

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: **06/24/99**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Assembly Republican Caucus**

By/Representing: **Anderson**

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

Drafter: **traderc**

May Contact: **LFB**

Alt. Drafters:

Subject: **Environment - recycling**

Extra Copies:

**Pre Topic:**

ARC:.....Anderson - Am # 302,

**Topic:**

Wheelchair recycling

**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 06/24/99	jgeller 06/24/99		_____			
/1			kfollet 06/24/99	_____	ismith 06/24/99		
/2	traderc 06/25/99	jgeller 06/25/99	mclark 06/26/99	_____	lrb_docadmin 06/26/99		

FE Sent For:

<END>

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FE Sent For:			MRC 6/25	MRC/STH 6/24 <END>			

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1?	traderc	1 6/24 JG	Kjf 6/24	Kjf/mr 6/24			

FE Sent For:

<END>

## VIII. Recycling

### JFC Action

The Joint Finance Committee implemented the following provisions:

- Provided \$20 million SEG FY 99-00 and \$15 SEG million FY 00-01 in county and municipal recycling grants.
- Directed DNR to use the appropriation to provide the following grants to the Wheelchair Recycling Project, a part of the Madison chapter of the National Spinal Cord Injury Association, for the purpose of refurbishing used wheelchairs and other mobility devices and returning them to use by persons who otherwise would not have access to needed or appropriate equipment: (a) on September 1, 1999, \$75,000; and (b) on July 1, 2000, \$50,000. The grants would not be subject to standard application procedures or grant funding limitations. In 1997 Act 237, DNR was directed to provide a grant of \$100,000 in 1998-99 to the Wheelchair Recycling Project.
- Deleted \$500,000 in 2000-01 from the recycling fund to reduce base funding for the waste reduction and recycling demonstration grant program from \$1,000,000 in 1999-00 to \$500,000 in 2000-01. The program provides cost-share grants to municipalities, public entities, businesses and nonprofit organizations for projects that implement innovative waste reduction and recycling activities. A grant may not exceed 50% of the project's actual costs, or 75% of the actual eligible costs of a community-wide waste reduction project, or \$150,000, whichever is less. DNR may not award grants to any applicant which cumulatively total more than \$250,000;

### Motion

- ✓ Provide \$22 million in FY 99-00 and \$20 million FY 00-01 in county and municipal recycling grants;
- Implement "hold harmless" provision, to ensure local municipalities would receive grants in calendar years 2000 and 20001 at the same percentages as they did in FY 99;
- Restore the Governor's provisions relating to the Recycling Market Development Board. Create the Waste Reduction and Recycling Assistance for Businesses grant program (earmark \$50,000 PR annually from Recycling Market Development Board program allocations.) (this provision deletes \$2,666,100 SEG annually). Draft language as follows:

Provide \$50,000 PR annually in grant money to an existing, private, non-profit 501 (c)(3) industry-supported organization whose mission is to provide waste reduction and recycling assistance through business-to-business peer exchange. The nonprofit organization must be dedicated to assisting and encouraging companies and institutions to effectively drive costs out of their operations through improved production and solid waste management practices.

- Repeal ALL statewide mandates on materials banned from landfills, thus removing all statewide effective program requirements for local governments. DNR must develop a model ordinance for responsible units of government through administrative rule.
- Eliminate recycling demonstration grants entirely (deletes \$1 million SEG FY 99-00 and \$500,000 SEG FY 00-01, and lapses unencumbered balance to recycling fund (an estimated \$1 million SEG);
- Create an appropriation directing DNR to provide grant funding to the Wheelchair Recycling Project, Madison chapter, a private, nonprofit organization that is part of the National Spinal Cord Injury Association, to achieve the following purposes:
  - (1) Refurbishing used wheelchairs and other mobility devices and returning them to use by persons who otherwise would not have access to needed or appropriate equipment: (a) on

all this  
in same proposition  
as rec'd ch. 1  
1999

PTK

see E-mail



September 1, 1999, \$75,000; and (b) on July 1, 2000, \$50,000. The grants would not be subject to standard application procedures or grant funding limitations. In 1997 Act 237, DNR was directed to provide a grant of \$100,000 in 1998-99 to the Wheelchair Recycling Project. (adds \$125,000 SEG over the biennium);

(2) Opening a Milwaukee facility for refurbishing used wheelchairs and other mobility devices and returning them for use by persons whom otherwise would not have access to needed or appropriate equipment. The grants would be as follows: \$100,000 on June 30, 2000, contingent on the project raising \$100,000 by June 15, 2000; and \$100,000 on June 30, 2001, contingent on the project raising \$100,000 by June 15, 2001. This ensures a 50 percent match with ~~private~~ funds. The grants would not be subject to standard application procedures or grant funding limitations. (adds \$200,000 SEG over the biennium);

- Spend down entire recycling fund balance of \$43.3 million by \$22.0 million FY 99-00 and \$20.0 million FY 00-01 to reduce overall state expenditures. Money will be expended in the municipal and county recycling grant program;
- Fund the Computer Recycling program within the DOC. Add \$500,000 SEG annually.

#### ***Fiscal Impact***

According to LFB, this motion leaves approximately \$200,000 in the recycling fund at the end of the biennium. (JFC action left a \$1.1 million balance.)

(This motion also earmarks \$50,000 PR annually from Recycling Market Development Board program allocations for Waste Reduction and Recycling Assistance for Businesses grant program.)

1999

Date (time) needed 5000

LRB b 1235 11

**CAUCUS BUDGET AMENDMENT  
[ONLY FOR CAUCUS]**

RET: jlg

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1  
TO 1999 ASSEMBLY BILL 133**

*DNote*

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page 162, line 10.: *after that line insert:*

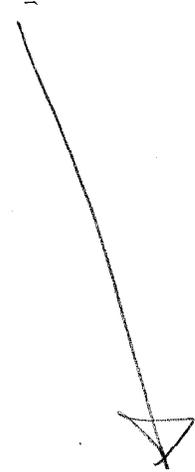
~~#. Page . . . . , line . . . . :~~

~~#. Page . . . . , line . . . . :~~

~~#. Page . . . . , line . . . . :~~

~~#. Page . . . . , line . . . . :~~

~~#. Page . . . . , line . . . . ;~~



1999

LRB 61235 11

File With Statute **20.005 (3)** Schedule

RET : \_\_\_\_\_

**\$\$\$ SCHEDULE**

In the component bar:

For the action phrase, execute: ..... create → action: → ch20

For the table layout, execute: ..... create → <Table> → \$sched

**SECTION #.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	1999-00	2000-01
20. _____		
_____		
( ) _____		
_____		

"  
↑ (bt) Wheelchair recycling project

SEG A ..., 175,000 ..., 150,000 "

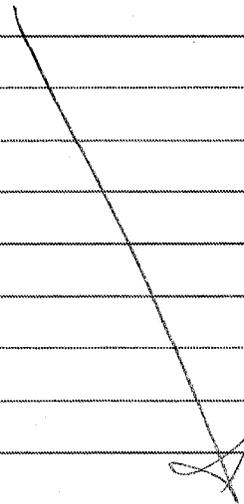
20. _____		
_____		
( ) _____		
_____		
( ) _____		
_____		
_____		



#. Page 321, line 10: after that line insert:

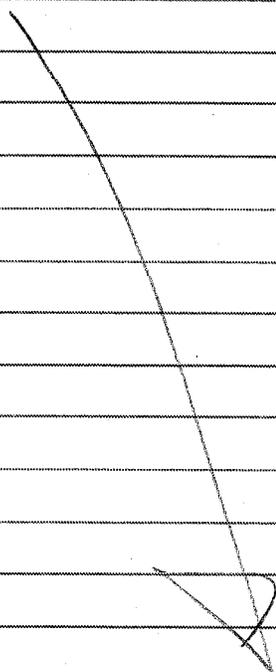
" Section 328e. ✓ CR: 20.370(6)(b) ✓ X

20.370(6)(b) <sup>number</sup> Wheelchair recycling project. From the <sub>letter</sub> recycling fund, the amounts in the schedule for the wheelchair recycling grants required under 1999 Wisconsin Act ~~....~~ (this act), section 9136(9) and (9) <sup>1. "</sup> ~~inserted to new statute created in this~~ <sub>letter</sub>



#. Page 1538, line 17: delete " (br) of the statute,  
as affected" and substitute " (bt) of the statute,  
as created" ✓

#. Page 1538, line 24: after that line insert:



1 amounts in the schedule for waste reduction and recycling demonstration grants  
2 under s. 287.25 and the grants required under 1997 Wisconsin Act 237, section 9136  
3 (2f) 1999 Wisconsin Act .... (this act), section 9136 (1).

4 SECTION 9136. Nonstatutory provisions; natural resources.

(96) Matching  
(1) GRANTS FOR WHEELCHAIR RECYCLING PROJECT.

5 From the appropriation  
6 account under section 20.370 (6) (b) of the statutes, as affected by this act, the  
7 department of natural resources shall award the following grants to the Wheelchair  
8 Recycling Project, a part of the Madison chapter of the National Spinal Cord Injury  
9 Association, for the purpose of refurbishing used wheelchairs and other mobility  
10 devices and returning them to use by persons who otherwise would not have access  
11 to needed or appropriate equipment:

- (12) (a) On September 1, 1999, \$75,000.
- (13) (b) On July 1, 2000, \$50,000.

June 15, 2000, \$100,000, if the Project raises \$100,000 for this purpose by June 15, 2000

(END)

June 15, 2001, \$100,000, if the Project raises \$100,000 for this purpose by June 15, 2001, in addition to the \$100,000 required under paragraph (a)

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

LRBSample2/dn

.....  
b1235/dn  
RET: jlg

It is possible that a Wisconsin court would find that this amendment is a "private or local law" which, under art. IV, sec. 18 of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest". ~~As it is difficult to predict the potential for and outcome of any court action on this amendment, you may wish to consider introducing this proposal as a separate bill.~~

RET

~~Query for: Document: LRBSample2/dn~~

Per Nicole Anderson - The matching funds may  
be from any source.

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

LRBb1235/1dn  
RCT;jlg:kjf

June 24, 1999

It is possible that a Wisconsin court would find that this amendment is a "private or local law" which, under art. IV, sec. 18 of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest".

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



State of Wisconsin  
1999 - 2000 LEGISLATURE

SOON

LRBb1235/2  
RCT;jlg:kjf  
rmy

ARC:.....Anderson - Am # 302, Wheelchair recycling

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 162, line 10: after that line insert:

3 “(bt) Wheelchair recycling project SEG A 175,000 150,000”.

4 **2.** Page 321, line 10: after that line insert:

5 “SECTION 328e. 20.370 (6) (bt) of the statutes is created to read:

6 20.370 (6) (bt) *Wheelchair recycling project*. From the recycling fund, the

7 amounts in the schedule for the wheelchair recycling grants required under 1999

8 Wisconsin Act .... (this act), section 9136 (9) and (9b).”.

9 **3.** Page 1538, line 17: delete “(br) of the statutes, as affected” and substitute

10 “(bt) of the statutes, as created”.

1           **4.** Page 1538, line 24: after that line insert:

2           “(9b) MATCHING GRANTS FOR WHEELCHAIR RECYCLING PROJECT: From the  
3           appropriation account under section 20.370 (6) (bt) of the statutes, as created by this  
4           act, the department of natural resources shall award the following grants to the  
5           Wheelchair Recycling Project, a part of the Madison chapter of the National Spinal  
6           Cord Injury Association, for the purpose of opening a facility in Milwaukee for  
7           refurbishing used wheelchairs and other mobility devices and returning them to use  
8           by persons who otherwise would not have access to needed or appropriate equipment:

9           ✓           (a) On June 15, 2000, \$100,000, if the project raises \$100,000 for this purpose

10           *from any source*  
          ^  
          by June 15, 2000.

11           ✓           (b) On June 15, 2001, \$100,000, if the project raises \$100,000 for this purpose

12           *from any source*  
          ^  
          by June 15, 2001, in addition to the \$100,000 required under paragraph (a).”

13

(END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1235/2  
RCT;jlg:mrc

ARC:.....Anderson - Am # 302, Wheelchair recycling

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

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