

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/23/99**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Walter**

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact: **LFB**

Alt. Drafters:

Subject: **Environment - recycling**

Extra Copies:

Pre Topic:

SDC:.....Walter - Caucus # 4004,

Topic:

Recycling tipping fee

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	traderc 06/27/99			_____			
/1	mdsida 06/27/99	wjackson 06/28/99	hhagen 06/28/99	_____	lrb_docadmin 06/28/99		
	jkreye 06/28/99	wjackson 06/29/99		_____			
	mdsida 06/28/99			_____			
	jkreye 06/28/99			_____			
/2			jfrantze	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typist</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			06/29/99	_____	06/29/99		

FE Sent For:

<END>

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May Contact: **LFB**

Alt. Drafters: *mgd*
jk

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1?	traderc	1 WLj 6/28	Ksh	WLj CMM			

FE Sent For:

<END>

yes

Agency: Natural Resources - Air, Waste and Contaminated Land (Recycling)

SDC

caucus number 1706

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
FM 681	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Provide \$75,000 Fish and Wildlife SEG and 1.0 FTE annually to develop and operate an outdoor skills program targeted to urban families and other nontraditional outdoor recreational groups.

other notes

drafting instructions: FM 681. See above.

more instructions:

caucus number 2129

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Market Development Grant. Provide \$133,000 in grant funds to determine feasibility of creating sludge based products and the marketing of those products.

other notes

drafting instructions: See above and attached

more instructions:

caucus number 2629

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
Paper 723	page 630
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Remove sunset date of 12/31/99 in statutes that requires the Recycling Market Development Board to contract with and provide sufficient funding for, an existing materials exchange program to operate statewide exchange program

other notes

drafting instructions: See above and attached

more instructions:

caucus number 4004

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
FM 1138	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Fund recycling with a \$8 - \$10 tipping fee. Program structured according to the Decker Recycling Motion 1138.

other notes

drafting instructions: See Freestanding Motion 1138 and above.

more instructions:

Agency: Natural Resources - Air, Waste and Contaminated Land (Recycling)

Number of Amendments: 4

+

1999-2001 BUDGET AMENDMENTS

- 4001
1. Reverse JFC / Jauch action to limit state funding for referenda approved debt to \$420 million as outlined in Motion 888 (item a). Effect would be to maintain current law. Cost = \$13.3 million. Also reverse items g and l in Motion 888 relating to inclining enrollment districts and shifting costs for Milwaukee School Choice and Charter Programs to general school aids.
- 4002
2. Require DOT, not later than June 30, 2001, to conduct a corridor study for USH 8 in Barron, Polk, Price and Rusk Counties and to report the results to the County Boards in each of those counties. Cost = 0
- 4003
3. Modify Decker Motion 531 relating to the Division of Vocational Rehabilitation per the attached language recommended by Secretary Stewart. Cost = 0
- 4004
4. Fund recycling with a \$8 - \$10 tipping fee. (we will decide the amount next week) The program would be structured according to the Decker Recycling Motion 1138. Cost = \$48 to \$60 million SEG
- 4005
5. Provide \$100,000 GPR in 1999-00 to the Arts Board for a one-time grant to a non-profit performing arts foundation. Chvala agreed to this with Greg Huber. This would be in addition to the \$50,000 JFC approved for this project in Motion 1164. Cost = \$100,000
- 4006
6. Wildlife biologist for Marathon County. Cost = \$32,300 SEG 1999-00 and \$43,000 SEG 2000-01 (SEG - Fish & Wildlife Account)
- 4007
7. Group deer bow hunting as outlined in JFC Motion 367, but modified to include antlered deer. Cost = 0
- 4008
8. Stray voltage research study as outlined in JFC Motion 924. Cost = \$400,000 PR
- 4009
9. Can the Stanley Prison as outlined in Motion 474. As fallback, include language from Decker Motion 875 (item c) which basically puts the Doyle opinion into the statutes. Cost = 0
- 4010
10. Use value assessment modifications (developer penalties) as recommended by The Wisconsin Association of Assessing Officers. These modifications are also supported by the League of Municipalities and the Alliance of Cities.
- 4011
11. Rebuild Rib Mountain Chalet. Cost=\$500,000 from Stewardship Fund
- 4012
12. Hospital Rate Setting (1997 Senate Bill 17) modified to clarify that PSC could use a price cap methodology to regulate rates. This is a less labor intensive means of rate regulation and was recommended by PSC Commissioner Mettner as a way of holding down the PSC fiscal note. Cost=0 (assessments on high profit hospitals would pay for the program.)

NATURAL RESOURCES -- AIR, WASTE AND CONTAMINATED LAND

Recycling Programs [LFB Papers #722 thru #725]

Motion:

Move to make the approve the Governor's recommendations contained in Legislative Fiscal Bureau Papers #722 through #725, related to recycling funding and expenditures, with the following modifications:

1. *Revenues From a Sales Tax on Solid Waste Services.* [LFB Paper #722] Effective July 1, 2000, impose the 5% general sales tax on solid waste collection and disposal services excluding the following: (a) collection and disposal services provided by local governments using their own employes and/or facilities; (b) collection and disposal services purchased by local governments in Wisconsin from private contractors (as well as such purchases by other types of educational and charitable organizations whose purchases are exempt from the sales tax); (c) collection and disposal of high-volume industrial waste (including fly ash, bottom ash, paper mill sludge and foundry process waste); and (d) collection and disposal of industrial waste that is exempt from landfill tipping fees imposed by the state (waste that is used for daily cover at a landfill following approval from DNR). The revenues would be deposited in the recycling fund. Estimate annual revenue at approximately \$11.8 million in 2000-01 and thereafter.

2. *Revenues From a State Tipping Fee.* [LFB Paper #722] Adopt Alternative 3.d to impose a state tipping fee of \$4.06 per ton on all solid waste except high-volume industrial waste disposed of in landfills in Wisconsin, effective January 1, 2000 (\$4.00 per ton to be deposited in the recycling fund and \$0.06 per ton to be deposited in the environmental fund). Further, exclude waste disposed of by nonprofit corporations under federal Internal Revenue Service code 501 (c)(3) that provide services and programs for people with disabilities and who derive a portion of their income from the operation of recycling programs, if that waste is not comingled with waste that is subject to the tipping fee. Estimate annual revenue at approximately \$22,400,000 beginning in 2000-01 to be deposited in the recycling fund.

3. *DNR Municipal and County Recycling Grants.* [LFB Paper #723] Increase funding for local recycling grants to \$25,000,000 annually. Additional funding in the biennium would total \$15,000,000 SEG over AB 133, including an increase of \$5,000,000 in 1999-00 and of \$10,000,000 in 2000-01.

4. *DNR Municipal and County Recycling Grant Formula.* [LFB Paper #724] Direct DNR to distribute the grants on a per capita basis to all responsible units of local government that

operate effective recycling programs. Provide that the grant amount would be \$5.70 per capita for population served by curbside collection of recyclable materials and \$3.50 per capita for population served by drop-off collection. Direct that if the appropriated funds are insufficient to fully fund the grants under the per capita allocation, DNR would be required to prorate the grants. Direct DNR to distribute recycling grants by February 1 each calendar year.

5. *DNR Administration.* [LFB Paper #723] Provide DNR with one-time funding of \$325,000 SEG in each of 1999-00 and 2000-01 for recycling computer system upgrades. In addition, provide \$15,000 SEG in 1999-00 with 0.25 SEG position and \$480,000 SEG in 2000-01 with 8.0 SEG positions to restore eight Waste Management program staff in the regional offices for administration of recycling law provisions. This would provide a total DNR recycling staffing level of 18.0 SEG positions in each year of the biennium.

6. *DNR Waste Reduction and Recycling Demonstration Grants.* [LFB Paper #723] Direct DNR to lapse any unencumbered grant appropriation balance exceeding \$500,000 on June 30, 1999, to the recycling fund (estimated lapse of \$500,000). Delete the \$1,000,000 provided under bill in 1999-00. (The \$500,000 appropriated in 2000-01 would be retained.) This would provide \$1,000,000 for demonstration grants in the biennium.

7. *Commerce Recycling Market Development Program.* [LFB Paper #723] Restore \$2,000,000 SEG annually in the recycling market development financial assistance appropriation and reestimate the program revenue loan repayments appropriation for financial assistance to be \$2,300,000 PR annually (an increase of \$800,000 annually over the bill). The motion would provide a total of \$4,300,000 annually for financial assistance, instead of \$1,500,000 under the bill.

In addition, generally restructure the operation of the RMDB similarly to the existing Commerce Development Finance Board, Minority Business Development Board and Rural Economic Development Board, and include the following changes to the bill: (a) change the membership of the RMDB to delete the currently-designated members and instead include two representatives of responsible units of local governments, two representatives of businesses that market products made from recycled materials, recover recyclable materials or develop markets for products made from recycled materials and the Secretary of Commerce or the Secretary's designee, and specify that the non-Commerce members would be appointed by the Governor for three-year terms; (b) eliminate the authorization for an unclassified executive director; (c) repeal s. 287.40 through 287.48 of the statutes related to the RMDB and instead create recycling market development program provisions under Chapter 560; (d) authorize Commerce to provide grants, loans or manufacturing rebates, after the approval of the RMDB, to a governmental entity or a business entity to assist waste generators in the marketing of recovered materials or to develop markets for recovered materials; (e) require that before the RMDB awards a grant, loan or rebate, the Board shall consider the extent to which the project: (1) maximizes the marketability of recovered materials on a statewide basis; (2) minimizes the amounts of recovered materials disposed of in landfills or burned without energy recovery in incinerators; (3) includes the materials that are banned from landfills that will support community recycling efforts; (4)

maintains present markets or creates new or expanded markets for recovered materials; (f) authorize Commerce, after the approval of the RMDB, to request proposals for activities, if Commerce determines that financial assistance is necessary to assist responsible units in the marketing of recovered materials or to develop markets for recovered materials; (g) provide that the 2.0 positions retained under the bill would be Commerce recycling market development staff instead of RMDB staff, and would include a loan portfolio manager to manage past and future financial assistance funded by the RMDB and a commodity specialist to develop and direct strategy for recycling market development (these positions would be instead of the executive director and financial specialist under AB 133); (h) delete \$38,700 SEG annually to reflect reduced staff costs; (i) provide the 2.0 positions as permanent instead of the current project positions expiring June 30, 2001; (j) delete the authority of Commerce to use the SEG or PR financial assistance appropriations for contracts with persons to carry out the duties of the Board (currently the RMDB uses the financial assistance appropriation and as of July 1, 2001, Commerce may use the PR appropriation for contracts); and (k) direct Commerce to use the financial assistance appropriation to annually contract with a materials exchange program that received funding from the RMDB during 1997-99 to operate a statewide materials exchange program.

8. *University of Wisconsin - Extension.* [LFB Paper #723] Provide an additional \$200,000 SEG annually with 3.0 SEG positions for the UW-Extension Solid and Hazardous Waste Education Center for educational and technical assistance related to recycling and recycling market development.

9. *Department of Revenue Administration.* Provide DOR with \$40,000 SEG in 1999-00 and \$39,000 SEG in 2000-01 with 1.0 SEG position beginning in 2000-01 for administration of the sales tax provisions.

10. *State Procurement of Toner Cartridges.* Incorporate the provisions of 1999 LRB-0618/1 to require the Department of Administration, every other state agency to which DOA delegates purchasing authority other than the University of Wisconsin Hospitals and Clinics Authority and the World Dairy Center Authority, and state legislative and judicial branch entities to ensure that the specifications that the use for purchasing prohibit the procurement of toner cartridges whose original manufacturer places restrictions on the remanufacturing of the toner cartridges by any person other than the manufacturer. Define "toner cartridge" as any cartridge containing a dry, powdered ink for application to paper by use of a photocopier, laser printer or similar device. Provide restrictions on remanufacturing that include reducing the price of the toner cartridge in exchange for an agreement not to remanufacture the toner cartridge, a licensing agreement on the toner cartridge that forbids remanufacturing and any contract that forbids the remanufacturing or recycling of a toner cartridge. Prohibit cities, villages, towns, counties and other local units of government from purchasing toner cartridges that have such restrictions on remanufacturing.

Note:

**Legislative Fiscal Bureau**

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

Date: 6/23/99DELIVER TO: Becky TradewellAddressee Fax #: 4-8522 Addressee Phone #: 6-7290# of Pages, Including Cover: 6 Sender's Initials: _____From: Kendra Bonderud

Message:

This is a corrected version of what I sent you yesterday. The 2 changes are:

- 1) definition of nonprofit corporation excluded from tipping fee
(note Barb Worcester talked with Tina Yacker about the term "low-income persons")
- 2) #4 DNR Administration part b - number of positions.

**Legislative Fiscal Bureau**

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

June 23, 1999

TO: Senator Russ Decker
Room 323 South Capitol

FROM: Kendra Bonderud, Fiscal Analyst

SUBJECT: Recycling Program Proposal

At your request, this memorandum summarizes a proposal to make changes to the recycling funding and expenditures provided in the 1999-01 biennial budget, as amended by the Joint Committee on Finance (ASA 1 to AB 133).

The segregated recycling fund will have an estimated July 1, 1999, unencumbered balance of \$43.3 million. Under ASA 1 to AB 133, appropriations would be \$25,910,600 in 1999-00 with 26.25 positions and \$19,910,600 in 2000-01 with 18.50 positions. The primary revenue to the fund in 1999-01 would be interest income of approximately \$3.5 million.

The proposal would make changes to ASA 1 to AB 133 as described in the following sections. Additional revenues to the recycling fund would be expected to total roughly \$65 million in the 1999-01 biennium from a state tipping fee on certain solid waste. Ongoing annual revenues would be expected to total roughly \$53 million. The recycling fund balance on June 30, 2001, would be estimated at \$4.5 million, as shown in the attachment.

1. *Revenues From a State Tipping Fee.* Impose a state recycling tipping fee of: (a) \$10 per ton on all solid waste except high-volume industrial waste disposed of in landfills in Wisconsin; and (b) \$2 per ton on high-volume industrial waste. Impose an environmental fund state tipping fee to offset the loss in environmental fund revenues from anticipated decreases in the number of tons of solid waste landfilled as a result of the \$10 and \$2 state recycling tipping fee. The environmental fund tipping fee would increase by: (a) 19¢ per ton on all solid waste except high-volume industrial waste; and (b) 1¢ per ton on high-volume industrial waste. The recycling and environmental fund tipping fees would be effective the first day of the first month after the effective date of the bill. Further, exclude waste disposed of by nonprofit corporations under federal Internal Revenue Service code 501 (c)(3) that provide services and programs for people with disabilities or that primarily serves low-income persons and that derives a portion of

↑
Tina

its income from the operation of recycling and reuse programs, if that waste is not commingled with waste that is subject to the tipping fee. The recycling tipping fee would be expected to generate approximately \$13.0 million in revenue in 1999-00, and annual revenues of \$52.0 million beginning in 2000-01 for the recycling fund.

In addition, exempt state tipping fees paid by municipalities from the budget test under the expenditure restraint program.

While as tipping fees increase the amount of waste landfilled would be expected to decline, the precise effect of increased state tipping fees on the amount of solid waste landfilled is not known. For the purpose of this memorandum, a \$10 per ton fee on solid waste that is non-high-volume industrial waste is assumed to result in a reduction of approximately 23% and a \$2 per ton fee on high-volume industrial waste is assumed to result in a reduction of approximately 3%. Due to the lack of more specific data, the revenue impacts must be considered to be speculative.

2. *DNR Municipal and County Recycling Grants.* Increase funding for local recycling grants to \$48,000,000 annually. Additional funding in the biennium would total \$61,000,000 SEG, including an increase of \$28,000,000 in 1999-00 (from \$20,000,000 under ASA 1 to AB 133) and of \$33,000,000 in 2000-01 (from \$15,000,000 under ASA 1 to AB 133).

3. *DNR Municipal and County Recycling Grant Formula.* Direct DNR to distribute the grants on a per capita basis to all responsible units of local government that operate effective recycling programs. Provide that the grant amount would be \$11.45 per capita for population served by curbside collection at least once per month of more than one of the recyclable materials subject to the 1993 and 1995 landfill bans and \$5.85 per capita for population served by drop-off collection. Direct that if the appropriated funds are insufficient to fully fund the grants under the per capita allocation, DNR would be required to prorate the grants. Direct DNR to distribute recycling grants by February 1 of each calendar year.

4. *DNR Administration.* Provide the Department of Natural Resources with: (a) one-time funding of \$325,000 in each of 1999-00 and 2000-01 for recycling computer system upgrades; (b) \$15,000 in 1999-00 to restore 0.25 position and \$480,000 in 2000-01 to restore 8.0 DNR Waste Management program staff in the regional offices for administration of recycling law provisions; and (c) \$60,000 in each of 1999-00 and 2000-01 to restore 1.0 DNR grant administration position in the Bureau of Community Financial Assistance. This would provide a total DNR recycling staffing level of 19.0 in each year.

5. *DNR Waste Reduction and Recycling Demonstration Grants.* Direct DNR to lapse any unencumbered grant appropriation balance exceeding \$500,000 on June 30, 1999, to the recycling fund (estimated lapse of \$500,000). The \$1,000,000 provided under ASA 1 to AB 133 for the grant program in 1999-00 would be deleted, and the \$500,000 appropriated under ASA 1 to AB 133 in 2000-01 would be maintained. This would provide \$1,000,000 for demonstration grants in the biennium.

6. *Commerce Recycling Market Development Program.* Delete \$500,000 SEG annually in the recycling market development financial assistance appropriation to provide \$2,000,000 SEG annually instead of \$2,500,000 under ASA 1 to AB 133. Reestimate the program revenue loan repayments appropriation for financial assistance to be \$2,300,000 PR annually, an increase of \$800,000 annually over the bill (the proposal would provide a total of \$4,300,000 annually for financial assistance, instead of \$4,000,000 under ASA 1 to AB 133 and \$4,000,000 under current law).

Make the following changes related to Commerce staff: (a) delete \$166,100 SEG and 2.0 SEG positions annually; (b) provide that the remaining 2.0 SEG positions would be Commerce recycling market development staff instead of RMDB staff, and would include a loan portfolio manager to manage past and future financial assistance funded by the RMDB and a commodity specialist to develop and direct strategy for recycling market development (these positions would be instead of the executive director and financial specialist under AB 133); (c) eliminate the authorization for an unclassified executive director; (d) delete \$38,700 SEG annually to reflect reduced staff costs; and (e) provide the 2.0 positions as permanent instead of the current project positions expiring June 30, 2001.

In addition, generally restructure the operation of the RMDB similarly to the existing Commerce Development Finance Board, Minority Business Development Board and Rural Economic Development Board, including the following changes: (a) change the membership of the RMDB to delete the currently-designated members and instead include two representatives of responsible units of local governments, two representatives of businesses that market products made from recycled materials, recover recyclable materials or develop markets for products made from recycled materials and the Secretary of Commerce or the Secretary's designee, and specify that the non-Commerce members would be appointed by the Governor for three-year terms; (b) repeal s. 287.40 through 287.48 of the statutes related to the RMDB and instead create recycling market development program provisions under Chapter 560; (c) authorize Commerce to provide grants, loans or manufacturing rebates, after the approval of the RMDB, to a governmental entity or a business entity to assist waste generators in the marketing of recovered materials or to develop markets for recovered materials; (d) require that before the RMDB awards a grant, loan or rebate, the Board shall consider the extent to which the project: (1) maximizes the marketability of recovered materials on a statewide basis; (2) minimizes the amounts of recovered materials disposed of in landfills or burned without energy recovery in incinerators; (3) includes the materials that are banned from landfills that will support community recycling efforts; (4) maintains present markets or creates new or expanded markets for recovered materials; (e) authorize Commerce, after the approval of the RMDB, to request proposals for activities, if Commerce determines that financial assistance is necessary to assist responsible units in the marketing of recovered materials or to develop markets for recovered materials; (f) delete the authority of Commerce to use the SEG or PR financial assistance appropriations for contracts with persons to carry out the duties of the Board (currently the RMDB uses the financial assistance appropriation and as of July 1, 2001, Commerce may use the PR appropriation for contracts); (g) direct Commerce to use the financial assistance

appropriation to annually contract with a materials exchange program that received funding from the RMDB during 1997-99 to operate a statewide materials exchange program; and (h) specify that loan repayments from the former Department of Development recycling market development loan programs (which ended June 30, 1995) be deposited in the RMDB loan repayments appropriation instead of currently being deposited in the recycling fund (this would result in an increase in program revenues of an estimated \$379,200 and a corresponding decrease of segregated recycling fund revenues during the 1999-01 biennium).

7. *University of Wisconsin - Extension.* Provide an additional \$200,000 SEG annually with 3.0 SEG positions for the UW-Extension Solid and Hazardous Waste Education Center for educational and technical assistance related to recycling and recycling market development.

8. *Corrections.* Provide \$500,000 SEG annually with 4.0 SEG positions to the Department of Corrections to restore the Governor's recommendation for the computer recycling program.

9. *State Procurement of Toner Cartridges.* Incorporate the provisions of 1999 LRB-0618/1 to require the Department of Administration, every other state agency to which DOA delegates purchasing authority other than the University of Wisconsin Hospitals and Clinics Authority and the World Dairy Center Authority, and state legislative and judicial branch entities to ensure that the specifications that the use for purchasing prohibit the procurement of toner cartridges whose original manufacturer places restrictions on the remanufacturing of the toner cartridges by any person other than the manufacturer. Define "toner cartridge" as any cartridge containing a dry, powdered ink for application to paper by use of a photocopier, laser printer or similar device. Provide restrictions on remanufacturing that include reducing the price of the toner cartridge in exchange for an agreement not to remanufacture the toner cartridge, a licensing agreement on the toner cartridge that forbids remanufacturing and any contract that forbids the remanufacturing or recycling of a toner cartridge. Prohibit cities, villages, towns, counties and other local units of government from purchasing toner cartridges that have such restrictions on remanufacturing.

I hope this information is helpful. Please contact me if you have questions.

KB/dls/sas
Attachment

ATTACHMENT
Recycling Fund Condition -- Proposed
(\$ Millions)

	<u>1998-99</u> <u>Estimated</u>	<u>1999-00</u> <u>Estimated</u>	<u>2000-01</u> <u>Estimated</u>
Opening Balance -- July 1	\$39.4	\$43.3	\$5.4
Recycling Surcharge	32.8	0.0	0.0
Recycling Tipping Fee	0.0	13.0	52.0
Interest Income and Other	<u>3.4</u>	<u>3.0</u>	<u>1.0</u>
Total Revenue	36.2	16.0	53.0
Total Revenue Available	\$75.6	\$59.3	\$58.4
ASA 1 to AB 133 Expenditures and Reserves	32.3	26.0	20.1
Proposed Additional Expenditures	<u>0.0</u>	<u>27.9</u>	<u>33.8</u>
Total Expenditures and Reserves	\$32.3	\$53.9	\$53.9
Closing Balance -- June 30	\$43.3	\$5.4	\$4.5



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1074/1
MGD, JK:/.....
WLj

SDC:.....Walter – Caucus # 4004, Recycling tipping fee

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

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

2 1. Page 468, line 22: after that line insert:

3 “SECTION 716m. 25.49 (3) of the statutes is created to read:

4 25.49 (3) The fees imposed under s. 289.645.”

5 2. Page 958, line 14: after that line insert:

6 “SECTION 1818Lm. 79.05 (2) (c) of the statutes is amended to read:

7 79.05 (2) (c) Its municipal budget, exclusive of principal and interest on

8 long-term debt and exclusive of the recycling fee under s. 289.645, for the year of the

9 statement under s. 79.015 increased over its municipal budget as adjusted under

10 sub. (6), exclusive of principal and interest on long-term debt and exclusive of the

1 recycling fee under s. 289.645, for the year before that year by less than the sum of
2 the inflation factor and the valuation factor, rounded to the nearest 0.10%.”.

3 ✓ **3.** Page 1280, line 7: after that line insert:

4 “SECTION 2569k. 289.645 of the statutes is created to read:

5 **289.645 Recycling fee.** (1) IMPOSITION OF RECYCLING FEE ON GENERATORS.

6 Except as provided under sub. (4), a generator of solid waste or hazardous waste shall
7 pay a recycling fee for each ton or equivalent volume of solid waste or hazardous
8 waste that is disposed of at a licensed solid waste or hazardous waste disposal
9 facility. If a person arranges for collection or disposal services on behalf of one or
10 more generators, that person shall pay the recycling fee to the licensed solid waste
11 or hazardous waste disposal facility or to any intermediate hauler used to transfer
12 wastes from collection points to a licensed facility. An intermediate hauler who
13 receives the recycling fee under this subsection shall pay the fee to the licensed solid
14 waste or hazardous waste disposal facility. Tonnage or equivalent volume shall be
15 calculated in the same manner as the calculation made for tonnage fees under s.
16 289.62 (1). ✓

17 (2) COLLECTION. The owner or operator of a licensed solid waste or hazardous
18 waste disposal facility shall collect the recycling fee from the generator, a person who
19 arranges for disposal on behalf of one or more generators or an intermediate hauler
20 and shall pay to the department the amount of the fee required to be collected
21 according to the amount of solid waste or hazardous waste received and disposed of
22 at the facility during the preceding reporting period.

23 (3) AMOUNT OF RECYCLING FEE. The fee imposed under this section is as follows:

24 (a) For all solid waste other than high-volume industrial waste, \$10 per ton.

1 (b) For all high-volume industrial waste, \$2 per ton.

2 (4) EXEMPTIONS FROM RECYCLING FEE. (a) Solid waste materials approved by the
3 department for lining, daily cover or capping or for constructing berms, dikes or
4 roads within a solid waste disposal facility are not subject to the recycling fee
5 imposed under sub. (1), except that materials approved for use under s. 289.30 (5)
6 or 289.31 (9) are subject to the fee.

7 (b) Except as provided in par. (c), the recycling fee does not apply to waste
8 generated by an organization described in section 501 (c) (3) of the internal revenue
9 code that is exempt from federal income tax under section 501 (a) of the internal
10 revenue code, that derives a portion of its income from ~~the operation of~~ recycling and
11 reuse programs and that does one of the following:

12 1. Provides services and programs for people with disabilities.

13 2. Primarily serves low-income persons.

14 (c) Waste generated by an organization described in par. (b) which is
15 commingled with waste generated by a person other than an organization described
16 in par. (b) is subject to the fee.

17 (5) REPORTING PERIOD. The reporting period under this section is the same as
18 the reporting period under s. 289.62 (1). The owner or operator of any licensed solid
19 waste or hazardous waste disposal facility shall pay the recycling fee required to be
20 collected under sub. (2) at the same time as any tonnage fees under s. 289.62 (1) are
21 paid.

22 (6) USE OF RECYCLING FEES. The fees collected under sub. (2) shall be deposited
23 in the recycling fund.

24 (7) FAILURE TO PAY RECYCLING FEE. (a) If a person required under sub. (1) to pay
25 the recycling fee to a licensed solid waste or hazardous waste disposal facility fails

1 to pay the fee, the owner or operator of the licensed solid waste or hazardous waste
2 disposal facility shall submit to the department with the payment required under
3 sub. (2) an affidavit stating facts sufficient to show the person's failure to comply with
4 sub. (1).

5 (b) If the person named in the affidavit under par. (a) is a generator or a person
6 who arranges for collection or disposal services on behalf of one or more generators
7 and the person holds a license for the collection and transportation of solid waste or
8 hazardous waste, the department shall immediately notify the person that the
9 license will be suspended 30 days after the date the notice is mailed unless the person
10 submits to the department an affidavit stating facts sufficient to show that it has
11 paid the fee as required under sub. (1).

12 (c) If the person named in the affidavit under par. (a) is an intermediate hauler
13 that holds a license for the collection and transportation of solid waste or hazardous
14 waste, the department shall immediately notify the person that the license will be
15 suspended 30 days after the date the notice is mailed unless the person submits to
16 the department an affidavit stating facts sufficient to show that either of the
17 following has occurred:

18 1. The person named in the affidavit under par. (a) received the required fee
19 from a generator, from a person who arranges for collection or disposal services on
20 behalf of one or more generators or from an earlier intermediate hauler, and paid the
21 fee to the licensed solid waste or hazardous waste disposal facility or to a subsequent
22 intermediate hauler.

23 2. A generator, a person who arranges for collection or disposal services on
24 behalf of one or more generators or an earlier intermediate hauler failed to pay the
25 required fee to the person named in the affidavit under par. (a).

1 (d) If the department does not receive an affidavit under par. (b) or (c) within
 2 30 days after the date the notice is mailed, the department shall suspend the license
 3 issued to the person for the collection and transportation of solid waste or hazardous
 4 waste. Notwithstanding s. 227.42, the department is not required to provide the
 5 licensee with a hearing before the suspension.

6 (e) When a person whose license is suspended under par. (d) provides the
 7 department with proof that the person has paid the owner or operator of the licensed
 8 solid waste or hazardous waste facility the amount of the unpaid fee, the department
 9 shall immediately reinstate the suspended license.

History: 1995 a. 227 s. 593.

10 SECTION 2569. 289.67 (1) (cm) of the statutes is amended to read:

11 289.67 (1) (cm) *Amount of environmental repair fee.* Except as provided under
 12 par. (d), the environmental repair fee imposed under par. (a) is ~~15 cents per ton for~~
 13 ~~solid or hazardous waste received by a licensed solid or hazardous waste disposal~~
 14 ~~facility after December 31, 1985, but before July 1, 1989, and 20 21 cents per ton for~~
 15 ~~solid or hazardous waste received by a licensed solid or hazardous waste disposal~~
 16 ~~facility on or after July 1, 1989.~~

History: 1995 a. 227 s. 601 to 604, 991; 1997 a/27.

17 SECTION 2569. 289.67 (1) (cp) of the statutes is amended to read:

18 289.67 (1) (cp) *Amount of environmental repair fee.* Notwithstanding par. (cm)
 19 and except as provided under par. (d), the environmental repair fee imposed under
 20 par. (a) is ~~30 69~~ cents per ton for solid or hazardous waste, other than high-volume
 21 industrial waste, ~~disposed of on or after January 1, 1988, but before July 1, 1989,~~
 22 ~~and 50 cents per ton disposed of on or after July 1, 1989."~~

23 4. Page 1599, line 20: after that line insert:

1
2
3
4
5
6
7

INIT APP

“(22^m~~d~~) RECYCLING FEE. The treatment of ^{section} 29.05 (2) (c) of the statutes first applies to distribution payments that are due on the 4th Monday in July 2000.”

5. Page 1613, line 3: after that line insert:

“(11m) RECYCLING AND ENVIRONMENTAL FEES. The treatment of sections 25.49 (3), 289.645 and 289.67 (1) (cm) and (cp) of the statutes takes effect on the first day of the first month beginning after publication.”

(END)

EFF DATES



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1074/1
MGD&JK:wlj:ksh

m 6-2899

SDC:.....Walter - Caucus # 4004, Recycling tipping fee

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

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

2 1. Page 468, line 22: after that line insert:

3 "SECTION 716m. 25.49 (3) of the statutes is created to read:

4 25.49 (3) The fees imposed under s. 289.645."

5 2. Page 958, line 14: after that line insert:

6 "SECTION 1818Lq. 79.05 (2) (c) of the statutes is amended to read:

7 79.05 (2) (c) Its municipal budget, exclusive of principal and interest on

8 long-term debt and exclusive of the recycling fee under s. 289.645, for the year of the

9 statement under s. 79.015 increased over its municipal budget as adjusted under

10 sub. (6), exclusive of principal and interest on long-term debt and exclusive of the

of payments

of payments

1 recycling fee under s. 289.645, for the year before that year by less than the sum of
2 the inflation factor and the valuation factor, rounded to the nearest 0.10%.”.

3 **3.** Page 1280, line 7: after that line insert:

4 “SECTION 2569k. 289.645 of the statutes is created to read:

5 **289.645 Recycling fee. (1) IMPOSITION OF RECYCLING FEE ON GENERATORS.**

6 Except as provided under sub. (4), a generator of solid waste or hazardous waste shall
7 pay a recycling fee for each ton or equivalent volume of solid waste or hazardous
8 waste that is disposed of at a licensed solid waste or hazardous waste disposal
9 facility. If a person arranges for collection or disposal services on behalf of one or
10 more generators, that person shall pay the recycling fee to the licensed solid waste
11 or hazardous waste disposal facility or to any intermediate hauler used to transfer
12 wastes from collection points to a licensed facility. An intermediate hauler who
13 receives the recycling fee under this subsection shall pay the fee to the licensed solid
14 waste or hazardous waste disposal facility. Tonnage or equivalent volume shall be
15 calculated in the same manner as the calculation made for tonnage fees under s.
16 289.62 (1).

17 **(2) COLLECTION.** The owner or operator of a licensed solid waste or hazardous
18 waste disposal facility shall collect the recycling fee from the generator, a person who
19 arranges for disposal on behalf of one or more generators or an intermediate hauler
20 and shall pay to the department the amount of the fee required to be collected
21 according to the amount of solid waste or hazardous waste received and disposed of
22 at the facility during the preceding reporting period.

23 **(3) AMOUNT OF RECYCLING FEE.** The fee imposed under this section is as follows:

24 (a) For all solid waste other than high-volume industrial waste, \$10 per ton.

1 (b) For all high-volume industrial waste, \$2 per ton.

2 (4) EXEMPTIONS FROM RECYCLING FEE. (a) Solid waste materials approved by the
3 department for lining, daily cover or capping or for constructing berms, dikes or
4 roads within a solid waste disposal facility are not subject to the recycling fee
5 imposed under sub. (1), except that materials approved for use under s. 289.30 (5)
6 or 289.31 (9) are subject to the fee.

7 (b) Except as provided in par. (c), the recycling fee does not apply to waste
8 generated by an organization described in section 501 (c) (3) of the Internal Revenue
9 Code that is exempt from federal income tax under section 501 (a) of the Internal
10 Revenue Code, that derives a portion of its income from the recycling and reuse
11 programs and that does one of the following:

12 1. Provides services and programs for people with disabilities.

13 2. Primarily serves low-income persons.

14 (c) Waste generated by an organization described in par. (b) which is
15 commingled with waste generated by a person other than an organization described
16 in par. (b) is subject to the fee.

17 (5) REPORTING PERIOD. The reporting period under this section is the same as
18 the reporting period under s. 289.62 (1). The owner or operator of any licensed solid
19 waste or hazardous waste disposal facility shall pay the recycling fee required to be
20 collected under sub. (2) at the same time as any tonnage fees under s. 289.62 (1) are
21 paid.

22 (6) USE OF RECYCLING FEES. The fees collected under sub. (2) shall be deposited
23 in the recycling fund.

24 (7) FAILURE TO PAY RECYCLING FEE. (a) If a person required under sub. (1) to pay
25 the recycling fee to a licensed solid waste or hazardous waste disposal facility fails

1 to pay the fee, the owner or operator of the licensed solid waste or hazardous waste
2 disposal facility shall submit to the department with the payment required under
3 sub. (2) an affidavit stating facts sufficient to show the person's failure to comply with
4 sub. (1).

5 (b) If the person named in the affidavit under par. (a) is a generator or a person
6 who arranges for collection or disposal services on behalf of one or more generators
7 and the person holds a license for the collection and transportation of solid waste or
8 hazardous waste, the department shall immediately notify the person that the
9 license will be suspended 30 days after the date the notice is mailed unless the person
10 submits to the department an affidavit stating facts sufficient to show that it has
11 paid the fee as required under sub. (1).

12 (c) If the person named in the affidavit under par. (a) is an intermediate hauler
13 that holds a license for the collection and transportation of solid waste or hazardous
14 waste, the department shall immediately notify the person that the license will be
15 suspended 30 days after the date the notice is mailed unless the person submits to
16 the department an affidavit stating facts sufficient to show that either of the
17 following has occurred:

18 1. The person named in the affidavit under par. (a) received the required fee
19 from a generator, from a person who arranges for collection or disposal services on
20 behalf of one or more generators or from an earlier intermediate hauler, and paid the
21 fee to the licensed solid waste or hazardous waste disposal facility or to a subsequent
22 intermediate hauler.

23 2. A generator, a person who arranges for collection or disposal services on
24 behalf of one or more generators or an earlier intermediate hauler failed to pay the
25 required fee to the person named in the affidavit under par. (a).

1 (d) If the department does not receive an affidavit under par. (b) or (c) within
2 30 days after the date the notice is mailed, the department shall suspend the license
3 issued to the person for the collection and transportation of solid waste or hazardous
4 waste. Notwithstanding s. 227.42, the department is not required to provide the
5 licensee with a hearing before the suspension.

6 (e) When a person whose license is suspended under par. (d) provides the
7 department with proof that the person has paid the owner or operator of the licensed
8 solid waste or hazardous waste facility the amount of the unpaid fee, the department
9 shall immediately reinstate the suspended license.

10 **SECTION 2569L.** 289.67 (1) (cm) of the statutes is amended to read:

11 289.67 (1) (cm) *Amount of environmental repair fee.* Except as provided under
12 par. (d), the environmental repair fee imposed under par. (a) is ~~15 cents per ton for~~
13 ~~solid or hazardous waste received by a licensed solid or hazardous waste disposal~~
14 ~~facility after December 31, 1985, but before July 1, 1989, and 20 21 cents per ton for~~
15 ~~solid or hazardous waste received by a licensed solid or hazardous waste disposal~~
16 ~~facility on or after July 1, 1989.~~

17 **SECTION 2569m.** 289.67 (1) (cp) of the statutes is amended to read:

18 289.67 (1) (cp) *Amount of environmental repair fee.* Notwithstanding par. (cm)
19 and except as provided under par. (d), the environmental repair fee imposed under
20 par. (a) is ~~30~~ 69 cents per ton for solid or hazardous waste, other than high-volume
21 industrial waste, ~~disposed of on or after January 1, 1988, but before July 1, 1989,~~
22 ~~and 50 cents per ton disposed of on or after July 1, 1989.”.~~

23 **4.** Page 1599, line 20: after that line insert:

1 “(22md) RECYCLING FEE. The treatment of section 79.05 (2) (c) of the statutes
2 first applies to distribution payments that are due on the 4th Monday in July 2000.”.

3 **5.** Page 1613, line 3: after that line insert:

4 “(11m) RECYCLING AND ENVIRONMENTAL FEES. The treatment of sections 25.49 (3),
5 289.645 and 289.67 (1) (cm) and (cp) of the statutes takes effect on the first day of the
6 first month beginning after publication.”.

7 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1074/2
JK:wlj:cmh

SDC:.....Walter – Caucus # 4004, Recycling tipping fee

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

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

2 **1.** Page 468, line 22: after that line insert:

3 “SECTION 716m. 25.49 (3) of the statutes is created to read:

4 25.49 (3) The fees imposed under s. 289.645.”

5 **2.** Page 958, line 14: after that line insert:

6 “SECTION 1818Lq. 79.05 (2) (c) of the statutes is amended to read:

7 79.05 (2) (c) Its municipal budget, exclusive of principal and interest on
8 long-term debt and exclusive of payments of the recycling fee under s. 289.645, for
9 the year of the statement under s. 79.015 increased over its municipal budget as
10 adjusted under sub. (6), exclusive of principal and interest on long-term debt and

1 exclusive of payments of the recycling fee under s. 289.645, for the year before that
2 year by less than the sum of the inflation factor and the valuation factor, rounded to
3 the nearest 0.10%.”.

4 **3.** Page 1280, line 7: after that line insert:

5 “SECTION 2569k. 289.645 of the statutes is created to read:

6 **289.645 Recycling fee. (1) IMPOSITION OF RECYCLING FEE ON GENERATORS.**

7 Except as provided under sub. (4), a generator of solid waste or hazardous waste shall
8 pay a recycling fee for each ton or equivalent volume of solid waste or hazardous
9 waste that is disposed of at a licensed solid waste or hazardous waste disposal
10 facility. If a person arranges for collection or disposal services on behalf of one or
11 more generators, that person shall pay the recycling fee to the licensed solid waste
12 or hazardous waste disposal facility or to any intermediate hauler used to transfer
13 wastes from collection points to a licensed facility. An intermediate hauler who
14 receives the recycling fee under this subsection shall pay the fee to the licensed solid
15 waste or hazardous waste disposal facility. Tonnage or equivalent volume shall be
16 calculated in the same manner as the calculation made for tonnage fees under s.
17 289.62 (1).

18 **(2) COLLECTION.** The owner or operator of a licensed solid waste or hazardous
19 waste disposal facility shall collect the recycling fee from the generator, a person who
20 arranges for disposal on behalf of one or more generators or an intermediate hauler
21 and shall pay to the department the amount of the fee required to be collected
22 according to the amount of solid waste or hazardous waste received and disposed of
23 at the facility during the preceding reporting period.

24 **(3) AMOUNT OF RECYCLING FEE.** The fee imposed under this section is as follows:

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2 (b) For all high-volume industrial waste, \$2 per ton.

3 (4) EXEMPTIONS FROM RECYCLING FEE. (a) Solid waste materials approved by the
4 department for lining, daily cover or capping or for constructing berms, dikes or
5 roads within a solid waste disposal facility are not subject to the recycling fee
6 imposed under sub. (1), except that materials approved for use under s. 289.30 (5)
7 or 289.31 (9) are subject to the fee.

8 (b) Except as provided in par. (c), the recycling fee does not apply to waste
9 generated by an organization described in section 501 (c) (3) of the Internal Revenue
10 Code that is exempt from federal income tax under section 501 (a) of the Internal
11 Revenue Code, that derives a portion of its income from the recycling and reuse
12 programs and that does one of the following:

13 1. Provides services and programs for people with disabilities.

14 2. Primarily serves low-income persons.

15 (c) Waste generated by an organization described in par. (b) which is
16 commingled with waste generated by a person other than an organization described
17 in par. (b) is subject to the fee.

18 (5) REPORTING PERIOD. The reporting period under this section is the same as
19 the reporting period under s. 289.62 (1). The owner or operator of any licensed solid
20 waste or hazardous waste disposal facility shall pay the recycling fee required to be
21 collected under sub. (2) at the same time as any tonnage fees under s. 289.62 (1) are
22 paid.

23 (6) USE OF RECYCLING FEES. The fees collected under sub. (2) shall be deposited
24 in the recycling fund.

1 **(7) FAILURE TO PAY RECYCLING FEE.** (a) If a person required under sub. (1) to pay
2 the recycling fee to a licensed solid waste or hazardous waste disposal facility fails
3 to pay the fee, the owner or operator of the licensed solid waste or hazardous waste
4 disposal facility shall submit to the department with the payment required under
5 sub. (2) an affidavit stating facts sufficient to show the person's failure to comply with
6 sub. (1).

7 (b) If the person named in the affidavit under par. (a) is a generator or a person
8 who arranges for collection or disposal services on behalf of one or more generators
9 and the person holds a license for the collection and transportation of solid waste or
10 hazardous waste, the department shall immediately notify the person that the
11 license will be suspended 30 days after the date the notice is mailed unless the person
12 submits to the department an affidavit stating facts sufficient to show that it has
13 paid the fee as required under sub. (1).

14 (c) If the person named in the affidavit under par. (a) is an intermediate hauler
15 that holds a license for the collection and transportation of solid waste or hazardous
16 waste, the department shall immediately notify the person that the license will be
17 suspended 30 days after the date the notice is mailed unless the person submits to
18 the department an affidavit stating facts sufficient to show that either of the
19 following has occurred:

20 1. The person named in the affidavit under par. (a) received the required fee
21 from a generator, from a person who arranges for collection or disposal services on
22 behalf of one or more generators or from an earlier intermediate hauler, and paid the
23 fee to the licensed solid waste or hazardous waste disposal facility or to a subsequent
24 intermediate hauler.

1 2. A generator, a person who arranges for collection or disposal services on
2 behalf of one or more generators or an earlier intermediate hauler failed to pay the
3 required fee to the person named in the affidavit under par. (a).

4 (d) If the department does not receive an affidavit under par. (b) or (c) within
5 30 days after the date the notice is mailed, the department shall suspend the license
6 issued to the person for the collection and transportation of solid waste or hazardous
7 waste. Notwithstanding s. 227.42, the department is not required to provide the
8 licensee with a hearing before the suspension.

9 (e) When a person whose license is suspended under par. (d) provides the
10 department with proof that the person has paid the owner or operator of the licensed
11 solid waste or hazardous waste facility the amount of the unpaid fee, the department
12 shall immediately reinstate the suspended license.

13 **SECTION 2569L.** 289.67 (1) (cm) of the statutes is amended to read:

14 289.67 (1) (cm) *Amount of environmental repair fee.* Except as provided under
15 par. (d), the environmental repair fee imposed under par. (a) is ~~15 cents per ton for~~
16 ~~solid or hazardous waste received by a licensed solid or hazardous waste disposal~~
17 ~~facility after December 31, 1985, but before July 1, 1989, and 20 21 cents per ton for~~
18 ~~solid or hazardous waste received by a licensed solid or hazardous waste disposal~~
19 ~~facility on or after July 1, 1989.~~

20 **SECTION 2569m.** 289.67 (1) (cp) of the statutes is amended to read:

21 289.67 (1) (cp) *Amount of environmental repair fee.* Notwithstanding par. (cm)
22 and except as provided under par. (d), the environmental repair fee imposed under
23 par. (a) is ~~30 69~~ cents per ton for solid or hazardous waste, other than high-volume
24 industrial waste, ~~disposed of on or after January 1, 1988, but before July 1, 1989,~~
25 ~~and 50 cents per ton disposed of on or after July 1, 1989."~~

