

## **1997 ASSEMBLY JOINT RESOLUTION 39**

March 20, 1997 – Introduced by Representatives ROBSON, BLACK, BOCK, HANSON, R. YOUNG, MUSSER, PLOUFF, J. LEHMAN, NOTESTEIN, TURNER, WARD, BOYLE, RYBA and BALDWIN, cosponsored by Senator CLAUSING. Referred to Committee on State–Federal Relations.

| 1  | <b>Relating to:</b> requesting Congress to enact legislation to allow states to control the |
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| 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 1989 this state passed a recycling law that prohibited the disposal             |
| 10 | of recyclable material in Wisconsin landfills unless the municipality generating the        |
| 11 | waste had a mandatory recycling program in place; and this applied to                       |
| 12 | municipalities both 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                                    |
| 15 | Whereas, the U.S. district court for the western district of Wisconsin ruled that           |
| 16 | both of those provisions violated the U.S. Constitution's commerce clause; and              |

1997 – 1998 Legislature

LRB-2564/1 RCT:kaf:kat

| 1                                      | Whereas, Wisconsin did not appeal the ruling regarding the landfill siting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 2                                      | requirement, but did appeal the ruling regarding the provision mandating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 3                                      | out-of-state communities to have mandatory recycling programs; and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 4                                      | Whereas, in 1995, the 7th circuit court of appeals upheld the lower court's                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 5                                      | ruling; and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 6                                      | Whereas, currently, Wisconsin residents are required to recycle to conserve                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 7                                      | landfill space but the landfills continue to be filled up by nonrecycled waste from                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 8                                      | neighboring states; and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 9                                      | Whereas, disposal of solid waste is an environmental issue more than a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 10                                     | commercial issue and a state should have control over the amount and types of solid                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 11                                     | waste that enter the landfills in that state; now, therefore, be it                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 12                                     | <b>Resolved by the assembly, the senate concurring, That</b> the members of the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 12<br>13                               | <b>Resolved by the assembly, the senate concurring, That</b> the members of the Wisconsin legislature request Congress to pass legislation allowing a state to                                                                                                                                                                                                                                                                                                                                                                                                            |
|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 13                                     | Wisconsin legislature request Congress to pass legislation allowing a state to                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| $\frac{13}{14}$                        | Wisconsin legislature request Congress to pass legislation allowing a state to<br>mandate recycling programs in all communities both inside and outside that state                                                                                                                                                                                                                                                                                                                                                                                                        |
| 13<br>14<br>15                         | Wisconsin legislature request Congress to pass legislation allowing a state to mandate recycling programs in all communities both inside and outside that state that ship solid waste to landfills in that state; and, be it further                                                                                                                                                                                                                                                                                                                                      |
| 13<br>14<br>15<br>16                   | Wisconsin legislature request Congress to pass legislation allowing a state to<br>mandate recycling programs in all communities both inside and outside that state<br>that ship solid waste to landfills in that state; and, be it further<br><i>Resolved, That</i> the members of the Wisconsin legislature request Congress to                                                                                                                                                                                                                                          |
| 13<br>14<br>15<br>16<br>17             | <ul> <li>Wisconsin legislature request Congress to pass legislation allowing a state to mandate recycling programs in all communities both inside and outside that state</li> <li> that ship solid waste to landfills in that state; and, be it further</li> <li><i>Resolved, That</i> the members of the Wisconsin legislature request Congress to pass legislation allowing a state to require another state to have an effective landfill</li> </ul>                                                                                                                   |
| 13<br>14<br>15<br>16<br>17<br>18       | Wisconsin legislature request Congress to pass legislation allowing a state to<br>mandate recycling programs in all communities both inside and outside that state<br>that ship solid waste to landfills in that state; and, be it further<br><b>Resolved, That</b> the members of the Wisconsin legislature request Congress to<br>pass legislation allowing a state to require another state to have an effective landfill<br>siting program in place if the 2nd state intends to ship solid waste to landfills in the                                                  |
| 13<br>14<br>15<br>16<br>17<br>18<br>19 | <ul> <li>Wisconsin legislature request Congress to pass legislation allowing a state to mandate recycling programs in all communities both inside and outside that state</li> <li> that ship solid waste to landfills in that state; and, be it further</li> <li>Resolved, That the members of the Wisconsin legislature request Congress to pass legislation allowing a state to require another state to have an effective landfill siting program in place if the 2nd state intends to ship solid waste to landfills in the first state; and, be it further</li> </ul> |

- 2 -