

## **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
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

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1	Whereas, Wisconsin did not appeal the ruling regarding the landfill siting
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 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 mandate recycling programs in all communities both inside and outside that state
13 14 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 14 15 16	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 <i>Resolved, That</i> the members of the Wisconsin legislature request Congress to
13 14 15 16 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 14 15 16 17 18	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 <b>Resolved, That</b> 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
13 14 15 16 17 18 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>

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