



## 1997 ASSEMBLY BILL 402

June 4, 1997 - Introduced by Representatives GUNDERSON, ALBERS, WOOD, AINSWORTH, TURNER, DOBYNS, URBAN, STASKUNAS, OTT, BAUMGART, LAZICH, GOETSCH, GROTHMAN, NASS, ROBSON and SYKORA, cosponsored by Senators ADELMAN, HUELSMAN and FARROW. Referred to Committee on Natural Resources.

1     **AN ACT to amend** 289.01 (1) (b) of the statutes; **relating to:** the counties and  
2             municipalities that may participate in negotiation and arbitration concerning  
3             a proposed landfill or hazardous waste facility.

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### *Analysis by the Legislative Reference Bureau*

Current law provides a process for negotiation and arbitration between a person who wishes to construct or expand a landfill or a hazardous waste facility and those affected municipalities and counties that choose to participate in the process. An affected municipality or county is one in which a facility is proposed to be located or one whose boundary is within 1,200 feet of the area in which solid waste would be disposed of or the area in which hazardous waste would be treated, stored or disposed of. The parties may negotiate about matters including the applicability of local approvals, such as zoning ordinances, and compensation for economic impacts of the proposed facility.

Under this bill, for the purpose of the landfill and hazardous waste facility negotiation and arbitration law, an affected municipality or county is one in which a facility is proposed to be located or one whose boundary is within one-half mile of the area in which solid waste would be disposed of or the area in which hazardous waste would be treated, stored or disposed of.

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

**ASSEMBLY BILL 402****SECTION 1**

1           **SECTION 1.** 289.01 (1) (b) of the statutes is amended to read:

2           289.01 (1) (b) A town, city, village or county whose boundary is within ~~1,200 feet~~  
3           one-half mile of that portion of the facility designated by the applicant for the  
4           disposal of solid waste or the treatment, storage or disposal of hazardous waste in  
5           the feasibility report under s. 289.23, excluding buffers and similar areas.

6           **SECTION 2. Nonstatutory provisions.**

7           (1) PROCESS FOR CERTAIN PROPOSALS TO CONSTRUCT OR EXPAND FACILITIES.

8           (a) If a person has applied for local approvals under section 289.22 (1m) of the  
9           statutes before the effective date of this subsection from the local governmental units  
10          that are affected municipalities under section 289.01 (1), 1995 stats., with respect to  
11          a proposal to construct a new facility or expand an existing facility but the  
12          department has not issued a determination of feasibility under section 289.29 of the  
13          statutes with respect to that proposal, the person shall apply for local approvals  
14          under section 289.22 (1m) of the statutes from local governmental units that become  
15          affected municipalities because of the treatment of section 289.01 of the statutes by  
16          this act no later than the 30th day after the effective date of this subsection.

17          (b) If the waste facility siting board has issued a notice under section 289.33  
18          (6) (b) of the statutes on or before the effective date of this subsection with respect  
19          to a proposal for which a person is required to apply for local approvals under  
20          paragraph (a), section 289.33 (6) (c) applies.

21          **SECTION 3. Initial applicability.**

22          (1) This act first applies to a proposed new or expanded solid waste facility or  
23          hazardous waste facility for which the department issues a determination of  
24          feasibility under section 289.29 of the statutes on the effective date of this subsection.

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(END)