

1999 DRAFTING REQUEST

Bill

Received: **01/26/99**

Received By: **traderc**

Wanted: **As time permits**

Identical to LRB:

For: **Jeffrey Plale (608) 266-0610**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - solid haz. waste**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Municipal regulation of clean fill sites

Instructions:

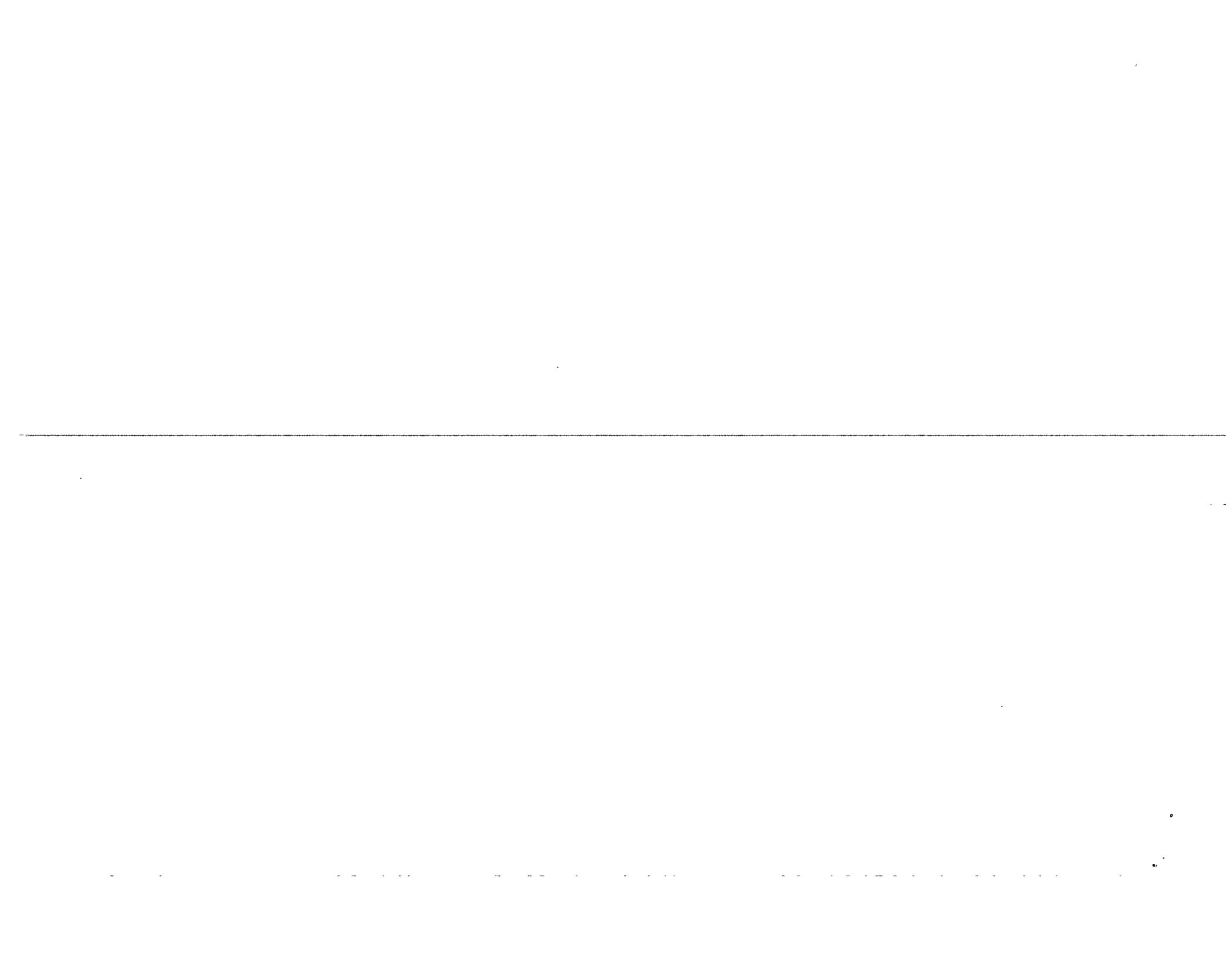
Like 1997 AB 815

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	traderc 02/5/99	jgeller 02/6/99		_____			
/1			jfrantze 02/8/99	_____	lrb_docadmin 02/8/99		
/2	traderc 02/23/99	jgeller 02/24/99	jfrantze 02/24/99	_____	lrb_docadmin 02/24/99	lrb_docadmin 03/2/99	

FE Sent For:

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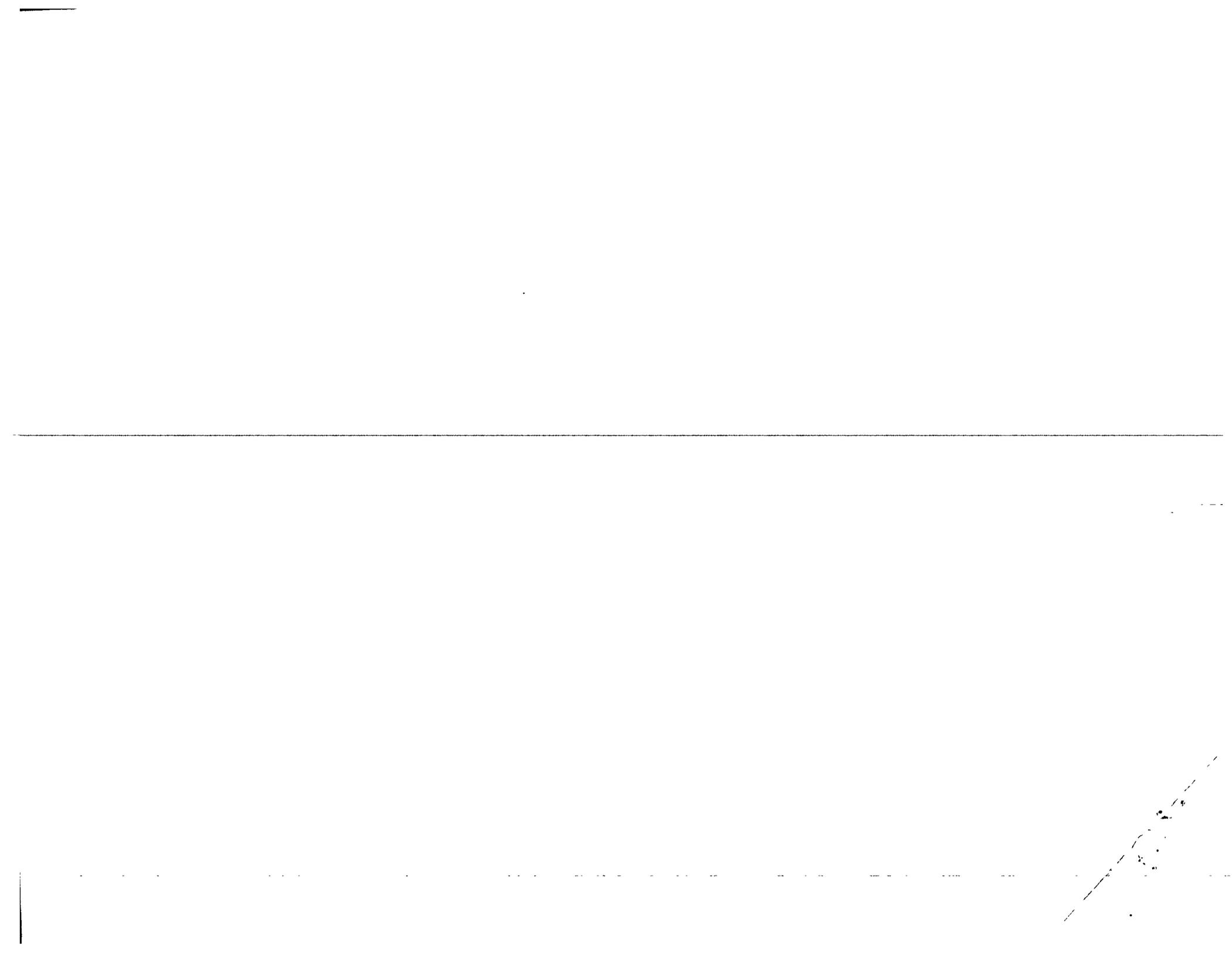
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/1		1/2 2/24 jlg	jfrantze 02/8/99	_____	lrb_docadmin 02/8/99		

FE Sent For:

Handwritten signatures and dates: 2/24, 2/24, and a signature with 'ENDS' written below it.



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1/?	traderc	1 2/6 jlg	2/2/8	2/8			

FE Sent For:

<END>



Tradewell, Becky

From: Peloquin, Traci
Sent: Tuesday, January 26, 1999 2:15 PM
To: Tradewell, Becky
Subject: redraft of AB 815

Thank you for your help this morning. Paul has been in contact and we're working on the advertising issue.

Rep. Plale would also like to have AB 815 from last session redrafted for introduction this session. He did not request any changes. I've attached the relating clause and analysis from AB 815 below.

Please call or e-mail if you have any questions.

Thank you.

Traci Peloquin
Rep. Plale's office

LRB-3511/2
RCT::kmg&kaf::ijs
1997 - 1998 LEGISLATURE

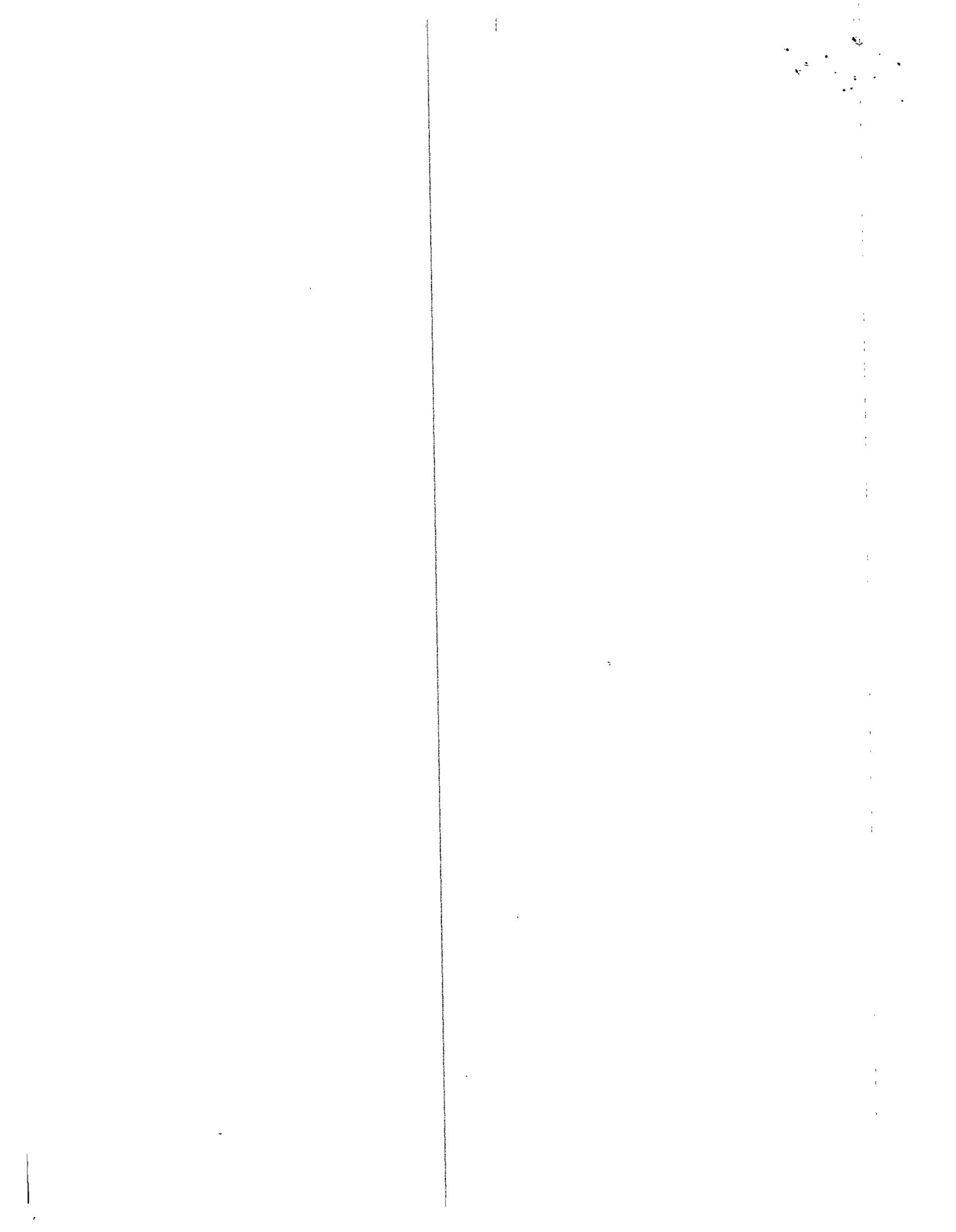
1997 ASSEMBLY BILL 815

February 24, 1998 - Introduced by Representatives Plale, Green, Boyle, F. Lasee, Ladwig, R. Potter, Riley, Springer and Staskunas, cosponsored by Senator Grobschmidt. Referred to Committee on Environment.
An Act to create 289.43 (8) (d) of the statutes; relating to: local regulation of certain solid waste facilities.

Analysis by the Legislative Reference Bureau

Current law generally subjects solid waste disposal facilities, such as landfills, to licensing and other regulation by the department of natural resources (DNR). The law authorizes DNR to promulgate rules exempting solid waste disposal facilities that accept only low-hazard waste from licensing and other requirements. In *DeRosso Landfill Co. v. City of Oak Creek*, 200 Wis. 2d 642 (1996), the court held that a solid waste disposal facility exempt from regulation under DNR's rules was not subject to a municipal ordinance that would have prohibited the facility from being opened.

This bill provides that a municipality may regulate the location and operation of a solid waste facility that is exempt from licensing and other regulation under DNR's rules if several conditions are satisfied. The conditions include that the municipality



does not entirely prohibit exempt solid waste facilities from being located within the municipality.

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~~1997 ASSEMBLY~~ BILL 815

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Regen

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Analysis by the Legislative Reference Bureau

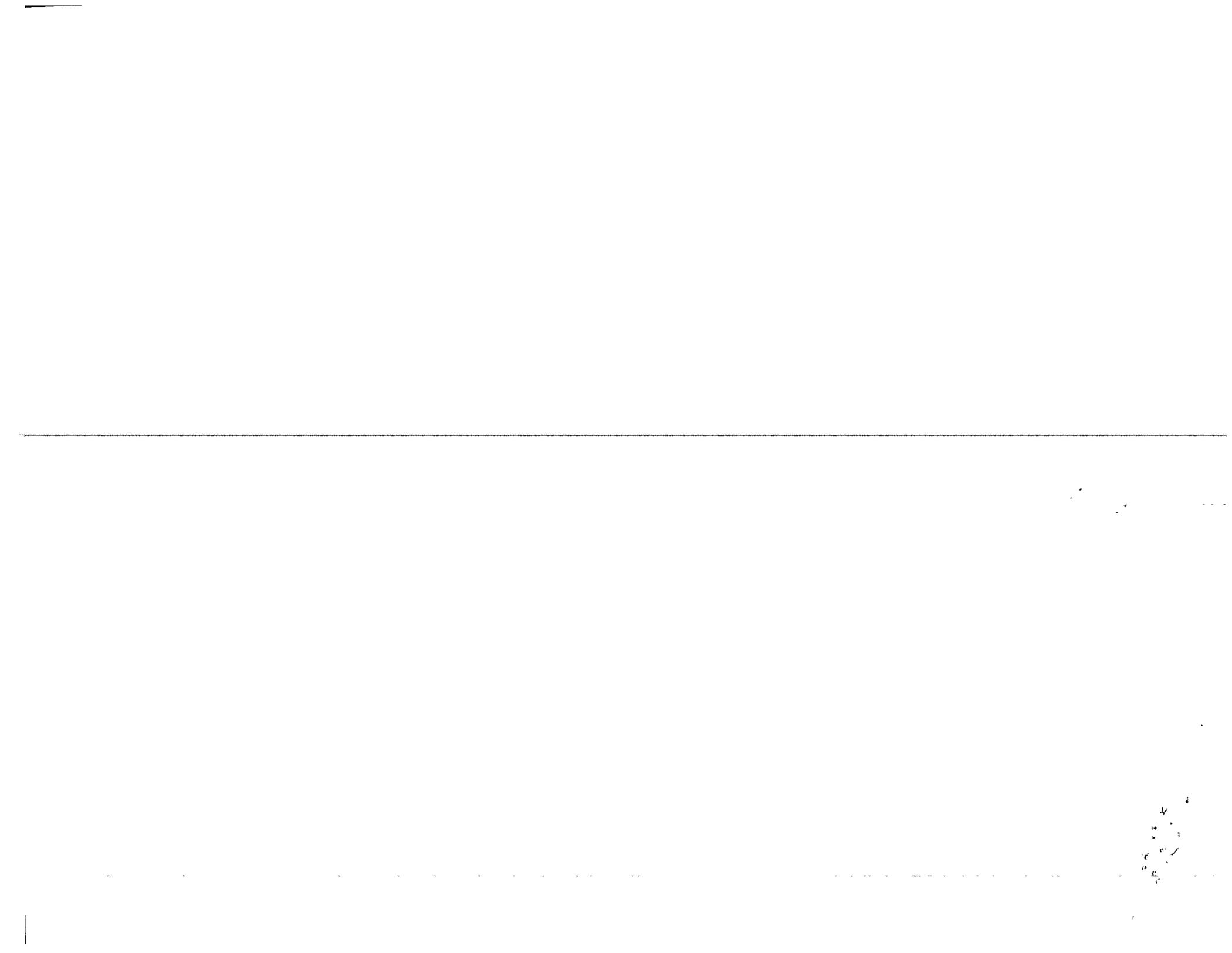
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This bill provides that a municipality may regulate the location and operation of a solid waste facility that is exempt from licensing and other regulation under DNR's rules if several conditions are satisfied. The conditions include that the municipality does not entirely prohibit exempt solid waste facilities from being located within the municipality.

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

3 SECTION 1. 289.43 (8) (d) of the statutes is created to read:

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**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU FEB 7 1999
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 2/8/99

To: Representative Plale

Relating to LRB drafting number: LRB-2021

Topic

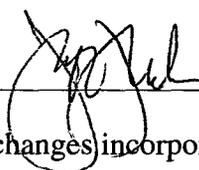
Municipal regulation of clean fill sites

Subject(s)

Environment - solid haz. waste

1. **JACKET** the draft for introduction _____

in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached  _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Rebecca C. Tradewell, Managing Attorney
Telephone: (608) 266-7290

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1999 BILL

1 **AN ACT to create** 289.43 (8) (d) of the statutes; **relating to:** local regulation of
2 certain solid waste facilities.

Analysis by the Legislative Reference Bureau

Current law generally subjects solid waste disposal facilities, such as landfills, to licensing and other regulation by the department of natural resources (DNR). The law authorizes DNR to promulgate rules exempting solid waste disposal facilities that accept only low-hazard waste from licensing and other requirements. In *DeRosso Landfill Co. v. City of Oak Creek*, 200 Wis. 2d 642 (1996), the court held that a solid waste disposal facility exempt from regulation under DNR's rules was not subject to a municipal ordinance that would have prohibited the facility from being opened.

This bill provides that a municipality may regulate the location and operation of a solid waste facility that is exempt from licensing and other regulation under DNR's rules if several conditions are satisfied. The conditions include that the municipality does not entirely prohibit exempt solid waste facilities from being located within the municipality.

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

3 **SECTION 1.** 289.43 (8) (d) of the statutes is created to read:

BILL

1 289.43 (8) (d) A municipality may regulate the location and operation of solid
2 ^{disposal}waste facilities exempted under par. (b) if all of the following apply:

3 1. The regulations are part of a general ordinance regarding zoning, land use,
4 storm water or planning.

5 2. The municipality does not entirely prohibit those solid waste ^{disposal} facilities from
6 being located within the municipality.

7 3. The regulations do not include requirements regarding nuisance and
8 aesthetic conditions or location that are less stringent than requirements in rules
9 promulgated by the department.

10 4. The regulations do not conflict with any order [↓] issued by the department with
11 respect to a specific site in the municipality.

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(END)

, grant of exemption, or
plan approval



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2021/2

RCT:jlj:jf
redraft
make
run

SOON

1999 BILL

Regen

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* This bill provides that a municipality may regulate the location and operation of a solid waste disposal facility that is exempt from licensing and other regulation under DNR's rules if several conditions are satisfied. The conditions include that the municipality does not entirely prohibit exempt solid waste facilities from being located within the municipality. * disposal

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FEB 24 1999

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