LRBs0285/3 RCT:kmg:ijs

## ASSEMBLY SUBSTITUTE AMENDMENT 1, TO 1997 ASSEMBLY JOINT RESOLUTION 39

November 10, 1997 - Offered by Representative ROBSON.

1	Relating to: requesting Congress to enact legislation to allow states to control the
2	interstate shipment of solid waste.
3	Whereas, the amount of solid waste generated in the United States more than
4	doubled from 1960 to 1990; and
5	Whereas, in the next 15 years, $80\%$ of the landfills that were operating in 1989
6	will be filled; and
7	Whereas, Congress, to date, has refused to address nonhazardous solid waste
8	regulation on a national level; and
9	Whereas, in 1990 this state passed a recycling law that prohibited the disposal
10	of solid waste in Wisconsin landfills unless the municipality generating the waste
11	had an effective recycling program in place; and this applied to municipalities both
12	in Wisconsin and outside of Wisconsin; and
13	Whereas, the recycling law also required states that ship waste to Wisconsin
14	to have effective landfill siting programs in place; and

Whereas, the U.S. district court for the western district of Wisconsin ruled that the landfill siting provision violated the U.S. Constitution's commerce clause; and Whereas, the 7th circuit court of appeals ruled that requiring out-of-state communities to have effective recycling programs also violates the U.S. Constitution's commerce clause; and

Whereas, resolving solid waste management issues under the commerce clause alone does not give proper weight to environmental and land use considerations; and Whereas, Wisconsin residents are required to recycle to conserve resources, energy and landfill space; now, therefore, be it

\*Resolved by the assembly, the senate concurring, That\* the members of the Wisconsin legislature request Congress to pass legislation giving a state the right to regulate the importing of solid waste from outside of the state, including the right to establish standards for recycling and landfill siting programs; and, be it further \*Resolved, That\* the assembly chief clerk shall provide a copy of this joint resolution to all members of this state's congressional delegation.

(END)