



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1605/1
MCP:wlj&amn

2015 SENATE BILL 621

January 22, 2016 – Introduced by Senators MILLER, CARPENTER, C. LARSON, RISSER, VINEHOUT and L. TAYLOR, cosponsored by Representatives HEBL, BILLINGS, CONSIDINE, JORGENSEN, KAHL, KOLSTE, MASON, OHNSTAD, A. OTT, POPE, SARGENT, SHANKLAND, SINICKI, SPREITZER, C. TAYLOR and ZEPNICK. Referred to Committee on Natural Resources and Energy.

1 **AN ACT** *to repeal* 287.07 (5) (a) 5., 287.07 (5) (a) 7., 287.17 (1) (a), 287.17 (1) (gs)
2 1., 4m., 5m., 6. and 6m., 287.17 (4) (d) 1., 2., 3. and 4. (intro.), 287.17 (4) (dm),
3 287.17 (4) (f), 287.17 (10) (c) 1. d. and 287.17 (10) (cm); **to renumber and**
4 **amend** 287.17 (1) (k), 287.17 (4) (d) (intro.) (except 287.17 (4) (d) (title)), 287.17
5 (4) (d) 4. a., b. and c., 287.17 (4) (e), 287.17 (8) (b) 1. and 287.17 (8) (b) 2.; **to**
6 **amend** 287.07 (5) (a) 4., 287.07 (5) (a) 6., 287.17 (1) (e), 287.17 (1) (em), 287.17
7 (1) (f), 287.17 (1) (gs) 4., 287.17 (1) (gs) 5., 287.17 (1) (j), 287.17 (1) (np), 287.17
8 (2) (a) (intro.), 287.17 (2) (c) 1., 287.17 (3) (a) (intro.), 287.17 (3) (b) (intro.),
9 287.17 (3) (c), 287.17 (3) (e), 287.17 (4) (title), 287.17 (4) (b) 1., 287.17 (4) (b) 2.,
10 287.17 (4) (b) 3., 287.17 (4) (bm), 287.17 (4) (d) (title), 287.17 (4) (g) 1., 287.17
11 (4) (g) 2., 287.17 (5) (a) 1. a., 287.17 (5) (a) 1. b., 287.17 (5) (a) 1. c., 287.17 (5)
12 (b), 287.17 (5) (c) (intro.), 287.17 (5) (c) 3., 287.17 (5) (c) 4., 287.17 (7) (a) 1.
13 (intro.), 287.17 (7) (a) 2., 287.17 (7) (b), 287.17 (8) (a) 1. (intro.), 287.17 (8) (a)
14 2., 287.17 (8) (c) 4., 287.17 (8) (e), 287.17 (9), 287.17 (9m), 287.17 (10) (c) 1. a.,

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1 287.17 (10) (c) 1. b., 287.17 (10) (c) 2., 287.17 (10) (d) (intro.), 287.17 (10) (i),
2 287.17 (10) (j) and 287.17 (10) (k); and **to create** 287.17 (1) (eg) 1. c., 287.17 (1)
3 (eg) 1. d., 287.17 (1) (gs) 1m., 287.17 (1) (k) 1., 287.17 (1) (k) 2., 287.17 (1) (k) 3.,
4 287.17 (1) (pg), 287.17 (1) (q), 287.17 (3m) (title) and (a), 287.17 (3m) (b), 287.17
5 (3m) (c), 287.17 (3m) (cm), 287.17 (3m) (d) 1m., 287.17 (3m) (d) 1r., 287.17 (3m)
6 (d) 2., 287.17 (3m) (e), 287.17 (4) (b) (intro.), 287.17 (4) (be), 287.17 (4) (d) 1r.,
7 287.17 (4) (d) 2m., 287.17 (4) (g) 1m., 287.17 (4) (g) 3., 287.17 (5) (a) 1. d., 287.17
8 (8) (b) 1m., 2m., 3m., 4. and 5., 287.17 (10) (L) and 287.17 (10) (m) of the statutes;
9 **relating to:** changes to the electronic waste recycling program and granting
10 rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes changes to this state’s electronic waste recycling program, known as “E-Cycle Wisconsin,” which is administered by the Department of Natural Resources (DNR).

General program requirements; covered electronic devices

Under the program, a manufacturer may not sell certain consumer electronic devices to households or schools in this state, or deliver consumer electronic devices to a retailer, unless the manufacturer registers with DNR each year, pays a registration fee, and either recycles a certain amount of consumer electronic devices or pays a shortfall fee. A retailer may not sell certain consumer electronic devices to households or schools in this state unless the device’s manufacturer is registered under the program. A recycler that receives electronic devices on behalf of a registered manufacturer must also register under the program and comply with certain reporting and recordkeeping requirements.

This bill expands the type of consumer electronic devices covered under the program to include video game consoles, all video display devices with screens of at least seven inches measured diagonally, and peripherals, such as keyboards or speakers, that are sold for external use with a video display device, such as a television.

Manufacturer target recycling weights

This bill changes the method for calculating a manufacturer’s target recycling weight for a program year.

Under current law, a manufacturer’s target recycling weight for a program year is 80 percent of the weight of electronic devices that the manufacturer sold during the program year preceding the previous program year.

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Under this bill, a manufacturer's total target recycling weight for a program year is a certain percentage of the total weight of electronic devices that all registered recyclers received for recycling during the program year preceding the previous program year. In general, the percentage applied in this calculation for a program year is the average weight of electronic devices that the manufacturer sold in this state during a certain two-program-year period, divided by the average weight of electronic devices sold in this state by all registered manufacturers during that two-program-year period.

This bill eliminates the existing recycling weight bonus for electronic devices recycled from rural counties, and instead requires that 10 percent of a manufacturer's total target recycling weight for a program year consist of electronic devices recycled from rural counties (target rural county recycling weight).

This bill also requires DNR, at least two months before the beginning of a program year, to notify each registered manufacturer of its total target recycling weight and target rural county recycling weight for the upcoming program year.

Manufacturer shortfall fees

Under current law, a manufacturer must pay a shortfall fee with its annual registration if it did not recycle enough electronic devices during the previous year to meet its target recycling weight.

This bill creates a separate rural county shortfall fee, which must be paid if the manufacturer failed to meet its target rural county recycling weight for the previous year.

Under the bill, if a manufacturer exceeds its total target recycling weight by more than 20 percent for a program year, the manufacturer may elect to be exempt from any rural county recycling weight shortfall fee owed for that program year. If a manufacturer elects to be exempt from the rural shortfall fee for a program year, the manufacturer may not accumulate any recycling credits for that program year.

Manufacturer recycling credits

Under current law, a manufacturer gains a certain number of recycling credits if it recycles more than its target recycling weight during a program year.

This bill allows a manufacturer to accumulate rural county recycling credits if it exceeds its target rural county recycling weight during a program year. The manufacturer may apply these rural county recycling credits toward meeting its total target recycling weight or its target rural county recycling weight for the succeeding program year, or may sell them to another manufacturer. Under the bill, a manufacturer's total recycling credits, earned from exceeding its total recycling weight for a program year, may be applied only toward its total target recycling weight and may not be used toward meeting its target rural county recycling weight.

Manufacturer reporting requirements

Under current law, a manufacturer must report certain information to DNR when it submits its annual registration under the program.

This bill requires manufacturers, when reporting the total weight of electronic devices recycled by or on behalf of the manufacturer each year, to also report the weight of devices collected from rural counties separately from devices collected from urban counties.

SENATE BILL 621***Manufacturer registration fee***

Under current law, a manufacturer must ordinarily pay a registration fee with its annual registration, based on the number of electronic devices it sold in the state during the previous year.

This bill raises the threshold for requiring a manufacturer to pay a registration fee. Under the bill, a manufacturer's registration fee is \$5,000 if it sold at least 500 electronic devices in this state during the previous program year, and \$1,250 if it sold at least 250 but fewer than 500 electronic devices. There is no registration fee if the manufacturer sold fewer than 250 electronic devices during the previous program year.

Recycler reporting requirements

This bill changes the reporting requirements for registered recyclers.

Under current law, every year a registered recycler must report to DNR the total weight of electronic devices the recycler received from a registered manufacturer for recycling during the previous program year.

This bill requires a recycler, in its annual report, to also separate this total weight into different categories, depending on the type of device and whether the device contains a cathode-ray tube. The bill also requires a recycler to report the weight of certain materials, such as cathode-ray tube glass, metals, and plastics, that the recycler derived from the electronic devices it received during the previous program year.

Program year

Under current law, a program year runs from July 1 to the following June 30. This bill creates an 18-month transition period (transition year) that runs from the July 1 following the effective date of the bill to the December 31 of the following year. After the transition year, a program year runs from January 1 to December 31.

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

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

- 1 **SECTION 1.** 287.07 (5) (a) 4. of the statutes is amended to read:
- 2 287.07 (5) (a) 4. A digital video disc player.
- 3 **SECTION 2.** 287.07 (5) (a) 5. of the statutes is repealed.
- 4 **SECTION 3.** 287.07 (5) (a) 6. of the statutes is amended to read:
- 5 287.07 (5) (a) 6. A video cassette recorder.
- 6 **SECTION 4.** 287.07 (5) (a) 7. of the statutes is repealed.

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1 **SECTION 5.** 287.17 (1) (a) of the statutes is repealed.

2 **SECTION 6.** 287.17 (1) (e) of the statutes is amended to read:

3 287.17 (1) (e) “Consumer computer” means a high-speed data processing
4 device for performing logical, arithmetic, or storage functions that is marketed by the
5 manufacturer for use by households or schools, except that “consumer computer”
6 does not include an automated typewriter or typesetter or other similar device, a
7 portable hand-held calculator or other similar device, or ~~other similar device~~ a device
8 with a built-in video display less than 7 inches in its longest diagonal measurement.

9 **SECTION 7.** 287.17 (1) (eg) 1. c. of the statutes is created to read:

10 287.17 (1) (eg) 1. c. A printer, the primary function of which is 3-dimensional
11 printing.

12 **SECTION 8.** 287.17 (1) (eg) 1. d. of the statutes is created to read:

13 287.17 (1) (eg) 1. d. A printer, the primary function of which is printing
14 photographs.

15 **SECTION 9.** 287.17 (1) (em) of the statutes is amended to read:

16 287.17 (1) (em) “Consumer video display device” means a television ~~or~~,
17 computer monitor, or other video display device with a tube or screen that is at least
18 7 inches in its longest diagonal measurement and that is marketed by the
19 manufacturer for use by households or schools, except that “consumer video display
20 device” does not include any of the following:

21 1. A television ~~or~~, computer monitor, or video display device that is part of a
22 motor vehicle and that is incorporated into the motor vehicle by, or for, a motor
23 vehicle manufacturer or a franchised motor vehicle dealer.

24 2. A television ~~or~~, computer monitor, or video display device that is contained
25 within a clothes washer, clothes dryer, refrigerator, freezer, microwave oven,

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1 conventional oven or stove, dishwasher, room air conditioner, dehumidifier, or air
2 purifier.

3 **SECTION 10.** 287.17 (1) (f) of the statutes is amended to read:

4 287.17 (1) (f) “Covered electronic device” means a consumer video display
5 device, a consumer computer, ~~or a consumer printer,~~ or a video game console.

6 **SECTION 11.** 287.17 (1) (gs) 1., 4m., 5m., 6. and 6m. of the statutes are repealed.

7 **SECTION 12.** 287.17 (1) (gs) 1m. of the statutes is created to read:

8 287.17 (1) (gs) 1m. A covered electronic device.

9 **SECTION 13.** 287.17 (1) (gs) 4. of the statutes is amended to read:

10 287.17 (1) (gs) 4. A ~~digital~~ video ~~dise~~ player.

11 **SECTION 14.** 287.17 (1) (gs) 5. of the statutes is amended to read:

12 287.17 (1) (gs) 5. A video ~~cassette~~ recorder.

13 **SECTION 15.** 287.17 (1) (j) of the statutes is amended to read:

14 287.17 (1) (j) “Peripheral” means a keyboard or any other device, other than
15 a consumer printer, that is sold exclusively for external use with a consumer
16 computer or consumer video display device and that provides input into or output
17 from a consumer computer or consumer video display device.

18 **SECTION 16.** 287.17 (1) (k) of the statutes is renumbered 287.17 (1) (k) (intro.)
19 and amended to read:

20 287.17 (1) (k) (intro.) “Program year” means ~~the period from July 1 to the~~
21 ~~following June 30.~~ one of the following:

22 **SECTION 17.** 287.17 (1) (k) 1. of the statutes is created to read:

23 287.17 (1) (k) 1. For any period before the beginning of the transition year, a
24 period that runs from July 1 to the following June 30.

25 **SECTION 18.** 287.17 (1) (k) 2. of the statutes is created to read:

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1 287.17 (1) (k) 2. The transition year.

2 **SECTION 19.** 287.17 (1) (k) 3. of the statutes is created to read:

3 287.17 (1) (k) 3. For any period after the end of the transition year, a period that
4 runs from January 1 to the following December 31.

5 **SECTION 20.** 287.17 (1) (np) of the statutes is amended to read:

6 287.17 (1) (np) “School” means a public school, ~~as defined in s. 115.01 (1), a~~
7 ~~private school participating in the program under s. 118.60, or a private school~~
8 ~~participating in the program under s. 119.23~~ elementary or secondary school,
9 including a charter school, as defined in s. 115.001 (1), or a private elementary or
10 secondary school, or a tribal school, as defined in s. 115.001 (15m).

11 **SECTION 21.** 287.17 (1) (pg) of the statutes is created to read:

12 287.17 (1) (pg) “Transition year” means the 18-month period from the July 1
13 following the effective date of this paragraph ... [LRB inserts date], to the December
14 31 of the following year.

15 **SECTION 22.** 287.17 (1) (q) of the statutes is created to read:

16 287.17 (1) (q) “Video game console” means an interactive electronic device, the
17 primary purpose of which is to produce a video display signal that can be used with
18 a display device such as a television or computer monitor to display a video game or
19 other interactive activity.

20 **SECTION 23.** 287.17 (2) (a) (intro.) of the statutes is amended to read:

21 287.17 (2) (a) *Manufacturers.* (intro.) ~~Beginning on February 1, 2010, a~~ A
22 manufacturer may not sell to a household or school, offer to sell to a household or
23 school, or deliver to a retailer for subsequent sale to a household or school a new
24 covered electronic device unless all of the following apply:

25 **SECTION 24.** 287.17 (2) (c) 1. of the statutes is amended to read:

SENATE BILL 621**SECTION 24**

1 287.17 (2) (c) 1. ~~Beginning on July 1, 2010, a~~ A retailer may not sell or offer
2 for sale to a household or school a new covered electronic device unless, before
3 making the first offer for sale, the retailer has determined that the brand of the
4 covered electronic device is listed on the department's Internet site under sub. (10)
5 (a).

6 **SECTION 25.** 287.17 (3) (a) (intro.) of the statutes is amended to read:

7 287.17 (3) (a) (intro.) To comply with sub. (2) (a) 2., a manufacturer shall, ~~no~~
8 ~~later than February 1, 2010, and annually, no later than September 1 beginning in~~
9 ~~2010~~ the first day of the 3rd month of each program year, submit to the department
10 a registration that includes all of the following:

11 **SECTION 26.** 287.17 (3) (b) (intro.) of the statutes is amended to read:

12 287.17 (3) (b) (intro.) ~~Beginning with the registration due by September 1,~~
13 ~~2010, a~~ A manufacturer shall indicate in its registration under par. (a) which of the
14 following applies:

15 **SECTION 27.** 287.17 (3) (c) of the statutes is amended to read:

16 287.17 (3) (c) Notwithstanding the deadline in par. (a), a manufacturer ~~who~~
17 ~~begins selling covered electronic devices after February 1, 2010, and who has not~~
18 ~~previously submitted a registration under this subsection shall submit a registration~~
19 ~~to the department not more than 10 days after the day on which the manufacturer~~
20 ~~begins selling or offering to sell covered electronic devices.~~

21 **SECTION 28.** 287.17 (3) (e) of the statutes is amended to read:

22 287.17 (3) (e) A complete registration is effective on receipt by the department
23 and is valid until the first day of the 3rd month of the following September 1 program
24 year unless revoked before that date.

25 **SECTION 29.** 287.17 (3m) (title) and (a) of the statutes are created to read:

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1 287.17 **(3m)** (title) MANUFACTURER RECYCLING TARGETS, ACTUAL RECYCLING
2 WEIGHTS, AND RECYCLING CREDITS. (a) *Total target recycling weight*. A manufacturer's
3 total target recycling weight for a program year is calculated as follows:

4 1. Determine the weight of eligible electronic devices received for recycling by
5 all registered recyclers in the program year that began 2 program years before the
6 beginning of the program year for which the calculation is made.

7 2. Multiply the amount determined under subd. 1. by the manufacturer's target
8 recycling percentage for that program year, as determined under par. (b).

9 3. If the program year for which the calculation is made is the transition year,
10 multiply the amount determined under subd. 2. by 1.5.

11 4. If the program year that began 2 program years before the beginning of the
12 program year for which the calculation is made is the transition year, multiply the
13 amount determined under subd. 2. by two-thirds.

14 **SECTION 30.** 287.17 (3m) (b) of the statutes is created to read:

15 287.17 **(3m)** (b) *Target recycling percentage*. A manufacturer's target recycling
16 percentage for a program year is calculated as follows:

17 1. Unless subd. 2. applies, determine the average weight of covered electronic
18 devices sold to households or schools in this state by the manufacturer during the
19 2-program-year period that began 4 program years before the beginning of the
20 program year for which the calculation is made, as reported by the manufacturer
21 under sub. (5) (a), subject to subd. 5.

22 2. If the program year for which the calculation is made is the 3rd full program
23 year during which the manufacturer's covered electronic devices are sold or offered
24 for sale to households or schools in this state, determine the weight of covered
25 electronic devices sold to households or schools in this state by the manufacturer

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1 during the program year that began 3 program years before the beginning of the
2 program year for which the calculation is made, as reported by the manufacturer
3 under sub. (5) (a), subject to subd. 5.

4 3. Determine the average weight of covered electronic devices sold to
5 households or schools in this state by all registered manufacturers during the
6 2-program-year period that began 4 program years before the beginning of the
7 program year for which the calculation is made, based on the total of all weights
8 reported under sub. (5) (a) by all registered manufacturers for those program years,
9 subject to subd. 5.

10 4. Divide the amount determined under subd. 1. or 2. by the amount
11 determined under subd. 3.

12 5. If a program year used in a calculation under subsd. 1. to 3. was the transition
13 year, multiply the weight of covered electronic devices sold to households or schools
14 in this state during the transition year by two-thirds before using that weight in
15 subsd. 1. to 3.

16 **SECTION 31.** 287.17 (3m) (c) of the statutes is created to read:

17 287.17 (3m) (c) *Target rural county recycling weight.* At least 10 percent of a
18 manufacturer's total target recycling weight for a program year shall consist of
19 eligible electronic devices used by households or schools in rural counties. A
20 manufacturer's target rural county recycling weight for a program year is the
21 amount determined under par. (a), multiplied by 0.1.

22 **SECTION 32.** 287.17 (3m) (cm) of the statutes is created to read:

23 287.17 (3m) (cm) No later than 2 months before the beginning of each program
24 year, the department shall notify each registered manufacturer of its total target

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1 recycling weight determined under par. (a) and its target rural county recycling
2 weight determined under par. (c) for the upcoming program year.

3 **SECTION 33.** 287.17 (3m) (d) 1m. of the statutes is created to read:

4 287.17 (3m) (d) 1m. If the number of rural county recycling credits calculated
5 under subd. 2. is a positive number, the number of recycling credits that a
6 manufacturer accumulates under subd. 1. is the number calculated under subd. 1.,
7 less the number calculated under subd. 2.

8 **SECTION 34.** 287.17 (3m) (d) 1r. of the statutes is created to read:

9 287.17 (3m) (d) 1r. If a manufacturer has accumulated any credits before the
10 beginning of the transition year, the manufacturer may use these credits for the
11 purpose of determining its actual total recycling weight under par. (e) 1. for the
12 transition year or may sell these credits to another manufacturer for the purpose of
13 determining that manufacturer's actual total recycling weight under par. (e) 1. for
14 the transition year.

15 **SECTION 35.** 287.17 (3m) (d) 2. of the statutes is created to read:

16 287.17 (3m) (d) 2. Except as provided in sub. (4) (g) 3., if, for a program year,
17 the weight of eligible electronic devices used by households or schools in rural
18 counties recycled by or on behalf of a manufacturer, as reported under sub. (5) (b),
19 exceeds the manufacturer's target rural county recycling weight determined under
20 par. (c), the manufacturer has a number of rural county recycling credits equal to the
21 number of excess pounds or 20 percent of the target rural county recycling weight,
22 whichever is less. The manufacturer may use these credits for the purpose of
23 determining its actual rural county recycling weight under par. (e) 2. or actual total
24 recycling weight under par. (e) 1. for the succeeding program year or may sell these
25 credits to another manufacturer for the purpose of determining that manufacturer's

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1 actual rural county recycling weight under par. (e) 2. or actual total recycling weight
2 under par. (e) 1. for the succeeding program year.

3 **SECTION 36.** 287.17 (3m) (e) of the statutes is created to read:

4 287.17 (3m) (e) *Actual recycling weight.* 1. A manufacturer's actual total
5 recycling weight is the total weight of eligible electronic devices, including the entire
6 weight of eligible electronic devices used by households or schools in rural counties,
7 recycled by or on behalf of the manufacturer during the previous program year, as
8 reported under sub. (5) (b), plus the number of recycling credits or rural county
9 recycling credits that the manufacturer elects to use, as reported under sub. (5) (c)
10 3.

11 2. A manufacturer's actual rural county recycling weight is the weight of
12 eligible electronic devices used by households or schools in rural counties recycled by
13 or on behalf of the manufacturer during the previous program year, as reported
14 under sub. (5) (b), plus the number of rural county recycling credits that the
15 manufacturer elects to use, as reported under sub. (5) (c) 3.

16 **SECTION 37.** 287.17 (4) (title) of the statutes is amended to read:

17 287.17 (4) (title) ~~MANUFACTURER RECYCLING TARGETS, FEES, AND RECYCLING~~
18 ~~CREDITS.~~

19 **SECTION 38.** 287.17 (4) (b) (intro.) of the statutes is created to read:

20 287.17 (4) (b) (intro.) In each program year other than the program year
21 immediately following the transition year:

22 **SECTION 39.** 287.17 (4) (b) 1. of the statutes is amended to read:

23 287.17 (4) (b) 1. If the manufacturer sold at least ~~250~~ 500 covered electronic
24 devices in this state during the previous program year, the manufacturer shall pay
25 a registration fee of \$5,000, except, as provided under sub. (10) (k).

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1 **SECTION 40.** 287.17 (4) (b) 2. of the statutes is amended to read:

2 287.17 (4) (b) 2. If the manufacturer sold at least ~~25~~ 250 but fewer than ~~250~~ 500
3 covered electronic devices in this state during the previous program year, the
4 manufacturer shall pay a registration fee of \$1,250.

5 **SECTION 41.** 287.17 (4) (b) 3. of the statutes is amended to read:

6 287.17 (4) (b) 3. If the manufacturer sold fewer than ~~25~~ 250 covered electronic
7 devices in this state during the previous program year, the manufacturer is not
8 required to pay a registration fee.

9 **SECTION 42.** 287.17 (4) (be) of the statutes is created to read:

10 287.17 (4) (be) *Registration fees following the transition year.* In the program
11 year immediately following the transition year:

12 1. If the previous program year was the transition year and the manufacturer
13 sold at least 750 covered electronic devices in this state during the transition year,
14 the manufacturer shall pay a registration fee of \$7,500, except as provided in sub.
15 (10) (k).

16 2. If the previous program year was the transition year and the manufacturer
17 sold at least 375 but fewer than 750 covered electronic devices in this state during
18 the transition year, the manufacturer shall pay a registration fee of \$1,875.

19 3. If the previous program year was the transition year and the manufacturer
20 sold fewer than 375 covered electronic devices in this state during the transition year,
21 the manufacturer is not required to pay a registration fee.

22 **SECTION 43.** 287.17 (4) (bm) of the statutes is amended to read:

23 287.17 (4) (bm) *Shortfall fees.* In addition to the registration fee, ~~beginning in~~
24 ~~2011,~~ a manufacturer shall pay shortfall fees under par. (d) if the amounts calculated
25 under that provision are positive numbers, except that a manufacturer is not

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1 required to pay a shortfall fees fee until its covered electronic devices have been sold
2 or offered for sale to households or schools in this state for 3 full program years and
3 except as provided under par. (g).

4 **SECTION 44.** 287.17 (4) (d) (title) of the statutes is amended to read:

5 287.17 (4) (d) (title) *Annual Calculating shortfall fee after 2010 fees.*

6 **SECTION 45.** 287.17 (4) (d) (intro.) (except 287.17 (4) (d) (title)) of the statutes
7 is renumbered 287.17 (4) (d) 1m. (intro.) and amended to read:

8 287.17 (4) (d) 1m. (intro.) The annual Subject to subd. 1r., the total recycling
9 weight shortfall fee to be paid by a manufacturer in a program year after 2010 is
10 calculated by subtracting the manufacturer's actual total recycling weight for the
11 previous program year, determined under sub. (3m) (e) 1., from the manufacturer's
12 total target recycling weight for the previous program year, determined under sub.
13 (3m) (a), and multiplying the resulting amount by the estimated cost of recycling
14 determined as follows:

15 **SECTION 46.** 287.17 (4) (d) 1., 2., 3. and 4. (intro.) of the statutes are repealed.

16 **SECTION 47.** 287.17 (4) (d) 1r. of the statutes is created to read:

17 287.17 (4) (d) 1r. If the amount calculated under subd. 2m. is a positive number,
18 the shortfall fee to be paid by a manufacturer under subd. 1m. is the amount
19 calculated under subd. 1m., less the amount calculated under subd. 2m.

20 **SECTION 48.** 287.17 (4) (d) 2m. of the statutes is created to read:

21 287.17 (4) (d) 2m. The rural county recycling weight shortfall fee to be paid by
22 a manufacturer in a program year is calculated by subtracting the manufacturer's
23 actual rural county recycling weight for the previous program year, determined
24 under sub. (3m) (e) 2., from the manufacturer's target rural county recycling weight

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1 for the previous program year, determined under sub. (3m) (c), and multiplying the
2 resulting amount by the estimated cost of recycling determined as follows:

3 a. Fifty cents per pound for a manufacturer if the manufacturer's actual rural
4 county recycling weight, as determined under sub. (3m) (e) 2., is less than 50 percent
5 of the manufacturer's target rural county recycling weight, as determined under sub.
6 (3m) (c).

7 b. Forty cents per pound for a manufacturer if the manufacturer's actual rural
8 county recycling weight, as determined under sub. (3m) (e) 2., is at least 50 percent
9 but not more than 90 percent of the manufacturer's target rural county recycling
10 weight, as determined under sub. (3m) (c).

11 c. Thirty cents per pound for a manufacturer if the manufacturer's actual rural
12 county recycling weight, as determined under sub. (3m) (e) 2., is more than 90
13 percent of the manufacturer's target rural county recycling weight, as determined
14 under sub. (3m) (c).

15 **SECTION 49.** 287.17 (4) (d) 4. a., b. and c. of the statutes are renumbered 287.17
16 (4) (d) 1m. a., b. and c. and amended to read:

17 287.17 (4) (d) 1m. a. Fifty cents per pound for a manufacturer if the
18 manufacturer's actual total recycling weight of eligible electronic devices recycled by
19 or on behalf of the manufacturer, as determined under ~~subd. 2.~~ sub. (3m) (e) 1., is less
20 than 50 percent of the manufacturer's total target recycling weight, determined
21 under ~~subd. 1.~~ sub. (3m) (a).

22 b. Forty cents per pound for a manufacturer if the manufacturer's actual total
23 recycling weight of eligible electronic devices recycled by or on behalf of the
24 manufacturer, as determined under ~~subd. 2.~~ sub. (3m) (e) 1., is at least 50 percent but

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1 not more than 90 percent of the manufacturer's total target recycling weight,
2 determined under ~~subd. 1. sub. (3m) (a).~~

3 c. Thirty cents per pound for a manufacturer if the manufacturer's actual total
4 recycling weight of eligible electronic devices recycled by or on behalf of the
5 manufacturer, as determined under subd. 2. sub. (3m) (e) 1., is more than 90 percent
6 of the manufacturer's total target recycling weight, determined under subd. 1. sub.
7 (3m) (a).

8 **SECTION 50.** 287.17 (4) (dm) of the statutes is repealed.

9 **SECTION 51.** 287.17 (4) (e) of the statutes is renumbered 287.17 (3m) (d) 1. and
10 amended to read:

11 287.17 (3m) (d) *Recycling credits.* 1. ~~If~~ Except as provided in sub. (4) (g) 3., if,
12 for a program year, the total weight of eligible electronic devices recycled by or on
13 behalf of a manufacturer, as determined reported under par. (f) 1. or 2. sub. (5) (b),
14 exceeds the manufacturer's total target recycling weight determined under par. (d)
15 1. or (dm) (a), the manufacturer has a number of recycling credits equal to the
16 number of excess pounds or 20 percent of the total target recycling weight for that
17 program year, whichever is less, subject to subd. 1m. The manufacturer may use the
18 these credits for the purpose of par. (d) 2. determining its actual total recycling
19 weight under par. (e) 1. for any of the 3 succeeding program years year or may sell
20 credits to another manufacturer for use for the purpose of determining that
21 manufacturer's actual total recycling weight under par. (e) 1. for any of the 3
22 succeeding program years year, subject to subd. 1r.

23 **SECTION 52.** 287.17 (4) (f) of the statutes is repealed.

24 **SECTION 53.** 287.17 (4) (g) 1. of the statutes is amended to read:

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1 287.17 (4) (g) 1. Instead of paying a shortfall fee under ~~this subsection~~ par. (d)
2 1m. in a program year, a manufacturer may submit, with its registration, a request
3 for relief from all or a portion of the shortfall fee in that program year along with
4 information showing that the manufacturer has made good faith progress toward
5 meeting its total target recycling weight under ~~par. (d) 1.~~ sub. (3m) (a).

6 **SECTION 54.** 287.17 (4) (g) 1m. of the statutes is created to read:

7 287.17 (4) (g) 1m. Instead of paying a shortfall fee under par. (d) 2m. in a
8 program year, a manufacturer may submit, with its registration, a request for relief
9 from all or a portion of the shortfall fee in that program year along with information
10 showing that the manufacturer has made good faith progress toward meeting its
11 target rural county recycling weight under sub. (3m) (c).

12 **SECTION 55.** 287.17 (4) (g) 2. of the statutes is amended to read:

13 287.17 (4) (g) 2. If the department determines that a manufacturer that makes
14 a request under subd. 1. or 1m. in a program year has made good faith progress
15 toward meeting its total target recycling weight or target rural county recycling
16 weight, the department shall waive the requirement that the manufacturer pay ~~the~~
17 all or a portion of that shortfall fee in the program year. If the department determines
18 that the manufacturer has not made good faith progress toward meeting its total
19 target recycling weight or its target rural county recycling weight, it shall notify the
20 manufacturer and the manufacturer shall pay ~~the~~ that shortfall fee within 60 days
21 after receiving the notification.

22 **SECTION 56.** 287.17 (4) (g) 3. of the statutes is created to read:

23 287.17 (4) (g) 3. If, for a program year, the total weight of eligible electronic
24 devices recycled by or on behalf of a manufacturer, as reported under sub. (5) (b),
25 exceeds the manufacturer's total target recycling weight determined under sub. (3m)

SENATE BILL 621**SECTION 56**

1 (a) by 20 percent or more, the manufacturer may elect to be exempt from the the rural
2 county recycling weight shortfall fee under par. (d) 2m. for that program year, and
3 shall submit, with its registration, a notice that it is making that election. If a
4 manufacturer elects to be exempt under this subdivision, the manufacturer may not
5 accumulate any recycling credits under sub. (3m) (d) for that program year.

6 **SECTION 57.** 287.17 (5) (a) 1. a. of the statutes is amended to read:

7 287.17 (5) (a) 1. a. The total weight of each model of its covered electronic
8 devices sold to households or schools in this state during the program year that began
9 ~~24 months~~ 2 program years before the beginning of the program year in which the
10 report is made.

11 **SECTION 58.** 287.17 (5) (a) 1. b. of the statutes is amended to read:

12 287.17 (5) (a) 1. b. The total weight of all of its covered electronic devices sold
13 to households or schools in this state during the program year that began ~~24 months~~
14 2 program years before the beginning of the program year in which the report is
15 made.

16 **SECTION 59.** 287.17 (5) (a) 1. c. of the statutes is amended to read:

17 287.17 (5) (a) 1. c. An estimate, based on national sales data, of the total weight
18 of its covered electronic devices sold to households or schools in this state during the
19 program year that began ~~24 months~~ 2 program years before the beginning of the
20 program year in which the report is made.

21 **SECTION 60.** 287.17 (5) (a) 1. d. of the statutes is created to read:

22 287.17 (5) (a) 1. d. The total weight of its covered electronic devices sold to
23 households or schools in this state calculated by a method approved by the
24 department.

25 **SECTION 61.** 287.17 (5) (b) of the statutes is amended to read:

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1 287.17 (5) (b) *Weight of eligible electronic devices recycled.* With the
2 registration that it submits under sub. (3) that is due by September 1, 2010, a
3 manufacturer shall report to the department the total weight of eligible electronic
4 devices used by households or schools in this state that were collected by or delivered
5 to the manufacturer for recycling by the manufacturer or that were collected by or
6 delivered to a registered recycler for recycling on behalf of the manufacturer during
7 the last 2 program quarters of the preceding program year. Beginning in 2011, with
8 the registration that it submits under sub. (3), a manufacturer shall report to the
9 department the total weight of eligible electronic devices used by households or
10 schools in this state that were collected by or delivered to the manufacturer for
11 recycling by the manufacturer or that were collected by or delivered to a registered
12 recycler for recycling on behalf of the manufacturer during the preceding program
13 year. A manufacturer ~~may~~ shall also report separately the weight of eligible
14 electronic devices used by households or schools in rural counties and used by
15 households or schools in urban counties ~~for the purpose of obtaining the weight~~
16 ~~adjustment under sub. (4) (f) for eligible electronic devices received from households~~
17 ~~or schools in rural counties.~~

18 **SECTION 62.** 287.17 (5) (c) (intro.) of the statutes is amended to read:

19 287.17 (5) (c) *Recycling credits.* (intro.) With the registration that it submits
20 under sub. (3), ~~beginning in 2011~~, a manufacturer shall report all of the following to
21 the department:

22 **SECTION 63.** 287.17 (5) (c) 3. of the statutes is amended to read:

23 287.17 (5) (c) 3. The number of recycling credits and rural county recycling
24 credits that the manufacturer elects to use in the calculation of its shortfall fees
25 under sub. (4) (d) ~~2~~.

SENATE BILL 621**SECTION 64**

1 **SECTION 64.** 287.17 (5) (c) 4. of the statutes is amended to read:

2 287.17 (5) (c) 4. The number of recycling credits available to the manufacturer
3 after calculating its shortfall fees under sub. (4) (d) ~~2~~.

4 **SECTION 65.** 287.17 (7) (a) 1. (intro.) of the statutes is amended to read:

5 287.17 (7) (a) 1. (intro.) ~~Beginning on January 1, 2010, no~~ No person may
6 operate as a collector delivering or arranging for the delivery of eligible electronic
7 devices to a registered recycler for recycling on behalf of a manufacturer who is
8 registered under sub. (3) unless the person is registered under this paragraph. A
9 person shall register by submitting, ~~no later than January 1, 2010, and annually, no~~
10 ~~later than August 1 beginning in 2010~~ the first day of the 2nd month of each program
11 year, to the department a registration, using a form prescribed by the department,
12 that includes all of the following:

13 **SECTION 66.** 287.17 (7) (a) 2. of the statutes is amended to read:

14 287.17 (7) (a) 2. A complete registration is effective on receipt by the
15 department and is valid until the first day of the 2nd month of the following August
16 ~~1- program year~~ unless suspended or revoked before that date.

17 **SECTION 67.** 287.17 (7) (b) of the statutes is amended to read:

18 287.17 (7) (b) *Reports and records.* No later than ~~August 1-~~ the first day of the
19 2nd month of each program year, ~~beginning August 1, 2010,~~ a registered collector
20 shall report to the department the total weight of eligible electronic devices collected
21 in this state during the preceding program year and the names of all registered
22 recyclers to whom the collector delivered eligible electronic devices. A registered
23 collector shall maintain records of the sources of eligible electronic devices it collects
24 and of the registered recyclers to whom the collector delivers eligible electronic
25 devices.

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1 **SECTION 68.** 287.17 (8) (a) 1. (intro.) of the statutes is amended to read:

2 287.17 (8) (a) 1. (intro.) ~~Beginning on January 1, 2010, no~~ No person may
3 operate as a recycler receiving eligible electronic devices on behalf of a manufacturer
4 who is registered under sub. (3) unless the person is registered under this paragraph.
5 A person shall register by submitting, ~~no later than January 1, 2010, and annually,~~
6 ~~no later than August 1 beginning in 2010~~ the first day of the 2nd month of each
7 program year, to the department a registration, using a form prescribed by the
8 department, that includes all of the following:

9 **SECTION 69.** 287.17 (8) (a) 2. of the statutes is amended to read:

10 287.17 (8) (a) 2. A complete registration is effective on receipt by the
11 department and is valid until the first day of the 2nd month of the following ~~August~~
12 ~~1- program year~~ unless suspended or revoked before that date.

13 **SECTION 70.** 287.17 (8) (b) 1. of the statutes is renumbered 287.17 (8) (b) (intro.)
14 and amended to read:

15 287.17 (8) (b) *Reports and records* Annual reporting requirements. (intro.) No
16 later than ~~August 1- the first day of the 2nd month~~ of each program year, ~~beginning~~
17 ~~with August 1, 2010,~~ a registered recycler shall report to the department ~~the total~~
18 ~~weight of eligible electronic devices collected in this state that the recycler received~~
19 ~~for recycling on behalf of a manufacturer registered under sub. (3) during the~~
20 ~~preceding program year and the name of the manufacturer.~~ all of the following:

21 **SECTION 71.** 287.17 (8) (b) 1m., 2m., 3m., 4. and 5. of the statutes are created
22 to read:

23 287.17 (8) (b) 1m. The total weight of eligible electronic devices collected in this
24 state that the recycler received for recycling on behalf of a manufacturer registered
25 under sub. (3) during the preceding program year and the name of the manufacturer.

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1 2m. The weight of eligible electronic devices collected in this state that the
2 recycler received for recycling on behalf of a manufacturer registered under sub. (3)
3 during the preceding program year, separated into the following categories:

- 4 a. Televisions that contain a cathode-ray tube.
- 5 b. Televisions that do not contain a cathode-ray tube.
- 6 c. Computer monitors that contain a cathode-ray tube.
- 7 d. Computer monitors that do not contain a cathode-ray tube.
- 8 e. Consumer computers.
- 9 f. Consumer printers.
- 10 g. Other eligible electronic devices.

11 3m. The weight of materials derived from the devices described in subd. 1m.
12 during the preceding program year, separated into the following categories:

- 13 a. Cathode-ray tube glass.
- 14 b. Glass, not including cathode-ray tube glass.
- 15 c. Metals.
- 16 d. Plastics.
- 17 e. Other materials.

18 4. The weight of materials derived from the devices described in subd. 1m. that
19 the registered recycler sent to another person for use in a manufacturing process or
20 for recovery of usable materials during the preceding program year, separated into
21 the categories under subd. 3m. a. to e.

22 5. The weight of materials derived from the devices described in subd. 1m. that
23 the registered recycler sent to be disposed of in a solid waste disposal facility or
24 burned at a solid waste treatment facility during the preceding program year,
25 separated into the categories under subds. 3m. a. to e.

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1 **SECTION 72.** 287.17 (8) (b) 2. of the statutes is renumbered 287.17 (8) (bm), and
2 287.17 (8) (bm) (intro.), as renumbered, is amended to read:

3 287.17 (8) (bm) *Mid-year reporting requirements.* (intro.) No later than
4 ~~February 1~~ the first day of the 8th month of each program year, ~~beginning in 2011,~~
5 a registered recycler shall report to the department all of the following:

6 **SECTION 73.** 287.17 (8) (c) 4. of the statutes is amended to read:

7 287.17 (8) (c) 4. A registered recycler shall maintain records that can be used
8 to determine, for each program year, ~~the total weight of eligible electronic devices~~
9 ~~recycled by the recycler on behalf of manufacturers under this section, the weight of~~
10 ~~materials derived from those eligible electronic devices that the registered recycler~~
11 ~~sends to another person for use in a manufacturing process or for recovery of usable~~
12 ~~materials, and the weight of materials derived from those eligible electronic devices~~
13 ~~that the registered recycler sends to be disposed of in a solid waste disposal facility~~
14 ~~or burned at a solid waste treatment facility~~ weights described in par. (b) 1m. to 5.

15 **SECTION 74.** 287.17 (8) (e) of the statutes is amended to read:

16 287.17 (8) (e) *Modifying or adding requirements by rule.* The department shall
17 review the requirements under par. (c) 1. to 7. to determine whether it is necessary
18 to modify or add to those requirements so that the requirements applicable to
19 registered recyclers are at least equivalent to nationally recognized standards for
20 recycling eligible electronic devices. If the department determines that it is
21 necessary to modify or add to the requirements under par. (c) 1. to 7., the department
22 shall promulgate rules that modify or add to the requirements so that they are at
23 least equivalent to nationally recognized standards for recycling eligible electronic
24 devices. ~~The department may not promulgate a rule under this paragraph that takes~~
25 ~~effect before October 1, 2011.~~

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1 **SECTION 75.** 287.17 (9) of the statutes is amended to read:

2 287.17 (9) RETAILERS. ~~Beginning on July 1, 2010, a~~ A retailer who sells covered
3 electronic devices for use by households or schools shall provide to purchasers
4 information describing how eligible electronic devices can be collected and recycled
5 and a description of the prohibitions in s. 287.07 (5) (a). A retailer may satisfy this
6 requirement by providing a toll-free number for receiving the information and a
7 description of how to access the department's Internet site under sub. (10) (a). A
8 retailer who sells through a catalog may provide the information in the catalog. A
9 retailer who sells through the Internet may provide the information on its Internet
10 site.

11 **SECTION 76.** 287.17 (9m) of the statutes is amended to read:

12 287.17 (9m) RECORD KEEPING AND INSPECTION. A person subject to sub. (3), (7),
13 (8), or (9) shall maintain records related to the program under this section and
14 reports required under this section for at least 3 program years. The department
15 may inspect records of a person subject to sub. (3), (7), (8), or (9) that are related to
16 the program under this section.

17 **SECTION 77.** 287.17 (10) (c) 1. a. of the statutes is amended to read:

18 287.17 (10) (c) 1. a. The number by which ~~the weight of covered electronic~~
19 ~~devices sold~~ a manufacturer's total target recycling weight is multiplied under sub.
20 (4) ~~(d) 1. (3m) (c)~~ to determine target rural county recycling weight.

21 **SECTION 78.** 287.17 (10) (c) 1. b. of the statutes is amended to read:

22 287.17 (10) (c) 1. b. The estimated cost of recycling under sub. (4) (d) ~~4. 1m. and~~
23 2m.

24 **SECTION 79.** 287.17 (10) (c) 1. d. of the statutes is repealed.

25 **SECTION 80.** 287.17 (10) (c) 2. of the statutes is amended to read:

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1 287.17 (10) (c) 2. If the department determines that any of the values under
2 subd. 1. a. to ~~d.~~ c. should be changed in order to improve the effectiveness of the
3 program under this section or to provide more recycling opportunities to rural areas
4 of this state, the department shall report its recommendations for changes under s.
5 13.172 (3) to the committee of each house of the legislature with jurisdiction over
6 solid waste policy.

7 **SECTION 81.** 287.17 (10) (cm) of the statutes is repealed.

8 **SECTION 82.** 287.17 (10) (d) (intro.) of the statutes is amended to read:

9 287.17 (10) (d) *Annual report.* (intro.) Before December 1 of each program year,
10 ~~beginning in 2012 prior to the transition year, and before June 1 of each program year~~
11 beginning with the transition year, the department shall provide a report on the
12 program under this section to the legislature under s. 13.172 (2) and to the governor.
13 The department shall include all of the following in the report:

14 **SECTION 83.** 287.17 (10) (i) of the statutes is amended to read:

15 287.17 (10) (i) *Addition or exemption of eligible electronic devices.* If the
16 department determines that the disposal or burning of a kind of electronic device
17 that is not listed in sub. (1) (gs) in a solid waste facility may be harmful to human
18 health or the environment, the department may promulgate a rule specifying that
19 the kind of electronic device is an eligible electronic device, is subject to s. 287.07 (5)
20 (a), or both. If the department determines that the disposal or burning of a kind of
21 electronic device that is listed in sub. (1) (gs) or s. 287.07 (5) (a) in a solid waste facility
22 is not harmful to human health and is not harmful to the environment or if the
23 department determines that it is not feasible to require the recycling of a kind of
24 electronic device that is listed in sub. (1) (gs) or s. 287.07 (5) (a), the department may
25 promulgate a rule specifying that the kind of electronic device is not an eligible

SENATE BILL 621**SECTION 83**

1 electronic device, is not subject to s. 287.07 (5) (a), or both. ~~The department may not~~
2 ~~promulgate a rule under this paragraph that takes effect before October 1, 2011.~~

3 **SECTION 84.** 287.17 (10) (j) of the statutes is amended to read:

4 287.17 (10) (j) *Audits.* The department may perform or contract for the
5 performance of an audit of the activities of a registered collector or registered
6 recycler. If the department performs or contracts for the performance of an audit of
7 a collector or recycler during the first 3 program years in which the collector or
8 recycler is registered under sub. (7) or (8) (a), the collector or recycler shall pay 25
9 percent of the cost of the audit. If the department performs or contracts for the
10 performance of an audit of a collector or recycler after the first 3 program years in
11 which the collector or recycler is registered, the collector or recycler shall pay 50
12 percent of the cost of the audit.

13 **SECTION 85.** 287.17 (10) (k) of the statutes is amended to read:

14 287.17 (10) (k) *Modification of registration fee.* The department may modify
15 the registration fee fees under sub. (4) (b) 1. and (be) by rule. ~~The department may~~
16 ~~not promulgate a rule under this paragraph that takes effect before October 1, 2011.~~

17 **SECTION 86.** 287.17 (10) (L) of the statutes is created to read:

18 287.17 (10) (L) *Modification of rural county shortfall exemption.* The
19 department may modify the percentage under sub. (4) (g) 3. by rule.

20 **SECTION 87.** 287.17 (10) (m) of the statutes is created to read:

21 287.17 (10) (m) *Modification of recycler reporting requirement.* The
22 department may modify the categories of devices under sub. (8) (b) 2m. by rule.

23 (END)