

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-SB55)**

Received: 06/21/2001

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: Susan McMurray

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Addl. Drafters: kahlepj

Subject: Environment - recycling

Extra Copies:

Submit via email: YES

Requester's email: Rep.Black@legis.state.wi.us

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Recycling package, rn 15

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**Instructions:**

See Attached

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**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 06/23/2001	wjackson 06/25/2001		_____			
/1			kfollet 06/28/2001	_____	lrb_docadmin 06/29/2001	lrb_docadmin 06/29/2001	

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

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Increase recycling tipping fees, rn 15

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/?	traderc	1 WJ 6/25	KJ 6/28	KJ/KS 6/28			

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/?	traderc			_____			

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<END>

## Assembly Democrat Budget Amendment Requests

**Request Number:** 15  
(not LRB number)

**Agency:** DNR

**Description:** Tipping Fees

**Attachments:** JFC motion 1075 / 2001 AB 275

**Cost (if known):**

**Contact person:** Susan McMurray, 266-7521, Representative Black's Office

increase tipping fee from .30 cents  
by \$9.70 ... see 2001 AB 275

RET Draft the whole  
package

NATURAL RESOURCES -- AIR, WASTE AND CONTAMINATED LAND

Recycling Programs [LFB Papers #697 and #698]

Motion:

Move to make the following changes related to recycling funding and expenditures:

1. *Increase Existing State Recycling Tipping Fee.* [LFB Paper #698] Increase the existing state recycling tipping fee assessed on waste that is not high-volume industrial waste from \$0.30 per ton by \$9.70 to \$10.00 per ton, effective with waste landfilled on or after January 1, 2002. Effective January 1, 2003, direct DNR to annually adjust the recycling tipping fee to reflect adjustments to the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. Department of Labor. Increase the state environmental fund tipping fee on solid waste other than high-volume industrial waste by \$0.10 per ton, effective with waste landfilled on or after January 1, 2002. Estimate revenue at approximately \$12,912,500 in 2001-02 and \$51,650,000 in 2002-03 to be deposited in the recycling fund.

2. *New State Recycling Tipping Fee.* [LFB Paper #698] Create a state recycling tipping fee of \$0.25 per ton of high-volume industrial waste, effective with high-volume waste landfilled on or after January 1, 2002. Estimate revenue at approximately \$106,300 in 2001-02 and \$425,000 in 2002-03 to be deposited in the recycling fund.

3. *DNR Municipal and County Recycling Grant Amount.* [LFB Paper #697] Provide funding for local grants of \$28,900,000 SEG in 2001-02 and \$56,000,000 SEG in 2002-03. This would increase base funding from \$24,500,000 by \$4,400,000 in 2001-02 and \$31,500,000 in 2002-03. It would be an increase to the bill of \$14,900,000 in 2001-02 (from \$14,000,000) and of \$42,500,000 in 2002-03 (from \$13,500,000).

4. *DNR Municipal and County Recycling Grant Formula and Provisions.* [LFB Paper #697] Change the local grant formula beginning with grant year 2002 (2001-02) and in subsequent years according to the following:

a. 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 \$11.80 per capita.

b. Limit the grants in 2001-02 and subsequent years to the eligible costs incurred by the responsible unit two years earlier and reported to DNR in the previous year. (For example, a grant

made in 2001-02 for calendar year 2002 could not exceed eligible costs incurred in calendar year 2000 and reported to DNR in 2001.) Define eligible costs the same as under current law (expenses, including capital expenses, for planning, constructing or operating an effective recycling program and complying with the 1993 and 1995 landfill bans.)

c. 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.

d. Specify that for grant year 2002 only (2001-02), a responsible unit that received a grant in 2001 would be eligible for an award equal to a minimum of 80% of the 2001 award. Specify that the proration factor would not apply to these responsible units.

e. Provide that in 2001-02 and subsequent years, any county that is the responsible unit for at least 75% of the county's population would receive a grant equal to the greater of \$100,000 or the per capita grant amount, but no more than eligible costs. Specify that the proration factor would not apply to these responsible units.

f. Beginning with grant year 2005 (2004-05), reduce the per capita grant award by \$3.00 times the population of the responsible unit, if the responsible unit is not eligible for an efficiency incentive grant created under this motion.

5. *Recycling Efficiency Incentive Grants.* Provide \$7,600,000 SEG annually beginning in 2002-03 to create a new recycling efficiency incentive grant program for responsible units. Include the following requirements:

a. Direct DNR to provide a grant amount of \$2.00 times the population of the responsible unit to responsible units that meet eligibility criteria.

b. 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.

c. The following responsible units would be eligible to apply for an efficiency incentive grant: (1) a county that is a responsible unit for at least 75% of the population of the county; (2) a responsible unit that is not a county and that has a population of 50,000 or more; and (3) a responsible unit that is formed by the merger of three or more responsible units in existence on January 1, 2001.

d. Specify that in order to receive a recycling efficiency incentive grant, the responsible unit must engage in coordinated program delivery. Direct DNR to promulgate administrative rules that specify the minimum elements of coordinating program delivery, including: (1) the joint provision of or a single contract for the collection of materials from single-family residences that are separated for recycling under the effective recycling program requirements; (2) the joint provision of or a single contract for the processing and marketing of recyclable materials collected under effective recycling program requirements; and (3) the joint or coordinated planning of solid waste management services within the responsible unit.

6. *DNR Administration.* [LFB Paper #697] Delete \$43,600 SEG annually and 0.5 SEG auditor position in the Division of Administration and Technology to provide total funding for DNR administration of \$1,633,600 SEG in 2001-02 and \$1,616,100 SEG in 2002-03 for 17.5 positions. (This would provide an increase to the bill of \$887,700 SEG in 2001-02 and \$883,800 SEG in 2002-03 with 10.5 SEG positions.)

7. *DNR Regional Recycling Grants.* [LFB Paper #697] Maintain current law. (The Governor's recommended \$2,000,000 SEG in 2002-03 for a new regional recycling grant program would not be included.)

8. *DNR Responsible Unit Audits.* Delete the requirement that DNR annually conduct a financial audit of at least 5% of the responsible unit grant recipients.

Direct DNR to annually review, in cooperation with UW-Extension, the effective recycling programs of at least 5% of the responsible unit grant recipients. Direct that the review include all of the following: (a) ensure compliance with the 1991, 1993 and 1995 bans on disposal of certain materials in landfills or incinerators; (b) ensure compliance with the effective recycling program criteria in statutes in DNR administrative rules; and (c) identify activities, methods or procedures for the responsible unit to become efficient or effective.

9. *Other DNR Enforcement Requirements.* Prohibit any solid waste facility from accepting municipal solid waste from a building containing two or more dwelling units, or a commercial, retail, industrial or governmental facility that does not provide for the collection of recyclable materials that are subject to the 1995 landfill and incineration disposal bans, that are separated from solid waste by users or occupants of the building or facility. Authorize DNR to promulgate an administrative rule that would create an exception to this prohibition where necessary to protect public health. (The prohibition would be in addition to the current requirement that no person may dispose of recyclable materials that are subject to the 1995 landfill and incineration disposal bans, unless the materials are residuals remaining under an effective recycling program after like materials have been separated for recycling.) Require that persons who violate the prohibition pay a forfeiture of \$50 for the first violation, \$200 for the second violation and \$2,000 for the third or subsequent violation. Authorize DNR to issue a citation to collect the forfeiture for the violation of the prohibition. (This would be the same as the penalties for violation of the current prohibition.)

Revise the exception to the 1995 landfill and incineration bans to apply the exception to waste that contains an incidental amount of the banned recyclables, as established by DNR rule, instead of to any waste that is generated in a region that has an effective recycling program under current law. Direct DNR to promulgate administrative rules to implement the provision. Retain the current exemption to the exception for solid waste that is separated for recycling as part of an effective recycling program.

10. *Recycling Market Development Board.* [LFB Paper #697] Make the following changes in current Commerce RMDB requirements:



a. Repeal the requirement that Commerce annually contract for the operation of a statewide materials exchange program that received funding from the RMDB in the 1997-99 biennium. (The RMDB provided \$100,000 in each of 1999-00 and 2000-01 to the Business Materials Exchange of Wisconsin.)

b. Direct the RMDB to give priority to grants, loans or manufacturing rebates for projects that involve recovered materials that either: (1) constitute a relatively high volume of solid waste generated in the state; or (2) are hazardous to human health or the environment.

c. Direct the RMDB to allocate up to \$200,000 annually for forgivable loans for projects that have exceptional potential to meet one of the existing four criteria that the RMDB must consider before awarding financial assistance, but that do not comply with the standard criteria established by the RMDB or Commerce to meet their fiduciary responsibilities in managing state resources.

d. Direct the RMDB, in consultation with the Council on Recycling, to annually establish a list of materials recovered from solid waste for which it may award financial assistance.

11. *High-Volume Industrial Waste Recycling Market Development Financial Assistance Program.* Provide \$106,300 SEG in 2001-02 and \$425,000 SEG in 2002-03 in a biennial appropriation to create a new financial assistance program to be administered by the RMDB. Direct the RMDB to award grants or loans under the program to: (a) develop markets for high-volume industrial waste (defined as fly ash, bottom ash, paper mill sludge or foundry process waste); or (b) assist generators of high-volume industrial waste in marketing of high-volume industrial waste. Before awarding a grant or loan under the program, direct the RMDB to consider whether the project does all of the following: (a) maximizes the marketability of high-volume industrial waste on a statewide basis; (b) minimizes the amount of high-volume industrial waste disposed of in landfills; and (c) maintains present markets or creates new or expanded markets for high-volume industrial waste. Create a program revenue appropriation to receive all repayments of loans made under the program, and authorize the RMDB to use the program revenue appropriation to award grants or loans under the program.

12. *Department of Corrections.* [LFB Paper #697] Approve Alternative F.1. to approve the Governor's recommendation to provide \$145,800 SEG in 2001-02 and \$145,600 SEG in 2002-03 and 4.0 SEG positions annually for the computer recycling program. (No action necessary.)

13. *University of Wisconsin System.* [LFB Paper #697] Approve Alternative G.3. to maintain current law funding of \$204,900 SEG annually with 0.5 SEG position for the UW System solid waste experiment centers and grants by the Solid Waste Research Council.

14. *University of Wisconsin - Extension.* [LFB Paper #697] Approve Alternative H.3. to maintain current law funding of \$336,900 SEG and 4.0 SEG positions for the UW-Extension Solid and Hazardous Waste Education Center.

15. *Toner Cartridges.* Prohibit the Department of Administration, every other state

agency to which DOA delegates purchasing authority, and legislative and judicial branch entities, from purchasing toner cartridges whose original manufacturer places restrictions on the remanufacturing of the toner cartridges by any person other than the original manufacturer such as a contract that forbids the remanufacturing or recycling of a toner cartridge. 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.

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**Note:**

As of January 1, 1991, no person may dispose of lead acid batteries, major appliances or waste oil in a solid waste disposal facility or landfill. As of January 1, 1993, no person may dispose of yard waste in a landfill or in any other solid waste disposal facility, except a land spreading facility approved in accordance with solid waste laws.

As of January 1, 1995, no person may landfill, burn with or without energy recovery, or convert into fuel, any of the following waste materials: (a) aluminum containers; (b) corrugated paper or other container board; (c) foam polystyrene packaging; (d) glass containers; (e) magazines or other material printed on similar paper; (f) newspapers or other material printed on newsprint; (g) office paper; (h) plastic containers; (i) steel containers; and (j) containers for carbonated or malt beverages that are primarily made from a combination of steel and aluminum ("bi-metal" cans). Materials subject to the 1995 bans may generally only be landfilled or incinerated if they are the "residuals" (materials remaining after other like materials have been separated for recycling) from an effective recycling program.

The estimated recycling fund condition under the motion is shown in the following table. The motion would provide appropriations from the recycling fund of \$32,459,000 SEG in 2001-02 and \$67,459,000 SEG in 2002-03 for 29.5 SEG positions.

**Recycling Fund Condition -- Motion**  
**(\$ Millions)**

	2000-01 Estimated	2001-02 Estimated	2002-03 Estimated
Opening Balance -- July 1	\$15.6	\$8.6	-\$1.2
Recycling Surcharge	\$22.8	\$7.3	\$14.4
Recycling Tipping Fee - Existing	2.0	2.1	2.1
Proposed Additional Recycling Tipping Fee	0.0	13.0	52.1
Interest Income and Other	<u>1.8</u>	<u>0.2</u>	<u>0.2</u>
Total Revenue	\$26.6	\$22.6	\$68.8
Total Revenue Available	\$12.2	\$31.2	\$67.6
Expenditures Under the Bill	\$26.6	\$16.0	\$17.5
Motion Additional Expenditures	<u>0.0</u>	<u>16.4</u>	<u>50.0</u>
Total Expenditures	\$26.6	\$32.4	\$67.5
Transfer to General Fund	-\$7.0	\$0.0	\$0.0
Closing Balance -- June 30	\$8.6	-\$1.2	\$0.1

[Change to Base: \$65,093,800 SEG-REV recycling fund, \$43,944,100 recycling fund SEG, -0.5 recycling fund SEG position]

[Change to Bill: \$65,093,800 SEG-REV recycling fund, \$66,386,400 recycling fund SEG, 15.0 recycling fund SEG positions]

## Tradewell, Becky

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**From:** McMurray, Susan  
**Sent:** Friday, June 22, 2001 5:20 PM  
**To:** Tradewell, Becky  
**Subject:** RE: Another question about recycling

No bother at all. I apologize for being a bother to you by not fine-tuning these requests!

Spence says to go with the Senate recycling package, not the Decker plan.

Thank you again

Susan

-----Original Message-----

**From:** Tradewell, Becky  
**Sent:** Thursday, June 21, 2001 5:46 PM  
**To:** McMurray, Susan  
**Subject:** Another question about recycling

Susan,

Sorry to bother you again, but, the recycling draft that went into the Senate Democrat's superamendment differed from Sen. Decker's recycling motion in several ways. The draft excluded the toner cartridge provisions, the method of determining local recycling grants was modified some, and a new grant program, funded with GPR, was added to get information to help DNR decide how to administer the efficiency grants.

Should the ADC recycling draft include any or all of these changes? Let me know if you need more information of if it would help you to see a copy of the draft. Also, there is a summary of the Senate's recycling provisions on the LFB summary of the Senate superamendment, which you might find helpful.

Becky Tradewell  
6-7290

*Pams- b0793*

<sup>A</sup>  
~~SDC:.....Keckhaver CN1051, Recycling program and funding changes  
FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION~~

~~CAUCUS SENATE AMENDMENT~~  
<sup>A</sup>  
TO ~~SENATE~~ <sup>A</sup> SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 55

DNote

1-1  
Insert →

1. At the locations indicated, amend the substitute amendment as follows:
2. **1.** Page 145, line 10: increase the dollar amount for fiscal year 2001-02 by
- 3 \$336,900 and increase the dollar amount for fiscal year 2002-03 by \$336,900 to
- 4 increase funding for the purpose for which the appropriation is made and to increase
- 5 the authorized FTE positions by 4.0 SEG positions.
- 6 **2.** Page 145, line 12: increase the dollar amount for fiscal year 2001-02 by
- 7 \$204,900 and increase the dollar amount for fiscal year 2002-03 by \$204,900 to
- 8 increase funding for the purpose for which the appropriation is made and to increase
- 9 the authorized FTE positions by 0.5 SEG position.
- 10 **3.** Page 169, line 16: after that line insert:

1 “(bc) Recycling efficiency planning

2 grants GPR A 3,000,000 –0–”

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

6 **5.** Page 170, line 9: after that line insert:

7 “(bv) Recycling efficiency planning

8 grants SEG A –0– 7,600,000”.

9 **6.** Page 175, line 1: decrease the dollar amount for fiscal year 2001–02 by  
10 \$43,600 and decrease the dollar amount for fiscal year 2002–03 by \$43,600 to  
11 decrease funding for the purpose for which the appropriation is made and to decrease  
12 the authorized FTE positions by 0.5 SEG auditor position.

Insert  
→  
13

13 **7.** Page 334, line 15: after that line insert:

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

15 20.370 (6) (bc) *Recycling efficiency planning grants*. The amounts in the  
16 schedule for recycling efficiency planning grants under 2001 Wisconsin Act .... (this  
17 act), section 9137 (1k).”.

18 **8.** Page 334, line 25: after that line insert:

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

20 20.370 (6) (bv) *Recycling efficiency incentive grants*. From the recycling fund,  
21 the amounts in the schedule for recycling efficiency incentive grants under s.  
22 287.235.”.

23 **9.** Page 1057, line 21: after that line insert:

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

2           287.03 (1) (e) Promulgate rules to implement s. 287.07 (7) (a).

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

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

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

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

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

14          287.07 (7) (a) The prohibitions in subs. (3) and (4) do not apply with respect to  
15          solid waste, except medical waste, as defined in par. (c) 1. cg., that is generated in a  
16          region that has an effective recycling program, as determined under s. 287.11, if the  
17          solid waste contains an incidental amount of materials specified in subs. (3) and (4),  
18          as provided by the department by rule. This paragraph does not apply to solid waste  
19          that is separated for recycling as part of an effective recycling program under s.  
20          287.11.

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

22          287.07 (9) **ACCEPTANCE BY SOLID WASTE FACILITY.** (a) Except as provided under  
23          par. (b), no person operating a solid waste facility may accept solid waste from a  
24          building containing 5 or more dwelling units or a commercial, retail, industrial, or  
25          governmental facility that does not provide for the collection of materials that are

1 subject to subs. (3) and (4) and that are separated from other solid waste by users or  
2 occupants of the building or facility.

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

5 287.23 (2) DEPARTMENT POWERS AND DUTIES. (intro.) The department shall  
6 develop, implement, and administer a program to provide financial assistance to  
7 responsible units. The department shall develop criteria for reporting on and  
8 evaluating the program. Each year the department, in cooperation with the  
9 University of Wisconsin–Extension, shall ~~audit~~ review the recycling programs of at  
10 least 5% of the recipients of grants in the previous year to ~~ensure that programs and~~  
11 ~~activities funded by grants under this section meet the requirements of this section.~~  
12 do all of the following:

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

14 287.23 (2) (a) Ensure compliance with s. 287.07 (1m), (2), (3), and (4).

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

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

18 **10.** Page 1058, line 2: after that line insert:

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

21 287.23 (5b) (title) GRANT AWARD FOR 2000 AND 2001. (intro.) The For 2000 and  
22 2001, the department shall award a grant under this subsection to each eligible  
23 responsible unit that submits a complete grant application under sub. (4) for



1 expenses allowable under sub. (3) (b). The department shall determine the amount  
2 of the grants under this subsection as follows:

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

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

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

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

14 (d) For a county that is the responsible unit for at least 75% of the population  
15 of the county, the department shall award a grant under this subsection equal to  
16 \$100,000 or the amount determined under par. (a), but not more than the allowable  
17 expenses under sub. (3) (b).

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

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

24 (g) If the available funds are insufficient to pay the grant amounts determined  
25 under this subsection, the department shall achieve the necessary reduction in the

1 total amount of the grants by reducing the amount of each grant determined under  
2 this subsection, except a grant determined under par. (d) or (e), by an equal  
3 percentage.”.

4 **11.** Page 1058, line 6: after that line insert:

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

7 287.23 (6) (a) ~~The~~ Except as provided in par. (b), the department shall disburse  
8 a grant to the applicant after approval, but no later than June 1 of the year for which  
9 the grant is made.

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

11 287.23 (6) (b) For grants for the year 2002, the department shall disburse a  
12 total of \$28,900,000 no later than June 1, 2002, and a total of \$13,550,000 after June  
13 30, 2002, but no later than December 1, 2002.

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

15 **287.235 Recycling efficiency incentive grants.** (1) **ELIGIBILITY.** Beginning  
16 in fiscal year 2002–03 the department shall make a recycling efficiency incentive  
17 grant to a responsible unit that satisfies all of the following criteria:

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

- 19 1. A county.
- 20 2. A responsible unit, other than a county, with a population of 50,000 or more.
- 21 3. A responsible unit that is formed by the merger of 3 or more responsible units  
22 or that is the responsible unit for 3 or more municipalities.

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

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

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

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

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

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

15           287.95 (3) (b) After December 31, 1996, any person who violates s. 287.07 (3)  
16 and, (4), or (9) may be required to forfeit \$50 for a first violation, may be required to  
17 forfeit \$200 for a 2nd violation, and may be required to forfeit not more than \$2,000  
18 for a 3rd or subsequent violation.”.

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

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

21           289.645 (3) (a) For all solid waste other than high-volume industrial waste, 30  
22 cents \$10 per ton.

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

24           289.645 (3) (b) For all high-volume industrial waste, 25 cents per ton.

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

2           289.67 (1) (cp) *Amount of environmental repair fee.* Notwithstanding par. (cm)  
3 and except as provided under par. (d), the environmental repair fee imposed under  
4 par. (a) is ~~30~~ 60 cents per ton for solid or hazardous waste, other than high-volume  
5 industrial waste, ~~disposed of on or after January 1, 1988, but before July 1, 1989,~~  
6 and 50 cents per ton disposed of on or after July 1, 1989.”

*Insert*  
*8-7*  
7           **13.** Page 1343, line 24: after that line insert:

8           “(1k) RECYCLING EFFICIENCY PLANNING GRANTS.

9           (a) The department of natural resources shall establish and administer a  
10 recycling efficiency planning grant program to obtain information to use in  
11 implementing the recycling efficiency planning grant program under section  
12 287.235 of the statutes, as created by this act, and to assist municipalities that are  
13 responsible units in preparing to use recycling efficiency planning grants. The  
14 department may award grants under this subsection only in fiscal year 2001–02.  
15 The department may award grants under this subsection only to cities, villages, and  
16 towns that are responsible units, as defined in section 287.01 (9) of the statutes. The  
17 department shall award \$2,000,000 in grants under this subsection to municipalities  
18 with populations of 50,000 or more and \$1,000,000 to municipalities with  
19 populations of less than 50,000.

20           (b) A recipient of a grant under this subsection shall report information to the  
21 department of natural resources concerning policies and activities that, if  
22 implemented, would make its recycling program more efficient and effective,  
23 including activities to provide coordinated program delivery as required under

1 section 287.235 (1) (b) of the statutes, as created by this act, and concerning any  
2 barriers to implementation of these policies and procedures.

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

11 (1km) RECYCLING POSITION AUTHORIZATION. The authorized FTE positions for the  
12 department of natural resources are increased by 1.0 SEG position to be funded from  
13 the appropriation under section 20.370 (2) (hq) of the statutes, for recycling program  
14 administration.”

15 **14.** Page 1400, line 23: before that line insert:

16 “(1m) SOLID WASTE TIPPING FEES. The treatment of sections 289.645 (3) (a) and  
17 (b) and 289.67 (1) (cp) of the statutes first applies to solid waste disposed of on the  
18 effective date of this subsection.”

19 **15.** Page 1422, line 12: after that line insert:

20 “(5k) SOLID WASTE TIPPING FEES. The treatment of sections 289.645 (3) (a) and  
21 (b) and 289.67 (1) (cp) of the statutes and SECTION 9337 (1m) of this act take effect  
22 on January 1, 2002.”

23

(END)

*DNste*

01360/dn

Ret. WJ

Susan McMurray -  
" " " "

¶ This is the recycling packages. It does not  
include a tipping fee credit for foundries.

Please let me know if you want to do  
something about that.

Ret

*Inserts to 61360*

SDC:.....Keckhaver – CN1051, Recycling provisions related to the recycling market development board

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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-”.

*Insert 1-1*

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 297, line 9: after that line insert:

9 “SECTION 442m. 20.143 (1) (hr) of the statutes is created to read:

*Insert 2-12*

Insert 2/2 cont.

1           20.143 (1) (hr) *High-volume industrial waste loans; repayments.* All moneys  
2 received in repayment of loans under s. 560.031 (4m), for grants and loans under s.  
3 560.031 (4m).”.

4           ~~XIV~~. Page 301, line 15: after that line insert:

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

6           20.143 (1) (rr) *High-volume industrial waste grants and loans.* Biennially,  
7 from the recycling fund, the amounts in the schedule for financial assistance under  
8 s. 560.031 (4m).”.

9           ~~XV~~. Page 1156, line 6: after that line insert:

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

11          560.031 (1) (bt) “High-volume industrial waste” has the meaning given in s.  
12 289.01 (17).

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

15          560.031 (2) (a) At the request of the board, the department shall provide the  
16 financial assistance awarded by the board under subs. (3) and, (4), and (4m).

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

18          560.031 (2) (b) 3. The department shall provide the financial assistance  
19 awarded under sub. (4m) from the appropriations under s. 20.143 (1) (hr) and (rr).

20          SECTION 3619k. 560.031 (3) of the statutes, as created by 1997 Wisconsin act  
21 27, is renumbered 560.031 (3) (a).

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

23          560.031 (3) (bc) In awarding grants, loans, and manufacturing rebates under  
24 this subsection, the board shall give priority to projects that involve recovered

Insert  
II  
8-6



Insert 6, cont.

1 materials that constitute a relatively high volume of solid waste generated in this  
2 state or that are hazardous to human health or the environment.

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

4 560.031 (3) (cm) Annually, the board shall allocate up to \$200,000 in financial  
5 assistance under this subsection for forgivable loans for projects that have  
6 exceptional potential to meet one of the qualifying considerations under par. (a) 1.,  
7 2., 3., or 4., but do not comply with the standard criteria established by the board or  
8 department for meeting its fiduciary responsibilities in managing state resources.

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

10 560.031 (4m) The board may award a grant or loan under this subsection for  
11 a project to develop markets for high-volume industrial waste or to assist generators  
12 of high-volume industrial waste in marketing high-volume industrial waste. Before  
13 awarding a grant or loan, the board shall consider whether the project does all of the  
14 following:

15 (a) Maximizes the marketability of high-volume industrial waste on a  
16 statewide basis.

17 (b) Minimizes the amount of high-volume industrial waste disposed of in  
18 landfills.

19 (c) Maintains present markets or creates new or expanded markets for  
20 high-volume industrial waste.”.

21 <sup>x</sup>6. Page 1156, line 7: after that line insert:

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



1 560.031 **(6m)** Annually, in consultation with the council on recycling, the board  
2 shall establish a list of materials recovered from solid waste for which the board may  
3 award financial assistance.”.

4 (END) of insert 8-6

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

LRBb1360/1dn  
RCT:wlj:kjf

June 28, 2001

Susan McMurray:

This is the recycling package. It does not include a tipping fee credit for foundries. Please let me know if you want to do something about that.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.state.wi.us](mailto:becky.tradewell@legis.state.wi.us)