

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **10/01/1999**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bonderud**

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

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - recycling**

Extra Copies:

Pre Topic:

LFB:.....Bonderud -

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>
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/2	traderc 10/02/1999	ygeller 10/02/1999	jfrantze 10/03/1999	_____	lrb_docadmin 10/03/1999		

FE Sent For:

<END>

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1/?	traderc	1 10/1 JG	IS 10/2	IS/TAY 10/2			

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2000

receipts in excess of \$1 million would be subject to the surcharge based on the business' total net income or gross tax liability. The maximum payment would be increased from \$9,800 under prior law to \$20,000. The minimum payment would remain at \$25. The recycling surcharge rate would be effective beginning with tax year 1999 and would be 3.3% of gross tax liability for corporations or 0.2607% of net business income for nonfarm sole proprietorships, partnerships, limited liability companies taxable as partnerships and S corporations. The recycling surcharge would generate an estimated \$29.8 million on an annual basis, beginning in 1999-00.

2. *Revenue from a Recycling Tipping Fee.* Impose a state recycling tipping fee of: (a) \$2.00 per ton on all solid waste except high-volume industrial waste disposed of in landfills in Wisconsin; and (b) \$0.30 per ton on high-volume industrial waste. Impose an increase in the 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 \$2.00 state recycling tipping fee. The environmental fund tipping fee would increase by 2.3¢ per ton on all waste except high-volume industrial waste. Further, exclude from the recycling tipping fee 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 its income from the operation of recycling and reuse programs, if that waste is not comingled with waste that is subject to the recycling tipping fee. In addition, exempt state recycling tipping fees paid by municipalities from the budget test under the expenditure restraint program.

1-1-2000

The recycling and environmental fund tipping fees would be effective for waste disposed of in landfills on or after ~~the first day of the first month after the effective date of the bill.~~ The recycling tipping fees would be assessed quarterly, and would provide that fee payments would be due to the Department of Natural Resources (DNR) on: (a) May 1 for waste disposed of from January 1 through March 31; (b) August 1 for waste disposed of from April 1 through June 30; (c) November 1 for waste disposed of from July 1 through September 30; and (d) February 1 for waste disposed of from October 1 through December 31. The recycling tipping fee would be expected to generate revenues of approximately \$5.3 million in 1999-00 and \$12.6 million annually, beginning in 2000-01, for the recycling fund

3. *DNR Municipal and County Recycling Grant Amount.* Increase funding for municipal and county recycling grants to \$37,800,000 annually, beginning in 1999-00 for calendar year 2000 grants. This would provide an increase above Joint Finance funding levels of \$17,800,000 (from \$20,000,000 under Joint Finance) in 1999-00 and \$22,800,000 (from \$15,000,000) in 2000-01. Repeal the current sunset on recycling grants after 2000. Recycling grants totaled \$24 million for 1999.

4. *DNR Municipal and County Recycling Grant Formula.* Direct the Department of Natural Resources (DNR) to distribute the 1999-00 grants (calendar year 2000) to every responsible unit of government that received a grant in 1999 and that operates an effective recycling program. Direct that the grant would be equal to the same percentage of the total grant funding as the responsible unit received in 1999, excluding any grant reductions made in 1999 for late applications by responsible units.

1999 - 2000 LEGISLATURE

Saturday

6/19/07//
LRBb10722
Rct JK:wlj:cmh
JG+

WFO -
will be LFB heading

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

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

Assembly 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:

\$2 ✓

1

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

2

(b) For all high-volume industrial waste, ^{30 cents} \$10[✓] per ton.

3

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

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

11

12

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 commingled with waste generated by a person other than an organization described in par. (b) is subject to the fee.

16

17

*Insert
3-17*

18

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

19

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22

23

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

24

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~~^{32.3} 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.~~”.

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

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

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

5 “(11m) RECYCLING AND ENVIRONMENTAL FEES. The treatment of sections 25.49 (3),
6 289.645 and 289.67 (1) (cm) and (cp) of the statutes takes effect on ^{January 1, 2000} the first day of the
7 ~~first month beginning after publication~~”.

8

(END)

Inset 3-17

~~(1)~~ ~~(5)~~
(5)

Payment. The owner or operator of any licensed solid or hazardous waste disposal facility shall pay the recycling fee required to be collected under sub. (2) as follows:

¶ (a) For waste disposed of from January 1 ^{to} through March 31, no later than May 1.

¶ (b) For waste disposed of from April 1 ^{to} through June 30, no later than August 1.

¶ (c) For waste disposed of from July 1 ^{to} through September 30, no later than November 1.

7
•
¶ (d) For waste disposed of from October 1 ^{to} through December 31, no later than February 1.

(end ins 3-17)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1907/2
RCT&JK:jlg&wlj:ijs

1M1

LFB:.....Bonderud – Recycling tipping fee

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY 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:

\$2 ✓

1

(a) For all solid waste other than high-volume industrial waste, ~~\$1~~ per ton.

2

(b) For all high-volume industrial waste, 30 cents 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 operation of recycling and

12

reuse 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.

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(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

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18

(5) PAYMENT. The owner or operator of any licensed solid or hazardous waste

19

disposal facility shall pay the recycling fee required to be collected under sub. (2) as

20

follows:

21

(a) For waste disposed of from January 1 to March 31, no later than May 1.

22

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23

(c) For waste disposed of from July 1 to September 30, no later than November

24

1.

1 (d) For waste disposed of from October 1 to December 31, no later than
2 February 1.

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

5 (7) FAILURE TO PAY RECYCLING FEE. (a) If a person required under sub. (1) to pay
6 the recycling fee to a licensed solid waste or hazardous waste disposal facility fails
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8 disposal facility shall submit to the department with the payment required under
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11 licensee with a hearing before the suspension.

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10 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1907/2
RCT&JK:jlg&wlj:jf

LFB:.....Bonderud - Recycling tipping fee

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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18 **(2) COLLECTION.** The owner or operator of a licensed solid waste or hazardous
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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 operation of recycling and
12 reuse 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) PAYMENT. The owner or operator of any licensed solid or hazardous waste
19 disposal facility shall pay the recycling fee required to be collected under sub. (2) as
20 follows:

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23 (c) For waste disposed of from July 1 to September 30, no later than November

24 1.

1 (d) For waste disposed of from October 1 to December 31, no later than
2 February 1.

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

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

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

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

24 1. The person named in the affidavit under par. (a) received the required fee
25 from a generator, from a person who arranges for collection or disposal services on

1 behalf of one or more generators or from an earlier intermediate hauler, and paid the
2 fee to the licensed solid waste or hazardous waste disposal facility or to a subsequent
3 intermediate hauler.

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

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

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

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

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

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

24 289.67 (1) (cp) *Amount of environmental repair fee.* Notwithstanding par. (cm)
25 and except as provided under par. (d), the environmental repair fee imposed under

1 par. (a) is ~~30~~ 32.3 cents per ton for solid or hazardous waste, other than high-volume
2 industrial waste, ~~disposed of on or after January 1, 1988, but before July 1, 1989,~~
3 ~~and 50 cents per ton disposed of on or after July 1, 1989.~~”

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

5 “(22md) RECYCLING FEE. The treatment of section 79.05 (2) (c) of the statutes
6 first applies to distribution payments that are due on the 4th Monday in July, 2000.”

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

8 “(11m) RECYCLING AND ENVIRONMENTAL FEES. The treatment of sections 25.49 (3),
9 289.645 and 289.67 (1) (cm) and (cp) of the statutes takes effect on January 1, 2000.”

10

(END)