

**1999 DRAFTING REQUEST**

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

Received: 10/01/1999

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Bonderud

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: State Government - miscellaneous

Extra Copies: TNF

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**Pre Topic:**

LFB:.....Bonderud -

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**Topic:**

State procurement of toner cartridges

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**Instructions:**

See Attached

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**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>
/?	nilsepe 10/02/1999	jgeller 10/02/1999		_____			
/1	nilsepe 10/04/1999	jgeller 10/04/1999	jfrantze 10/02/1999	_____	lrb_docadmin 10/02/1999		
/2			martykr 10/04/1999	_____	lrb_docadmin 10/04/1999		

FE Sent For:

<END>

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/1		<i>1/2 10/4 jlg</i> jfrantze 10/02/1999	<i>Km P/4</i>	_____	lrb_docadmin 10/02/1999		
				<i>HH 10/4 Km/4</i>			

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1?	nilsepe	1 10/2 jlg	10/2	10/2			

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<END>

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501 (c)(3) of the IRS tax code that provides waste reduction and recycling assistance through business-to-business peer exchange, that is instrumental in assisting and encouraging companies and institutions to reduce their operating costs through improved production and solid waste management practices, and that is in existence on the effective date of the biennial budget act.

9. *University of Wisconsin - Extension.* Include the Senate provision to provide an additional \$200,000 SEG annually (as modified to provide \$100,000 SEG in 1999-00 instead of \$200,000 SEG) with 3.0 SEG positions for the UW-Extension Solid and Hazardous Waste Education Center for educational and technical assistance related to recycling and recycling market development. (This would be in addition to retaining base funding of \$527,400 annually with 4.5 positions for the UW System and UW-Extension.)

10. *Corrections.* As included by both Houses, restore the Governor's recommendation to provide \$500,000 SEG annually with 4.0 SEG project positions to support a computer recycling program operated by the Bureau of Correctional Enterprises at the Racine Youthful Offender Correctional Facility (RYOCF) and Taycheedah Correctional Institution (TCI). Create an annual, SEG appropriation in Corrections for the computer recycling program. The project positions would expire on June 30, 2001.

11. *State Procurement of Toner Cartridges.* Include the Senate provision (as tentatively agreed to by the Conference Committee) to require the Department of Administration, every other state agency to which DOA delegates purchasing authority other than the University of Wisconsin Hospitals and Clinics Authority and the World Dairy Center Authority, and state legislative and judicial branch entities to ensure that the specifications that they use for purchasing prohibit the procurement of toner cartridges whose original manufacturer places restrictions on the remanufacturing of the toner cartridges by any person other than the manufacturer. Define "toner cartridge" as any cartridge containing a dry, powdered ink for application to paper by use of a photocopier, laser printer or similar device. Provide restrictions on remanufacturing that include reducing the price of the toner cartridge in exchange for an agreement not to remanufacture the toner cartridge, a licensing agreement on the toner cartridge that forbids remanufacturing and any contract that forbids the remanufacturing or recycling of a toner cartridge. The provision would first apply to specifications for notices inviting bids or competitive sealed proposals for purchases and to specifications for orders for purchases placed on the first day of the seventh month after the effective date of the bill.

In addition, a decision has not been made by the Conference Committee regarding whether to include the Senate provision to prohibit cities, villages, towns, counties and other local units of government from purchasing toner cartridges that have such restrictions on remanufacturing.

12. *Recycling Requirements.* Include the Senate provision to maintain the current state recycling requirements related to: (a) landfill and incineration bans of certain recyclable materials; (b) effective recycling program criteria that responsible units of local government must meet; and (c) designation of municipalities as responsible units for purposes of administering recycling statutes; and (d) the current prohibition against a responsible unit that receives a county or local

PEN

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↑  
jlg  
+  
wlj

LFB:.....Bonderud - State procurement of toner cartridges

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

d-note

1

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

2

(END)



~~SDC:.....Walter - ?, State procurement of toner cartridges  
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 47, line 18: after that line insert:
- 3 **"SECTION 81g.** 16.70 (13m) of the statutes is created to read:
- 4 16.70 (13m) "Remanufacturing" means the process by which a durable product
- 5 is restored, retaining the bulk of components that have been through at least one life
- 6 cycle and replacing consumable portions to enable the product to be restored to its
- 7 originally intended function."
- 8 **2.** Page 48, line 14: after that line insert:
- 9 **"SECTION 82pm.** 16.72 (2) (e) of the statutes is renumbered 16.72 (2) (e) 1.
- 10 **SECTION 82pr.** 16.72 (2) (e) 2. of the statutes is created to read:

1           16.72 (2) (e) 2. a. In this subdivision, “toner cartridge” means a cartridge  
2 containing dry, powdered ink for application to paper by use of a photocopier, laser  
3 printer or similar device.

4           b. In writing specifications for purchases under this section, the department,  
5 any other designated purchasing agent under s. 16.71 (1) and each authority, other  
6 than the University of Wisconsin Hospitals and Clinics Authority, shall ensure that  
7 the specifications prohibit the procurement of a toner cartridge whose original  
8 manufacturer places restrictions on the remanufacturing of the toner cartridge by  
9 any person other than the original manufacturer. Restrictions on remanufacturing  
10 include reducing the price of the toner cartridge in exchange for an agreement not  
11 to remanufacture the toner cartridge, a licensing agreement on the toner cartridge  
12 that forbids remanufacturing and any contract that forbids the remanufacturing or  
13 recycling of a toner cartridge. Trade names may be used in specifications written  
14 under this subdivision.”.

15           **3.** Page 48, line 15: after that line insert:

16           “**SECTION 84m.** 16.74 (5m) of the statutes is created to read:

17           16.74 (5m) In writing specifications for purchases under this section, the joint  
18 committee on legislative organization, house, legislative service agency, director of  
19 state courts or judicial branch agency shall ensure that specifications include a  
20 prohibition against the purchase of a toner cartridge, as defined in s. 16.72 (2) (e) 2.  
21 a., whose original manufacturer places restrictions on the remanufacturing of the  
22 toner cartridge by any person other than the original manufacturer. Restrictions on  
23 remanufacturing include reducing the price of the toner cartridge in exchange for an  
24 agreement not to remanufacture the toner cartridge, a licensing agreement on the

1 toner cartridge that forbids remanufacturing and any contract that forbids the  
2 remanufacturing or recycling of a toner cartridge. Trade names may be used in  
3 specifications written under this subsection.”

insert  
3.3

4. Page 1605, line 1: before that line insert:

5 “(7m) STATE PROCUREMENT OF TONER CARTRIDGES. This act first applies to  
6 specifications for notices inviting bids or competitive sealed proposals for purchases  
7 and to specifications for orders for purchases placed on the first day of the 7th month  
8 beginning after publication.”

9 (END)

D-note  
↓

insert  
3-3

#. Page 786, line 3: after "(2)(e)"  
insert " , except s. 16.72<sup>✓</sup>(2)(e) 2." .

(end insert)

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

LRBb1906/1dn

PEN.....  
↑  
JL

October 2, 1999

Kendra Bonderud:

This amendment is the same as LRBb1442/1, <sup>✓</sup> except that this amendment adds a treatment of s. 66.299 (3) (a) 1. (at "Page 786, line 3"). The treatment of that section makes the provisions of this draft inapplicable to "local units of government" (a political subdivision of this state, a special purpose district in this state, an agency or corporation of such a political subdivision or special purpose district, or a combination or subunit of any of the foregoing).

Paul E. Nilsen  
Legislative Attorney  
Phone: (608) 261-6926

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

LRBb1906/1dn  
PEN:jljgf

October 2, 1999

**Kendra Bonderud:**

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**Paul E. Nilsen  
Legislative Attorney  
Phone: (608) 261-6926**



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb190641  
PEN:jlg&wlj:jf

D-note

2

LFB:.....Bonderud - State procurement of toner cartridges

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

ASSEMBLY 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 47, line 18: after that line insert:

3 "SECTION 81g. 16.70 (13m) of the statutes is created to read:

4 16.70 (13m) "Remanufacturing" means the process by which a durable product  
5 is restored, retaining the bulk of components that have been through at least one life  
6 cycle and replacing consumable portions to enable the product to be restored to its  
7 originally intended function."

8 2. Page 48, line 14: after that line insert:

9 "SECTION 82pm. 16.72 (2) (e) of the statutes is renumbered 16.72 (2) (e) 1.

10 SECTION 82pr. 16.72 (2) (e) 2. of the statutes is created to read:

1           16.72 (2) (e) 2. a. In this subdivision, “toner cartridge” means a cartridge  
2 containing dry, powdered ink for application to paper by use of a photocopier, laser  
3 printer or similar device.

4           b. In writing specifications for purchases under this section, the department,  
5 any other designated purchasing agent under s. 16.71 (1) and each authority, other  
6 than the University of Wisconsin Hospitals and Clinics Authority, shall ensure that  
7 the specifications prohibit the procurement of a toner cartridge whose original  
8 manufacturer places restrictions on the remanufacturing of the toner cartridge by  
9 any person other than the original manufacturer. Restrictions on remanufacturing  
10 include reducing the price of the toner cartridge in exchange for an agreement not  
11 to remanufacture the toner cartridge, a licensing agreement on the toner cartridge  
12 that forbids remanufacturing and any contract that forbids the remanufacturing or  
13 recycling of a toner cartridge. Trade names may be used in specifications written  
14 under this subdivision.”.

15           **3.** Page 48, line 15: after that line insert:

16           “**SECTION 84m.** 16.74 (5m) of the statutes is created to read:

17           16.74 (5m) In writing specifications for purchases under this section, the joint  
18 committee on legislative organization, house, legislative service agency, director of  
19 state courts or judicial branch agency shall ensure that specifications include a  
20 prohibition against the purchase of a toner cartridge, as defined in s. 16.72 (2) (e) 2.  
21 a., whose original manufacturer places restrictions on the remanufacturing of the  
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23 remanufacturing include reducing the price of the toner cartridge in exchange for an  
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1 toner cartridge that forbids remanufacturing and any contract that forbids the  
2 remanufacturing or recycling of a toner cartridge. Trade names may be used in  
3 specifications written under this subsection.”

4 4. Page 786, line 3: after “(2) (e)” insert “, except s. 16.72 (2) (e) 2.”.

5 5. Page 1605, line 1: before that line insert:

6 “(7m) STATE PROCUREMENT OF TONER CARTRIDGES. ~~This act~~ <sup>apply</sup> first ~~applies~~ to  
7 specifications for notices inviting bids or competitive sealed proposals for purchases  
8 and to specifications for orders for purchases placed on the first day of the 7th month  
9 beginning after publication.”

10

(END)

The treatment of sections  
16.70 (13m) ✓, ~~16.72 (2)(e)~~  
and 16.74 (5m) ✓ of the  
statutes, the renumbering of section  
16.72 (2)(e) of the statutes and the  
creation of section 16.72 (2)(e) 2. of  
the statutes

b/906/2 dh  
PEN:jlg:

Kendra Bonderf:

¶ This draft changes only  
the list of sections affected in the  
~~initial~~ applicability provision.

-PEN

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

LRBb1906/2dn  
PEN;jlg:km

October 4, 1999

Kendra Bonderud:

This draft changes only the list of sections affected in the initial applicability provision.

Paul E. Nilsen  
Legislative Attorney  
Phone: (608) 261-6926



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1906/2  
PEN;jlg&wlj:km

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7 16.70 (13m) and 16.74 (5m) of the statutes, the renumbering of section 16.72 (2) (e)  
8 of the statutes and the creation of section 16.72 (2) (e) 2. of the statutes first apply  
9 to specifications for notices inviting bids or competitive sealed proposals for  
10 purchases and to specifications for orders for purchases placed on the first day of the  
11 7th month beginning after publication.”

12 (END)