

Joint Committee for Review of Administrative Rules

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• **CR 02-060**

Report to the Legislature **Clearinghouse Rule CR 02-060** **The Joint Committee for Review of Administrative Rules**

Produced pursuant to s. 227.19(6), Stats.

Clearinghouse Rule 02-060, submitted by the Department of Natural Resources (DNR), is a proposed rule regarding a recycling efficiency grant program. This rule was authorized by 2001 Wisconsin Act 16, which created a \$1.9 million grant program in order to provide incentives to responsible units for efficient recycling programs.

Description of the Problem

On February 6, 2003 the Senate Committee on Environment and Natural Resources met in executive session and voted to object in part to CR 02-060. The Senate committee objected to a portion of the rule, proposed s. NR 549.08 (3) (a) 2. and (4) (a) 4. and 5. of CR 02-060. The objected to portion of the rule states that a non-county, responsible unit with a population of at least 50,000 is eligible for this grant as long as it hires a consultant or retains membership in a municipal organization that discusses recycling programs. The Senate committee believes that a municipality's population is not related to efficiency and it would take more time for communities with populations less of than 50,000 to consolidate or make cooperative agreements. As a result, these smaller communities

would be at a disadvantage in receiving the recycling incentive grants. Also, the Senate committee believes the DNR's two additional criteria for populations of at least 50,000 would not guarantee recycling efficiency.

Because of the committee's action, JCRAR was required to concur or non-concur in the standing committee's partial objection.

Arguments in Favor of Objection

- *CR 02-060 relates to creating recycling efficiency incentive grants. A responsible unit's population does not ensure or promote efficiency.*
- *The proposed rule makes it more difficult for communities with populations of less than 50,000 to be eligible to receive a recycling grant.*
- *Requiring responsible units with a population of at least 50,000 to hire a consultant or retain membership in a municipal organization that discusses recycling will not guarantee recycling efficiency.*

Arguments Against Objection

- *The objected to portion of the rule gives the thirteen municipalities with a population of at least 50,000 an advantage in receiving these recycling grants. As a result of the objection, they will no longer have this advantage.*

Action by Joint Committee for Review of Administrative Rules

The committee held a public hearing and executive session on March 6, 2003 and concurred with the standing committee's objection. On March 27, 2003 the Joint Committee voted 10-0 to introduce the bill in each of house of the legislature. The bill will not allow DNR to use population as a means to determine eligibility for a recycling efficiency grant.