste treatment facility during April, 1990, and the material is generated
13 outside of this state.

14 **SECTION 2559L.** 287.07 (7) (bg) of the statutes is amended to read:

15 287.07 (7) (bg) The prohibitions in ~~subs. sub. (1m) to (4)~~ sub. (1m) do not apply to a person
16 who burns solid waste at a facility that uses solid waste as a supplemental fuel if less
17 than 30% of heat input to the facility is derived from the solid waste burned as
18 supplemental fuel.

19 **SECTION 2559m.** 287.07 (7) (c) of the statutes is repealed.

20 **SECTION 2559mm.** 287.07 (7) (d) of the statutes, as affected by 1997 Wisconsin
21 Act 27, is repealed.

22 **SECTION 2559n.** 287.07 (7) (e) of the statutes is repealed.

23 **SECTION 2559p.** 287.07 (7) (f) of the statutes is amended to read:

24 287.07 (7) (f) The ~~prohibitions in subs. (2) and (3) do~~ prohibition in sub. (1m)
25 (c) does not apply to the beneficial reuse of ~~a material waste tires~~ waste tires within a solid waste

1 disposal facility if the beneficial reuse of the material waste tires is approved in the
2 solid waste disposal facility's plan of operation under s. 289.30.

3 **SECTION 2559pm.** 287.07 (7) (g) of the statutes is repealed.

4 **SECTION 2559q.** 287.07 (7) (h) of the statutes is repealed.

5 **SECTION 2559qm.** 287.07 (8) (a) of the statutes is renumbered 287.07 (8) (am),
6 and 287.07 (8) (am) (intro.), as renumbered, is amended to read:

7 287.07 (8) (am) (intro.) A generator of medical waste that sends waste to a
8 medical waste incinerator shall develop policies concerning reduction of medical
9 waste, ~~as defined in sub. (7) (e) 1. eg.,~~ including all of the following:

10 **SECTION 2559r.** 287.07 (8) (a) of the statutes is created to read:

11 287.07 (8) (a) In this subsection:

12 1. "Clinic" means a place, other than a residence, that is used primarily for the
13 provision of nursing, medical, podiatric, dental, chiropractic, optometric or
14 veterinary care and treatment.

15 2. "Hospital" has the meaning given in s. 50.33 (2).

16 3. "Infectious waste" means solid waste that contains pathogens with sufficient
17 virulence and in sufficient quantity that exposure of a susceptible human or animal
18 to the solid waste could cause the human or animal to contract an infectious disease.

19 4. "Medical waste" means containers, packages and materials that contain
20 infectious waste or that are from a treatment area and are mixed with infectious
21 waste.

22 5. "Medical waste incinerator" means a solid waste treatment facility that
23 primarily burns infectious waste and other waste that contains or may be mixed with
24 infectious waste.

25 6. "Nursing home" has the meaning given in s. 50.01 (3).

1 7. “Treatment area” means a room or area in a hospital or clinic the primary
2 use of which is to provide emergency care, diagnosis or radiological treatment; an
3 obstetrics delivery room in a hospital, other than a patient’s room; or a room or area
4 in a hospital, clinic or nursing home, identified by the department by rule, in which
5 infectious waste is generated.

6 **SECTION 2559rm.** 287.09 of the statutes is repealed.

7 **SECTION 2559s.** 287.095 of the statutes is amended to read:

8 **287.095 Responsible-unit Local governmental liability.** (1) DEFINITION.
9 In this section, “~~responsible-unit local~~ official” means any officer, official, agent or
10 employe of a ~~responsible-unit~~ municipality or county engaged in the planning,
11 management, operation or approval of a recycling program or recycling site or
12 facility.

13 (2) EXEMPTION FROM LIABILITY. No ~~responsible-unit local~~ official is liable for civil
14 damages as a result of good faith actions taken by the ~~responsible-unit local~~ official
15 within the scope of duties relating to the ~~responsible-unit’s~~ municipality or county
16 recycling program or recycling site or facility.

17 **SECTION 2559t.** 287.10 of the statutes is repealed.”.

18 **18.** Page 1278, line 16: delete that line and substitute:

19 “**SECTION 2559v.** 287.11 of the statutes, as affected by 1997 Wisconsin Act 27,
20 is repealed.

21 **SECTION 2560e.** 287.19 (1) (b) (intro.) of the statutes is amended to read:

22 287.19 (1) (b) *Recycling programs.* (intro.) With respect to local recycling
23 programs ~~created under s. 287.09 (2) (a):~~

24 **SECTION 2560m.** 287.21 (intro.) of the statutes is amended to read:

1 **287.21 Statewide education program.** (intro.) The department shall
2 collect, prepare and disseminate information and conduct educational and training
3 programs designed to assist in the implementation of solid waste management
4 programs under ss. 287.01 to 287.31, enhance municipal and county solid waste
5 management programs ~~under s. 287.09 (2) (a)~~ and inform the public of the
6 relationship among an individual's consumption of goods and services, the
7 generation of different types and quantities of solid waste and the implementation
8 of the solid waste management priorities in s. 287.05 (12). The department shall
9 prepare the information and programs on a statewide basis for the following groups:

10 **SECTION 2560w.** 287.23 of the statutes, as affected by 1999 Wisconsin Act
11 (this act), is repealed.”

12 **19.** Page 1278, line 17: delete the material beginning with that line and
13 ending with page 1279, line 7, and substitute:

14 “**SECTION 2560wm.** 287.23 (4) (intro.) of the statutes is amended to read:

15 287.23 (4) APPLICATION. (intro.) A responsible unit that seeks assistance under
16 the program shall submit an application to the department. To qualify for a full
17 grant, the responsible unit must submit the application no later than October 1 in
18 the year preceding the year for which the assistance is sought. For the purpose of
19 this subsection ~~and sub. (5p)~~, if an application is postmarked, it is considered to be
20 submitted on the date that it is postmarked. An application shall include all of the
21 following:

22 **SECTION 2560x.** 287.23 (5) (intro.) of the statutes is renumbered 287.23 (5) and
23 amended to read:

1 287.23 (5) GRANT AWARD. The department shall award a grant to each eligible
2 responsible unit that submits a complete grant application under sub. (4) for
3 expenses allowable under sub. (3) (b). ~~Except as provided under sub. (5m) or (5p),~~
4 ~~the amount of the grant shall be determined as follows:~~ For the grant for 2000, the
5 department shall award to a responsible unit the proportion of the total amount
6 available for grants under this section for 2000 that is equal to the proportion of the
7 total amount awarded under this section for 1999 that the responsible unit received
8 for 1999. For the grant for 2001, the department shall award to a responsible unit
9 the proportion of the total amount available for grants for 2001 that is equal to the
10 proportion of the total amount awarded under this section for 1999 that the
11 responsible unit received for 1999.

12 **SECTION 2560y.** 287.23 (5) (a) to (c) of the statutes are repealed.

13 **SECTION 2562m.** 287.23 (5e) to (5s) of the statutes are repealed.”.

14 **20.** Page 1279, line 10: after that line insert:

15 “**SECTION 2564c.** 287.25 of the statutes is repealed.

16 **SECTION 2564e.** 287.27 (1) of the statutes is amended to read:

17 287.27 (1) DEFINITION. In this section, “materials recovery facility” means a
18 facility where the materials specified in sub. (4) (b) or s. 287.07 (3), 1997 stats., or s.
19 287.07 (4), 1997 stats., not mixed with other solid waste, are processed for reuse or
20 recycling by conversion into a consumer product or a product which is used as a raw
21 material in a commercial or industrial process. “Materials recovery facility” does not
22 include a facility operated by a pulp or paper mill which utilizes fiber or paper that
23 has been separated from waste for use as a raw material in a commercial product.

24 **SECTION 2564g.** 287.27 (2) of the statutes is amended to read:

1 287.27 (2) REPORTS BY MATERIALS RECOVERY FACILITIES. Annually, the owner or
2 operator of a materials recovery facility shall report to the department the amount
3 of each of the materials specified in s. 287.07 (3), 1997 stats., or s. 287.07 (4), 1997
4 stats., and any other materials specified by the department under sub. (4) (b) that
5 the materials recovery facility receives and that were recovered from waste
6 generated in this state.

7 **SECTION 2567e.** 287.91 (2) of the statutes is amended to read:

8 287.91 (2) Notwithstanding sub. (1) and s. ~~287.95 (3) (a)~~, the attorney general
9 may enforce s. 287.07 ~~(3) and (4)~~ (1m) (c) by seeking injunctive relief against any
10 person violating those provisions.

11 **SECTION 2567g.** 287.95 (2) (a) of the statutes is repealed.

12 **SECTION 2567h.** 287.95 (2) (b) of the statutes is renumbered 287.95 (2) and
13 amended to read:

14 287.95 (2) (b) ~~After December 31, 1994, any~~ Any person who violates s. 287.07
15 ~~(2) or~~ 287.08 may be required to forfeit \$50 for a first violation, may be required to
16 forfeit \$200 for a 2nd violation and may be required to forfeit not more than \$2,000
17 for a 3rd or subsequent violation.

18 **SECTION 2567j.** 287.95 (3) of the statutes is repealed.

19 **SECTION 2567L.** 287.95 (4) of the statutes is amended to read:

20 287.95 (4) The department may follow the procedures for the issuance of a
21 citation under ss. 23.50 to 23.99 to collect a forfeiture for the violations under subs.
22 (1), and (2) ~~(b) and (3) (b).~~”.

23 **21.** Page 1313, line 16: after that line insert:

24 **“SECTION 2681m.** 299.51 (1) (a) of the statutes is amended to read:

1 299.51 (1) (a) “Clinic” has the meaning given in s. 287.07 ~~(7) (e) 1. a.~~ (8) (a) 1.

2 **SECTION 2681n.** 299.51 (1) (b) of the statutes is amended to read:

3 299.51 (1) (b) “Medical waste” means infectious waste, as defined in s. 287.07
4 ~~(7) (e) 1. c.~~ (8) (a) 3., and other waste that contains or may be mixed with infectious
5 waste.”.

6 **22.** Page 1378, line 12: after that line insert:

7 **“SECTION 2937p.** 560.12 (1) (ae) of the statutes is amended to read:

8 560.12 (1) (ae) “Recyclable material” means a material identified in s. 287.07
9 ~~(3), 1997 stats., or s. 287.07 (4), 1997 stats.,~~ that is recovered from solid waste.”.

10 **23.** Page 1400, line 18: after that line insert:

11 **“SECTION 3020p.** 560.835 (1) (c) of the statutes is amended to read:

12 560.835 (1) (c) The development and operation of a facility to process materials
13 recovered from a solid waste management program that complies with s. 287.07
14 ~~(1m), (3) or (4)~~ or the development and operation of a solid waste collection business
15 if the solid waste collected is used in the production of a product.”.

16 **24.** Page 1431, line 11: after that line insert:

17 **“SECTION 3113h.** 895.517 (1) (d) of the statutes is repealed.

18 **SECTION 3113i.** 895.517 (2) of the statutes is amended to read:

19 895.517 (2) Any person who donates or sells, at a price not exceeding overhead
20 and transportation costs, solid waste, or a material that is separated from mixed soil
21 waste, to a materials reuse program that is operated by a charitable organization,
22 or municipality or responsible unit is immune from civil liability for the death of or
23 injury to an individual or the damage to property caused by the solid waste or
24 material donated or sold by the person.”.

1 **25.** Page 1611, line 17: after that line insert:

2 “(1zz) RECYCLING. The treatment of sections 16.15 (1)(ae), (ah) and (ar) and (3)
3 (a) 3., 20.370(2)(hq) and (3)(mr), 59.70(2)(L), 66.35(1)(a), 66.606, 74.01(5), 101.126
4 (1)(intro.), 101.578(1), 227.01(13)(ym) and (zi), 285.53(1)(a), 285.55(1) and (4)
5 (intro.), 285.63(10)(a) and (c) 4., 287.01(2), (5), (6), (8) and (9), 287.07(1m)(title)
6 and (c), (2), (3), (4) and (7)(a), (b) 1. b., 2. and 3., (bg), (c), (d), (e), (f), (g) and (h), 287.09,
7 287.095, 287.10, 287.11, 287.19(1)(b)(intro.), 287.21(intro.), 287.27(1) and (2),
8 287.91(2), 287.95(2)(a) and (b), (3) and (4), 299.51(1)(a) and (b), 560.12(1)(ae),
9 560.835(1)(c) and 895.517(1)(d) and (2) of the statutes, the repeal of sections 20.370
10 (6)(bq) and 287.23 of the statutes, the renumbering and amendment of section
11 287.07(8)(a) of the statutes and the creation of section 287.07(8)(a) of the statutes
12 take effect on July 1, 2001.”.

13

(END)