

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/28/99**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Bonderud**

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

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Environment - recycling**

Extra Copies: **RCT**

Pre Topic:

SDC:.....Bonderud -

Topic:

State procurement of toner cartridges

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>
/?	nilsepe 06/28/99	wjackson 06/28/99		_____			
/1			mclark 06/28/99	_____	lrb_docadmin 06/28/99		

FE Sent For:

<END>

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1/?	nilsepe	1/1 Wlj 6/28	MRC 6/28	Wlj JM			

FE Sent For:

<END>

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.

Done 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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0618/P1dn
PEN:cmh&jlg:ijs

November 24, 1998

Senator Decker:

Please check the definition of "toner cartridge" closely. I could not find a definition of "toner cartridge", so I created one. This definition excludes wet ink cartridges, such as ink jet cartridges, and typewriter ribbons. OK? Note that federal procurement law uses "toner cartridge" without definition. See 40 CFR 247.16 (c).

This draft requires DOA to report annually to the recycling market development board on this state's compliance with the prohibition created in this draft. See s. 16.72 (7) (a), stats. Is this OK?

The prohibition in this draft applies also to local governmental units. See s. 66.299 (3) (a) 1., stats. OK?

DOA may waive the prohibition as provided in s. 16.75 (6) (bm), stats. OK?

DOA may be paid from an existing annual sum certain appropriation for its efforts establishing the prohibition. See s. 20.505 (1) (qm), stats. OK?

Do you want DOA to maintain and make available a list identifying manufacturers that place restrictions on the remanufacturing of toner cartridges? See s. 16.72 (6), stats.

Currently, the UW Hospitals and Clinics Authority and the World Dairy Center Authority are exempted from DOA purchasing specifications. This draft follows that pattern. Do you want these authorities subject to the prohibition created in this draft?

This draft allows DOA three months to develop the required standards. OK?

Paul E. Nilsen
Legislative Attorney
261-6926

1999

Date (time) needed

506

LRB b

1442, 1

CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]

PEN: Wlj

See form AMENDMENTS — COMPONENTS & ITEMS.

CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 1999 ASSEMBLY BILL 133

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

1999 BILL1
2
3

AN ACT to renumber 16.72 (2) (e); and to create 16.70 (13m), 16.72 (2) (e) 2. and 16.74 (5m) of the statutes; relating to: state procurement of a toner cartridge whose manufacturer restricts its remanufacture.

Analysis by the Legislative Reference Bureau

Currently, the department of administration (DOA) purchases or delegates to other state agencies in the executive branch the authority to purchase materials, supplies and equipment for use in the state agencies in the executive branch. DOA is required to prepare standard specifications, as far as possible, for all state purchases. The specifications currently require, among other things, the purchase of products made from recycled materials and recovered materials if their use is technically and economically feasible.

This bill requires DOA, 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 they use for purchasing prohibit the procurement of toner cartridges whose original manufacturer places restrictions on the remanufacturing (reconditioning or refilling) of the toner cartridges by any person other than the original manufacturer. The bill defines "toner cartridge" as any cartridge containing a dry, powdered ink for application to paper by use of a photocopier, laser printer or similar device. Restrictions on remanufacturing 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

BILL

forbids remanufacturing and any contract that forbids the remanufacturing or recycling of a toner cartridge. The bill also prohibits cities, villages, towns, counties and other local units of government in this state from purchasing toner cartridges that have such restrictions on remanufacturing.

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

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

✓ #. Page 47, line 18 - after that line insert:

1 SECTION 16.70 (13m) of the statutes is created to read:

2 16.70 (13m) "Remanufacturing" means the process by which a durable product
3 is restored, retaining the bulk of components that have been through at least one life
4 cycle and replacing consumable portions to enable the product to be restored to its
5 originally intended function.

✓ #. Page 48, line 14 - after that line insert:

6 SECTION 16.72 (2) (e) of the statutes is renumbered 16.72 (2) (e) 1.

7 SECTION 16.72 (2) (e) 2. of the statutes is created to read:

8 16.72 (2) (e) 2. a. In this subdivision, "toner cartridge" means a cartridge
9 containing dry, powdered ink for application to paper by use of a photocopier, laser
10 printer or similar device.

11 b. In writing specifications for purchases under this section, the department,
12 any other designated purchasing agent under s. 16.71 (1) and each authority, other
13 than the University of Wisconsin Hospitals and Clinics Authority, shall ensure that
14 the specifications prohibit the procurement of a toner cartridge whose original
15 manufacturer places restrictions on the remanufacturing of the toner cartridge by
16 any person other than the original manufacturer. Restrictions on remanufacturing
17 include reducing the price of the toner cartridge in exchange for an agreement not
18 to remanufacture the toner cartridge, a licensing agreement on the toner cartridge
19 that forbids remanufacturing and any contract that forbids the remanufacturing or

BILL

1 recycling of a toner cartridge. Trade names may be used in specifications written
2 under this subdivision. (//)

3 #. Page 48, line 15 - after that line insert:
SECTION 16.74 (5m) of the statutes is created to read:

4 16.74 (5m) In writing specifications for purchases under this section, the joint
5 committee on legislative organization, house, legislative service agency, director of
6 state courts or judicial branch agency shall ensure that specifications include a
7 prohibition against the purchase of a toner cartridge, as defined in s. 16.72 (2) (e) 2.
8 a., whose original manufacturer places restrictions on the remanufacturing of the
9 toner cartridge by any person other than the original manufacturer. Restrictions on
10 remanufacturing include reducing the price of the toner cartridge in exchange for an
11 agreement not to remanufacture the toner cartridge, a licensing agreement on the
12 toner cartridge that forbids remanufacturing and any contract that forbids the
13 remanufacturing or recycling of a toner cartridge. Trade names may be used in
14 specifications written under this subsection. (//)

15 #. Page 1605, line 1: before that line insert:
SECTION 5. Initial applicability.

16 " (7m) This act first applies to specifications for notices inviting bids or competitive
17 sealed proposals for purchases and to specifications for orders for purchases placed
18 on the first day of the 7th month beginning after publication. (//)

19 (END)

INIT APP

STATE PROWEMENT OF TONER CARTRIDGES



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1442/1
PEN:wlj:mrc

SDC:.....Bonderud – State procurement of toner cartridges

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 47, line 18: after that line insert:

3 **“SECTION 81g.** 16.70 (13m) of the statutes is created to read:

4 16.70 (13m) “Remanufacturing” means the process by which a durable product
5 is restored, retaining the bulk of components that have been through at least one life
6 cycle and replacing consumable portions to enable the product to be restored to its
7 originally intended function.”.

8 **2.** Page 48, line 14: after that line insert:

9 **“SECTION 82pm.** 16.72 (2) (e) of the statutes is renumbered 16.72 (2) (e) 1.

10 **SECTION 82pr.** 16.72 (2) (e) 2. of the statutes is created to read:

1 16.72 (2) (e) 2. a. In this subdivision, “toner cartridge” means a cartridge
2 containing dry, powdered ink for application to paper by use of a photocopier, laser
3 printer or similar device.

4 b. In writing specifications for purchases under this section, the department,
5 any other designated purchasing agent under s. 16.71 (1) and each authority, other
6 than the University of Wisconsin Hospitals and Clinics Authority, shall ensure that
7 the specifications prohibit the procurement of a toner cartridge whose original
8 manufacturer places restrictions on the remanufacturing of the toner cartridge by
9 any person other than the original manufacturer. Restrictions on remanufacturing
10 include reducing the price of the toner cartridge in exchange for an agreement not
11 to remanufacture the toner cartridge, a licensing agreement on the toner cartridge
12 that forbids remanufacturing and any contract that forbids the remanufacturing or
13 recycling of a toner cartridge. Trade names may be used in specifications written
14 under this subdivision.”.

15 **3.** Page 48, line 15: after that line insert:

16 “**SECTION 84m.** 16.74 (5m) of the statutes is created to read:

17 16.74 (5m) In writing specifications for purchases under this section, the joint
18 committee on legislative organization, house, legislative service agency, director of
19 state courts or judicial branch agency shall ensure that specifications include a
20 prohibition against the purchase of a toner cartridge, as defined in s. 16.72 (2) (e) 2.
21 a., whose original manufacturer places restrictions on the remanufacturing of the
22 toner cartridge by any person other than the original manufacturer. Restrictions on
23 remanufacturing include reducing the price of the toner cartridge in exchange for an
24 agreement not to remanufacture the toner cartridge, a licensing agreement on the

1 toner cartridge that forbids remanufacturing and any contract that forbids the
2 remanufacturing or recycling of a toner cartridge. Trade names may be used in
3 specifications written under this subsection.”.

4 **4.** Page 1605, line 1: before that line insert:

5 “(7m) STATE PROCUREMENT OF TONER CARTRIDGES. This act first applies to
6 specifications for notices inviting bids or competitive sealed proposals for purchases
7 and to specifications for orders for purchases placed on the first day of the 7th month
8 beginning after publication.”.

9

(END)