

1999 DRAFTING REQUEST

Senate Joint Resolution

Received: 02/24/99

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Robert Wirch (608) 267-8979**

By/Representing: **Amber**

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

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - solid haz. waste
Memorials - Congress to**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Ask Congress to allow states to control interstate shipment of solid waste

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 02/24/99	gilfokm 02/24/99		_____			
/1			martykr 02/24/99	_____	lrb_docadmin 02/24/99	lrb_docadmin 02/26/99	

FE Sent For:

<END>

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<END>

SENATE

1999 ~~ASSEMBLY~~ JOINT RESOLUTION

1 **Relating to:** 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
14 to have effective landfill siting programs in place; and

1 Whereas, the U.S. district court for the western district of Wisconsin ruled that
2 the landfill siting provision violated the U.S. Constitution's commerce clause; and

3 Whereas, the 7th circuit court of appeals ruled that requiring out-of-state
4 communities to have effective recycling programs also violates the U.S.
5 Constitution's commerce clause; and

6 Whereas, resolving solid waste management issues under the commerce clause
7 alone does not give proper weight to environmental and land use considerations; and

8 Whereas, Wisconsin residents are required to recycle to conserve resources,
9 energy and landfill space; now, therefore, be it

10 **Resolved by the ^{senate}assembly, the ^{assembly}senate concurring, That** the members of the

11 Wisconsin legislature request Congress to pass legislation giving a state the right to
12 limit the importing of solid waste from outside of the state; and, be it further

13 **Resolved, That** the ^{senate}assembly chief clerk shall provide a copy of this joint
14 resolution to all members of this state's congressional delegation.

15

(END)

**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: 2/24/99

To: Senator Wirch

Relating to LRB drafting number: LRB-2321

Topic

Ask Congress to allow states to control interstate shipment of solid waste

Subject(s)

Environment - solid haz. waste, Memorials - Congress to

1. **JACKET** the draft for introduction

Senator Bob Wirch

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