

1999 DRAFTING REQUEST

Bill

Received: 06/21/1999

Received By: traderc

Wanted: As time permits

Identical to LRB:

For: Jeff Stone (608) 266-8590

By/Representing: self

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:

Membership on landfill siting committes

Instructions:

See Attached

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 08/24/1999	ygeller 08/24/1999		_____			
/1			jfrantze 08/24/1999	_____	lrb_docadmin 08/24/1999	lrb_docadmin 08/24/1999	

FE Sent For:

<END>

Not Needed

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FE Sent For:

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1?	traderc	1/8/24 JG	7/8/24	JG/mc 8/24			

FE Sent For:

<END>

To: BESSY TRADEWELL 4-8522

From: MIKE PRENTISS, REP. STONE'S OFFICE

2 PAGES

HERE'S THE LANGUAGE REP. STONE  
~~MENTIONED~~ WOULD LIKE TO HAVE  
DRAFTED. PLEASE GIVE ME A CALL IF  
YOU HAVE ANY QUESTIONS.

THANKS,

MIKE





# City of Franklin

PATRICK F. MURRAY

Mayor

June 14, 1999

Representative Scott R. Jensen  
 Room 315 North  
 State Capitol  
 P.O. Box 8952  
 Madison, Wisconsin 53708

Dear Representative Jensen:

I am writing to request your assistance in the legislative consideration of an amendment to §289.33(7)(a)1., Stats. Enclosed is a copy of my letter to Mr. Chris Spooner of the Governor's Office dated September 16, 1998, which addresses the purpose of the request in some detail. I have enclosed a copy of the language incorporated into the budget bill as a result of that request. I understand that the proposal was removed from the budget bill as not being fiscally related.

Considering the purposes of the original City of Franklin request and the language changes made by legislative drafting staff, I request your assistance in the legislative consideration of the following amendment:

289.33(7)(a)1. A town, city or village in which all or part of a facility is proposed to be located may appoint 4 members or the number of members appointed under subds. 1m., 2., (7n) and any prior written agreement plus 2, whichever is greater, no more than 2 of whom are elected officials or municipal employes.

Please note that the statute as it exists was intended to provide host communities a majority membership upon local siting committees. Some years ago, during a prior siting process, Franklin agreed with adjoining municipalities that all municipalities would participate for the good of the public in expansion proceedings. That agreement was struck in good faith and upon intended cooperative governmental efforts. Since that time, a like participatory provision was refused by an adjoining host municipality for a separate landfill siting and the disparity between benefits distributed to municipalities from the Franklin site and that located across the street in the City of Muskego has been and is currently extreme. The City of Muskego as the host community in siting the landfill on the west side of STH 45 enjoys the benefits of the last amendment to the subject section intended to provide a host community with a majority membership, while the City of Franklin, as the host community for the landfill located on the east side of STH 45 does not. This disparity must be corrected.

Please let me know what further proceedings will occur with regard to this request. Thank you kindly for your attention to this matter.

Sincerely yours,

Patrick F. Murray  
 Mayor





SOON

3232/1  
LRB-27474  
RCT:jlg:jf  
↑  
stays

1999 BILL

DNste

Regen

- 1 AN ACT to amend 289.33 (7) (a) 1. of the statutes; relating to: membership on
- 2 landfill and hazardous waste facility negotiating committees.

**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 a committee representing 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 1,500 feet of the area in which waste would be treated, stored or disposed of. Other municipalities may participate in the negotiation and arbitration process with the agreement of all parties to the process. Under current law, a town, city or village in which all or part of the facility is proposed to be located may appoint four members to a committee or the number of members appointed by the county and other affected municipalities plus two, whichever is greater.

Under this bill, a town, city or village in which all or part of a landfill or a hazardous waste facility is proposed to be located may appoint four members to a committee or the number of members appointed by the county, other affected municipalities and any municipalities added by agreement of the parties plus two, whichever is greater.

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



Note

¶ Under this bill, the host community of a landfill may appoint four members to the local siting committee or <sup>two more members than</sup> the <sup>total</sup> number appointed by any other affected communities and by other municipalities added <sup>to the committee</sup> by <sup>written</sup> agreement under s. 289.33(2a), whichever is greater. The letter from the Mayor of the City of Franklin asks to add language referring to members appointed under "any prior written agreement". I believe that the cross-reference to s. 289.33(2a) covers the kind of written agreement to which the Mayor refers, so that the additional language is unnecessary.

¶ If you have any questions, please feel free to contact me.

RJT

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3232/1dn  
RCTjlg:jf

August 24, 1999

Under this bill, the host community of a landfill may appoint four members to the local siting committee or two more members than the total number appointed by any other affected communities and by other municipalities added to the committee by written agreement under s. 289.33 (7n), whichever is greater. The letter from the Mayor of the city of Franklin asks to add language referring to members appointed under "any prior written agreement". I believe that the cross-reference to s. 289.33 (7n) covers the kind of written agreement to which the Mayor refers, so that the additional language is unnecessary.

If you have any questions, please feel free to contact me.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [Becky.Tradewell@legis.state.wi.us](mailto:Becky.Tradewell@legis.state.wi.us)

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
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:** 08/24/1999

**To:** Representative Stone

**Relating to LRB drafting number:** LRB-3232

**Topic**

Membership on landfill siting committes

**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

Please e-mail  
to Mike Prestiss  
(Rep. Stone's office)  
the analysis  
to HCB-3232/1

## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Wednesday, August 25, 1999 12:13 PM  
**To:** Prentiss, Mike  
**Cc:** Tradewell, Becky  
**Subject:** 99-3232/1 (per your request)



99 3232/1

LRB-3232/1  
Drafter: RCT  
1999 - 2000 LEGISLATURE

**AN ACT** to amend 289.33 (7) (a) 1. of the statutes; relating to: membership on landfill and hazardous waste facility negotiating committees.

### **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 a committee representing 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 1,500 feet of the area in which waste would be treated, stored or disposed of. Other municipalities may participate in the negotiation and arbitration process with the agreement of all parties to the process. Under current law, a town, city or village in which all or part of the facility is proposed to be located may appoint four members to a committee or the number of members appointed by the county and other affected municipalities plus two, whichever is greater.

Under this bill, a town, city or village in which all or part of a landfill or a hazardous waste facility is proposed to be located may appoint four members to a committee or the number of members appointed by the county, other affected municipalities and any municipalities added by agreement of the parties plus two, whichever is greater.

*Mike Barman*

Mike Barman - Program Asst. (PH. 608-266-3561)  
(E-Mail: [mike.barman@legis.state.wi.us](mailto:mike.barman@legis.state.wi.us)) (FAX: 608-264-6948)

State of Wisconsin  
Legislative Reference Bureau - Legal Section - Front Office  
100 N. Hamilton Street - 5th Floor  
Madison, WI 53703