

**ASSEMBLY AMENDMENT 16,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55**

June 29, 2001 – Offered by Representatives BALOW and MILLER.

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

2 **1.** Page 115, line 6: after that line insert:

3 “(hr) High-volume industrial waste

4 loans; repayments PR C -0- -0-”.

5 **2.** Page 117, line 14: after that line insert:

6 “(rr) High-volume industrial waste

7 grants and loans SEG B 106,300 425,000”.

8 **3.** Page 145, line 10: increase the dollar amount for fiscal year 2001-02 by
9 \$336,900 and increase the dollar amount for fiscal year 2002-03 by \$336,900 to
10 increase funding for the purpose for which the appropriation is made and to increase
11 the authorized FTE positions by 4.0 SEG positions.

1 **4.** Page 145, line 12: increase the dollar amount for fiscal year 2001–02 by
2 \$204,900 and increase the dollar amount for fiscal year 2002–03 by \$204,900 to
3 increase funding for the purpose for which the appropriation is made and to increase
4 the authorized FTE positions by 0.5 SEG position.

5 **5.** Page 169, line 16: after that line insert:

6 “(bc) Recycling efficiency planning
7 grants GPR A 3,000,000 –0–”.

8 **6.** Page 170, line 9: increase the dollar amount for fiscal year 2001–02 by
9 \$4,400,000 and increase the dollar amount for fiscal year 2002–03 by \$31,500,000 to
10 increase funding for the purpose for which the appropriation is made.

11 **7.** Page 170, line 9: after that line insert:

12 “(bv) Recycling efficiency planning
13 grants SEG A –0– 7,600,000”.

14 **8.** Page 175, line 1: decrease the dollar amount for fiscal year 2001–02 by
15 \$43,600 and decrease the dollar amount for fiscal year 2002–03 by \$43,600 to
16 decrease funding for the purpose for which the appropriation is made and to decrease
17 the authorized FTE positions by 0.5 SEG auditor position.

18 **9.** Page 297, line 9: after that line insert:

19 “**SECTION 442m.** 20.143 (1) (hr) of the statutes is created to read:
20 20.143 (1) (hr) *High-volume industrial waste loans; repayments.* All moneys
21 received in repayment of loans under s. 560.031 (4m), for grants and loans under s.
22 560.031 (4m).”.

23 **10.** Page 301, line 15: after that line insert:

1 **“SECTION 459c.** 20.143 (1) (rr) of the statutes is created to read:

2 20.143 **(1)** (rr) *High-volume industrial waste grants and loans.* Biennially,
3 from the recycling fund, the amounts in the schedule for financial assistance under
4 s. 560.031 (4m).”.

5 **11.** Page 334, line 15: after that line insert:

6 **“SECTION 613g.** 20.370 (6) (bc) of the statutes is created to read:

7 20.370 **(6)** (bc) *Recycling efficiency planning grants.* The amounts in the
8 schedule for recycling efficiency planning grants under 2001 Wisconsin Act (this
9 act), section 9137 (1k).”.

10 **12.** Page 334, line 25: after that line insert:

11 **“SECTION 615e.** 20.370 (6) (bv) of the statutes is created to read:

12 20.370 **(6)** (bv) *Recycling efficiency incentive grants.* From the recycling fund,
13 the amounts in the schedule for recycling efficiency incentive grants under s.
14 287.235.”.

15 **13.** Page 1057, line 21: after that line insert:

16 **“SECTION 3222e.** 287.03 (1) (e) and (f) of the statutes are created to read:

17 287.03 **(1)** (e) Promulgate rules to implement s. 287.07 (7) (a).

18 (f) Promulgate rules, for the purposes of s. 287.235 (1) (b), that specify the
19 minimum elements of coordinated program delivery, including all of the following:

20 1. The joint provision of, a single program operated by the responsible unit for,
21 or a single contract for, the collection of materials from single-family residences that
22 are separated for recycling under an effective recycling program.

1 2. The joint provision of, a single program operated by the responsible unit for,
2 or a single contract for, the processing and marketing of recyclable materials
3 collected under an effective recycling program.

4 3. The joint or coordinated planning of solid waste management services within
5 the responsible unit.

6 **SECTION 3222f.** 287.07 (7) (a) of the statutes is amended to read:

7 287.07 (7) (a) The prohibitions in subs. (3) and (4) do not apply with respect to
8 solid waste, except medical waste, as defined in par. (c) 1. cg., that is generated in a
9 region that has an effective recycling program, as determined under s. 287.11, if the
10 solid waste contains an incidental amount of materials specified in subs. (3) and (4),
11 as provided by the department by rule. This paragraph does not apply to solid waste
12 that is separated for recycling as part of an effective recycling program under s.
13 287.11.

14 **SECTION 3222g.** 287.07 (9) of the statutes is created to read:

15 287.07 (9) ACCEPTANCE BY SOLID WASTE FACILITY. (a) Except as provided under
16 par. (b), no person operating a solid waste facility may accept solid waste from a
17 building containing 5 or more dwelling units or a commercial, retail, industrial, or
18 governmental facility that does not provide for the collection of materials that are
19 subject to subs. (3) and (4) and that are separated from other solid waste by users or
20 occupants of the building or facility.

21 **SECTION 3222p.** 287.23 (2) of the statutes is renumbered 287.23 (2) (intro.) and
22 amended to read:

23 287.23 (2) DEPARTMENT POWERS AND DUTIES. (intro.) The department shall
24 develop, implement, and administer a program to provide financial assistance to
25 responsible units. The department shall develop criteria for reporting on and

1 evaluating the program. Each year the department, in cooperation with the
2 University of Wisconsin–Extension, shall audit review the recycling programs of at
3 least 5% of the recipients of grants in the previous year to ensure that programs and
4 activities funded by grants under this section meet the requirements of this section.
5 do all of the following:

6 **SECTION 3222q.** 287.23 (2) (a) to (c) of the statutes are created to read:

7 287.23 (2) (a) Ensure compliance with s. 287.07 (1m), (2), (3), and (4).

8 (b) Ensure compliance with s. 287.11 and rules promulgated under that section.

9 (c) Identify activities, methods, or procedures that would enable the
10 responsible unit to make its recycling program more efficient or effective.”.

11 **14.** Page 1058, line 2: after that line insert:

12 “**SECTION 3225c.** 287.23 (5b) (title) and (intro.) of the statutes are amended to
13 read:

14 287.23 (5b) (title) GRANT AWARD FOR 2000 AND 2001. (intro.) The For 2000 and
15 2001, the department shall award a grant under this subsection to each eligible
16 responsible unit that submits a complete grant application under sub. (4) for
17 expenses allowable under sub. (3) (b). The department shall determine the amount
18 of the grants under this subsection as follows:

19 **SECTION 3225f.** 287.23 (5d) of the statutes is created to read:

20 287.23 (5d) GRANT AMOUNT FOR YEARS AFTER 2001. (a) Beginning with grants for
21 the year 2002, the department shall award a grant under this subsection to each
22 eligible responsible unit that submits a complete grant application under sub. (4) for
23 expenses allowable under sub. (3) (b).

1 (b) Except as provided in pars. (c), (d), (e), (f), and (g) and sub. (5p), the
2 department shall award an eligible responsible unit a grant under this subsection
3 equal to \$11.80 times the population of the responsible unit.

4 (c) A grant under this subsection may not exceed the allowable expenses under
5 sub. (3) (b) that the responsible unit incurred in the year 2 years before the year for
6 which the grant is made.

7 (d) For a county that is the responsible unit for at least 75% of the population
8 of the county, the department shall award a grant under this subsection equal to
9 \$100,000 or the amount determined under par. (a), but not more than the allowable
10 expenses under sub. (3) (b).

11 (e) For grants for the year 2002, the department shall award a grant to a
12 responsible unit that received an award in 2001 that is equal to at least 80% of the
13 amount received in 2001.

14 (f) Beginning with grants for the year 2005, the department shall reduce a
15 grant calculated under par. (b) by \$3 times the population of the responsible unit if
16 the responsible unit is not eligible for a grant under s. 287.235.

17 (g) If the available funds are insufficient to pay the grant amounts determined
18 under this subsection, the department shall achieve the necessary reduction in the
19 total amount of the grants by reducing the amount of each grant determined under
20 this subsection, except a grant determined under par. (d) or (e), by an equal
21 percentage.”.

22 **15.** Page 1058, line 6: after that line insert:

23 “**SECTION 3226c.** 287.23 (6) of the statutes is renumbered 287.23 (6) (a) and
24 amended to read:

1 287.23 (6) (a) ~~The Except as provided in par. (b), the department shall disburse~~
2 a grant to the applicant after approval, but no later than June 1 of the year for which
3 the grant is made.

4 **SECTION 3226d.** 287.23 (6) (b) of the statutes is created to read:

5 287.23 (6) (b) For grants for the year 2002, the department shall disburse a
6 total of \$28,900,000 no later than June 1, 2002, and a total of \$13,550,000 after June
7 30, 2002, but no later than December 1, 2002.

8 **SECTION 3226k.** 287.235 of the statutes is created to read:

9 **287.235 Recycling efficiency incentive grants. (1) ELIGIBILITY.** Beginning
10 in fiscal year 2002–03 the department shall make a recycling efficiency incentive
11 grant to a responsible unit that satisfies all of the following criteria:

12 (a) The responsible unit is one of the following:

- 13 1. A county.
- 14 2. A responsible unit, other than a county, with a population of 50,000 or more.
- 15 3. A responsible unit that is formed by the merger of 3 or more responsible units
16 or that is the responsible unit for 3 or more municipalities.

17 (b) The responsible unit engages in coordinated program delivery, as specified
18 under s. 287.03 (1) (f).

19 **(2) GRANT AMOUNT.** (a) Except as provided in par. (b) and sub. (3) (a), the
20 department shall provide a grant amount to an eligible responsible unit equal to \$2
21 times the population of the responsible unit.

22 (b) If the available funds are insufficient to pay the grant amount determined
23 under par. (a), the department shall achieve the necessary reduction in the total
24 amount of the grants by reducing the grant amount determined under par. (a) for
25 each eligible responsible unit by an equal percentage.

1 **(3) APPLICATION AND PAYMENT.** (a) Applications for grants under this subsection
2 are due on October 1 of the year preceding the year for which the grant is sought.
3 If a responsible unit submits its application after that date, the department shall
4 reduce the grant, or deny the application, as provided in s. 287.23 (5p).

5 (b) The department shall disburse a grant to the applicant after approval, but
6 no later than June 1 of the year for which the grant is made.

7 **SECTION 3227e.** 287.95 (3) (b) of the statutes is amended to read:

8 287.95 **(3)** (b) After December 31, 1996, any person who violates s. 287.07 (3)
9 ~~and, (4), or (9)~~ may be required to forfeit \$50 for a first violation, may be required to
10 forfeit \$200 for a 2nd violation, and may be required to forfeit not more than \$2,000
11 for a 3rd or subsequent violation.”.

12 **16.** Page 1059, line 9: after that line insert:

13 **“SECTION 3228d.** 289.645 (3) (a) of the statutes is amended to read:

14 289.645 **(3)** (a) For all solid waste other than high-volume industrial waste, 30
15 cents \$10 per ton.

16 **SECTION 3228e.** 289.645 (3) (b) of the statutes is created to read:

17 289.645 **(3)** (b) For all high-volume industrial waste, 25 cents per ton.

18 **SECTION 3228f.** 289.67 (1) (cp) of the statutes is amended to read:

19 289.67 **(1)** (cp) *Amount of environmental repair fee.* Notwithstanding par. (cm)
20 and except as provided under par. (d), the environmental repair fee imposed under
21 par. (a) is ~~30~~ 60 cents per ton for solid or hazardous waste, other than high-volume
22 industrial waste, ~~disposed of on or after January 1, 1988, but before July 1, 1989,~~
23 ~~and 50 cents per ton disposed of on or after July 1, 1989.”.~~

24 **17.** Page 1156, line 6: after that line insert:

1 **SECTION 3619c.** 560.031 (1) (bt) of the statutes is created to read:

2 560.031 (1) (bt) “High-volume industrial waste” has the meaning given in s.
3 289.01 (17).

4 **SECTION 3619e.** 560.031 (2) (a) of the statutes, as created by 1997 Wisconsin
5 act 27, is amended to read:

6 560.031 (2) (a) At the request of the board, the department shall provide the
7 financial assistance awarded by the board under subs. (3) ~~and (4)~~, and (4m).

8 **SECTION 3619g.** 560.031 (2) (b) 3. of the statutes is created to read:

9 560.031 (2) (b) 3. The department shall provide the financial assistance
10 awarded under sub. (4m) from the appropriations under s. 20.143 (1) (hr) and (rr).

11 **SECTION 3619k.** 560.031 (3) of the statutes, as created by 1997 Wisconsin act
12 27, is renumbered 560.031 (3) (a).

13 **SECTION 3619m.** 560.031 (3) (bc) of the statutes is created to read:

14 560.031 (3) (bc) In awarding grants, loans, and manufacturing rebates under
15 this subsection, the board shall give priority to projects that involve recovered
16 materials that constitute a relatively high volume of solid waste generated in this
17 state or that are hazardous to human health or the environment.

18 **SECTION 3619n.** 560.031 (3) (cm) of the statutes is created to read:

19 560.031 (3) (cm) Annually, the board shall allocate up to \$200,000 in financial
20 assistance under this subsection for forgivable loans for projects that have
21 exceptional potential to meet one of the qualifying considerations under par. (a) 1.,
22 2., 3., or 4., but do not comply with the standard criteria established by the board or
23 department for meeting its fiduciary responsibilities in managing state resources.

24 **SECTION 3619p.** 560.031 (4m) of the statutes is created to read:

1 560.031 **(4m)** The board may award a grant or loan under this subsection for
2 a project to develop markets for high–volume industrial waste or to assist generators
3 of high–volume industrial waste in marketing high–volume industrial waste. Before
4 awarding a grant or loan, the board shall consider whether the project does all of the
5 following:

6 (a) Maximizes the marketability of high–volume industrial waste on a
7 statewide basis.

8 (b) Minimizes the amount of high–volume industrial waste disposed of in
9 landfills.

10 (c) Maintains present markets or creates new or expanded markets for
11 high–volume industrial waste.”.

12 **18.** Page 1156, line 7: after that line insert:

13 “**SECTION 3619s.** 560.031 (6m) of the statutes is created to read:

14 560.031 **(6m)** Annually, in consultation with the council on recycling, the board
15 shall establish a list of materials recovered from solid waste for which the board may
16 award financial assistance.”.

17 **19.** Page 1343, line 24: after that line insert:

18 “(1k) **RECYCLING EFFICIENCY PLANNING GRANTS.**

19 (a) The department of natural resources shall establish and administer a
20 recycling efficiency planning grant program to obtain information to use in
21 implementing the recycling efficiency planning grant program under section
22 287.235 of the statutes, as created by this act, and to assist municipalities that are
23 responsible units in preparing to use recycling efficiency planning grants. The
24 department may award grants under this subsection only in fiscal year 2001–02.

1 The department may award grants under this subsection only to cities, villages, and
2 towns that are responsible units, as defined in section 287.01 (9) of the statutes. The
3 department shall award \$2,000,000 in grants under this subsection to municipalities
4 with populations of 50,000 or more and \$1,000,000 to municipalities with
5 populations of less than 50,000.

6 (b) A recipient of a grant under this subsection shall report information to the
7 department of natural resources concerning policies and activities that, if
8 implemented, would make its recycling program more efficient and effective,
9 including activities to provide coordinated program delivery as required under
10 section 287.235 (1) (b) of the statutes, as created by this act, and concerning any
11 barriers to implementation of these policies and procedures.

12 (c) The department of natural resources may promulgate rules for the program
13 under this subsection using the procedure under section 227.24 of the statutes.
14 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, the rules may remain
15 in effect until June 30, 2003. Notwithstanding section 227.24 (1) (a) and (3) of the
16 statutes, the department is not required to provide evidence that promulgating a rule
17 under this paragraph as an emergency rule is necessary for the preservation of public
18 peace, health, safety, or welfare and is not required to provide a finding of emergency
19 for a rule promulgated under this paragraph.

20 (1km) RECYCLING POSITION AUTHORIZATION. The authorized FTE positions for the
21 department of natural resources are increased by 1.0 SEG position to be funded from
22 the appropriation under section 20.370 (2) (hq) of the statutes, for recycling program
23 administration.”.

24 **20.** Page 1400, line 23: before that line insert:

