## 1999 SENATE JOINT RESOLUTION 12

March 16, 1999 - Introduced by Senators Wirch, Robson, Clausing, Cowles, BAUMGART, SCHULTZ, GROBSCHMIDT, LAZICH, BRESKE, FARROW, ERPENBACH, Darling, Huelsman and Moen, cosponsored by Representatives Johnsrud, ALBERS, BOCK, FREESE, GOETSCH, GUNDERSON, HASENOHRL, HOVEN, HUBER, KELSO, KESTELL, KLUSMAN, LADWIG, LASSA, MONTGOMERY, MUSSER, NASS, OWENS, Petrowski, Plouff, Reynolds, Skindrud, Spillner, Stone, Suder, Urban, WARD and BERCEAU. Referred to Committee on Agriculture, Environmental Resources and Campaign Finance Reform.

1	<b>Relating to:</b> requesting Congress to enact legislation to allow states to control the
2	interstate shipment of solid waste.
3	Whereas, the amount of solid waste generated in the United States more than
4	doubled from 1960 to 1990; and
5	Whereas, in the next 15 years, 80% of the landfills that were operating in 1989
6	will be filled; and
7	Whereas, Congress, to date, has refused to address nonhazardous solid waste
8	regulation on a national level; and
9	Whereas, in 1990 this state passed a recycling law that prohibited the disposal
10	of solid waste in Wisconsin landfills unless the municipality generating the waste
11	had an effective recycling program in place; and this applied to municipalities both
12	in Wisconsin and outside of Wisconsin; and
13	Whereas, the recycling law also required states that ship waste to Wisconsin

to have effective landfill siting programs in place; and

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Whereas, the U.S. district court for the western district of Wisconsin ruled that
the landfill siting provision violated the U.S. Constitution's commerce clause; and
Whereas, the 7th circuit court of appeals ruled that requiring out-of-state
communities to have effective recycling programs also violates the U.S.
Constitution's commerce clause; and
Whereas, resolving solid waste management issues under the commerce clause
alone does not give proper weight to environmental and land use considerations; and
Whereas, Wisconsin residents are required to recycle to conserve resources,
energy and landfill space; now, therefore, be it
Resolved by the senate, the assembly concurring, That the members of the
Wisconsin legislature request Congress to pass legislation giving a state the right to
limit the importing of solid waste from outside of the state; and, be it further
Resolved, That the senate chief clerk shall provide a copy of this joint
resolution to all members of this state's congressional delegation.

(END)