



## 2007 ASSEMBLY BILL 76

February 20, 2007 - Introduced by Representatives BLACK, SMITH, HRAYCHUCK, HUBLER, BOYLE, BENEDICT, HILGENBERG, KESSLER, PARISI, POCAN, CULLEN, GARTHWAITE, TURNER, HEBL, BERCEAU, MOLEPSKE, SHERMAN and SINICKI, cosponsored by Senators JAUCH, KREITLOW, HARSDORF, CARPENTER, LEHMAN, LASSA and RISSER. Referred to Committee on Natural Resources.

1     **AN ACT to renumber and amend** 287.23 (3) (b); **to amend** 287.23 (3) (am) 2.,  
2           287.23 (5b) (intro.) and 289.645 (3); and **to create** 287.23 (3) (b) 2. and 287.23  
3           (5c) of the statutes; **relating to:** increasing the recycling fee imposed on the  
4           disposal of solid waste, the program of financial assistance for local recycling  
5           programs, and making an appropriation.

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### *Analysis by the Legislative Reference Bureau*

Current law imposes a fee of \$3 per ton on solid waste, other than certain kinds of high-volume industrial waste, disposed of at a landfill or other waste disposal facility. This type of fee is often called a tipping fee. The recycling fee is deposited into the recycling fund. Under current law, the Department of Natural Resources administers a program that provides financial assistance to local units of government that operate recycling programs. In each fiscal year, a local unit of government generally receives the same proportion of the total available funding that it received in 1999, but not more than its eligible costs.

This bill increases the recycling fee to \$10 per ton on April 1, 2008. The bill also increases funding by \$48,000,000 in fiscal year 2008-09 for the program that provides financial assistance to local governmental units that operate recycling programs. Under this bill, in 2009 each local governmental unit receives at least a 75 percent increase in financial assistance, even if the increased amount exceeds the eligible costs of its recycling program.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 287.23 (3) (am) 2. of the statutes is amended to read:

2           287.23 (3) (am) 2. That the responsible unit spent funds received under this  
3 section on activities not eligible for assistance under par. (b) 1., unless the spending  
4 is authorized under par. (b) 2.

5           **SECTION 2.** 287.23 (3) (b) of the statutes is renumbered 287.23 (3) (b) 1. and  
6 amended to read:

7           287.23 (3) (b) 1. Only Except as provided in subd. 2., only expenses, including  
8 capital expenses, anticipated to be incurred for planning, constructing or operating  
9 a recycling program with one or more of the components specified in s. 287.11 (2) (a)  
10 to (h) and for complying with the prohibition under s. 287.07 (2) during the year for  
11 which an application is submitted under sub. (4) are eligible for assistance under the  
12 program.

13           **SECTION 3.** 287.23 (3) (b) 2. of the statutes is created to read:

14           287.23 (3) (b) 2. If, because of the operation of sub. (5c) (b), a responsible unit  
15 receives an award that exceeds the amount of costs that are eligible under subd. 1.,  
16 the responsible unit may spend the amount by which the award exceeds eligible costs  
17 for other purposes.

18           **SECTION 4.** 287.23 (5b) (intro.) of the statutes is amended to read:

19           287.23 (5b) GRANT AWARD FOR YEARS 2000 TO 2008. (intro.) The For years after  
20 1999 but before 2009, the department shall award a grant under this subsection to  
21 each eligible responsible unit that submits a complete grant application under sub.

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

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

4 287.23 (5c) GRANT AWARD FOR YEARS AFTER 2008. (a) For a year after 2008, the  
5 department shall calculate for each eligible responsible unit that submits a complete  
6 grant application under sub. (4) the amount equal to 175 percent of the award that  
7 the eligible responsible unit received for 2008.

8 (b) If the amount determined under par. (a) equals or exceeds the amount of the  
9 responsible unit's eligible costs, described in sub. (3) (b) 1., the department shall  
10 award the amount determined under par. (a) to the responsible unit.

11 (c) For responsible units to which par. (b) does not apply, the department shall  
12 provide each eligible unit with a grant that exceeds the amount determined under  
13 par. (a) by using the remaining available funds to provide proportional increases over  
14 2008 award amounts, except that an award under this paragraph for a year may not  
15 exceed a responsible unit's eligible costs, described in sub. (3) (b) 1., for that year.

16 **SECTION 6.** 289.645 (3) of the statutes is amended to read:

17 289.645 (3) AMOUNT OF RECYCLING FEE. The fee imposed under this section is  
18 \$3 \$10 per ton for all solid waste other than high-volume industrial waste.

19 **SECTION 7. Fiscal changes.**

20 (1) LOCAL GOVERNMENTAL RECYCLING ASSISTANCE. In the schedule under section  
21 20.005 (3) of the statutes for the appropriation to the department of natural  
22 resources under section 20.370 (6) (bu) of the statutes, as affected by the acts of 2007,  
23 the dollar amount is increased by \$48,000,000 for fiscal year 2008-09 to increase  
24 funding for the purpose for which the appropriation is made.

25 **SECTION 8. Initial applicability.**

