

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB1)

Received: 03/11/2002

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bonderud**

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

Drafter: **traderc**

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Subject: **Environment - recycling**

Extra Copies:

Submit via email: **NO**

Pre Topic:

LFB:.....Bonderud -

Topic:

Delete Joint Finance recycling enforcement changes

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>
/1	traderc 03/12/2002	hhagen 03/12/2002	jfrantze 03/12/2002	_____	lrb_docadmin 03/12/2002		

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<END>

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1/?	traderc	1 hmk 3/12/02	3/12	Self 3/12			

FE Sent For:

<END>

To Becky -
From Kendra

3/9/02

- 1) ~~Include ASA 1 to AB479
(LRB 0303/1)
Modify it to provide no DNR funding
in 2001-02. Include 2002-03
funding for DNR + Commerce the same
as in ASA 1.~~
2. Recycling - Modify JFC Motion 147
to delete part B related to recycling
enforcement.

No. 5111 p. 2/5
2/28/02 11:13-3
excluding part C
Senator Decker

NATURAL RESOURCES

Recycling Program Changes

Motion:

Move to make the following changes to recycling program provisions:

A. Change the municipal and county recycling grant formula beginning with grants awarded for calendar year 2004 (paid in 2003-04) and in subsequent years as follows:

1. Direct DNR to distribute the grants on a per capita basis to all responsible units of local government that operate effective recycling programs.

2. Limit the grants in 2004 and subsequent years to the eligible costs incurred by the responsible unit two years earlier and reported to DNR in the previous year. For example, a grant made for calendar year 2004 could not exceed eligible costs incurred in calendar year 2002 and reported to DNR in 2003.

3. Specify that for grant year 2004 only, a responsible unit that received a grant in 2003 would be eligible for an award equal to a minimum of 80% of the 2003 award. This provision would not apply to responsible units that did not receive an award in 2003.

4. Provide that in 2004 and in subsequent years, any county that is the responsible unit for at least 75% of the county's population would receive a grant equal to the greater of \$100,000 or the per capita grant amount, but no more than eligible costs incurred by the responsible unit two years earlier and reported to DNR in the previous year.

B. Make the following changes related to recycling enforcement:

1. Prohibit any solid waste facility from accepting solid waste from a building containing five or more dwelling units, or a commercial, retail, industrial or governmental facility that does not provide for the collection of recyclable materials that are subject to the 1995 landfill and incineration disposal bans and that are separated from solid waste by users or occupants of the building or facility. Authorize DNR to create an exception to this prohibition on a case-by-case basis where necessary to protect public health. In addition, specify that the provision would not apply to a person operating a solid waste disposal facility or a solid waste treatment facility if the person has implemented a program to minimize the acceptance of recyclable materials at the facility. DNR would be directed to promulgate administrative rules to establish minimum standards for a program to minimize the acceptance of recyclable materials at a solid waste disposal

facility or a solid waste treatment facility. Require that persons who violate the prohibition pay a forfeiture of \$50 for the first violation, \$200 for the second violation and \$2,000 for the third or subsequent violation. Authorize DNR to issue a citation to collect the forfeiture for the violation of the prohibition. (This would be the same as the penalties for violation of the current prohibition.)

2. Prohibit any solid waste facility that provides a collection and transportation service from transporting solid waste for delivery to a solid waste disposal facility or a solid waste treatment facility that converts solid waste into fuel or that burns solid waste with or without energy recovery if the solid waste contains more than incidental amounts of materials subject to the 1995 landfill bans, as provided by DNR rule. The provision would not apply for activities currently exempt from the landfill and incineration bans. The prohibition would be subject to the same enforcement and penalties as for violations of current prohibitions and the new prohibition described above.

3. Revise the exception to the 1995 landfill and incineration bans to apply the exception to waste that contains no more than an incidental amount of the banned recyclables, as established by DNR rule, instead of to any waste that is generated in a region that has an effective recycling program under current law. Direct DNR to promulgate administrative rules to implement the provision. Retain the current exemption to the exception for solid waste that is separated for recycling as part of an effective recycling program.

C. Provide 1.0 recycling fund SEG program and planning analyst position to DNR (no funding would be provided).

D. Create an appropriation in DNR and direct DNR to provide \$20,000 recycling fund SEG in 2002-03 on a one-time basis to the Wheelchair Recycling Project of the Madison Chapter of the National Spinal Cord Injury Association, to provide recycled wheelchairs and other medical equipment to individuals and programs in need and for costs of equipment, parts, maintenance, and distribution.

Note:

Under the municipal and county recycling grant program, responsible units receive the same percent of the total appropriation as they received or would have received in 1999. Responsible units are limited to a grant amount that does not exceed eligible expenses during the calendar year for which an application is submitted for assistance under the program.

A recycling project position that expired on October 14, 2001, had been located in the waste management program but had been on loan to the communication and education program in recent years. The motion would restore this position as permanent, to staff the Council on Recycling,

provide information and assistance to citizens on waste reduction and recycling issues, serve on the Department's recycling team, and assist in the development of program policy, guidance, technical assistance initiatives and general delivery of services related to recycling.

Currently, there is one recycling fund position in the communication and education program that coordinates waste reduction and recycling communication and education activities, develops and distributes publications related to recycling programs and law changes, provides outreach to youth, students, citizens and businesses, researches and reports on the progress of the recycling program, assists the Department's recycling team in the development of program policy, guidance, technical assistance initiatives and general delivery of services related to recycling. The motion would increase the staff for DNR's recycling communication and education activities from one position to the two positions that performed the activities before the project position expired.

Under 1999 Act 9, DNR was required to provide the Wheelchair Recycling Project with grants from the waste reduction and recycling demonstration grant program totaling \$175,000 recycling fund SEG in 1999-00 and \$150,000 SEG in 2000-01. Under 2001 Act 16, the Department of Health and Family Services is required to provide the Wheelchair Recycling Project with \$20,000 GPR in 2001-02 on a one-time basis.

[Change to Bill: \$20,000 recycling fund SEG and 1.0 SEG position]

2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2252/2
RCT:cjs:pg

LFB:.....Bonderud - Recycling program changes

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the bill as follows:

2 1. Page 41, line 6: after that line insert:

3 "20.370 Natural resources, department of

4 (6) ENVIRONMENTAL AIDS

5 (bw) Wheelchair Recycling Project SEG A -0- 20,000".

6 2. Page 43, line 19: after that line insert:

7 "SECTION 36kb. 20.370 (6) (bw) of the statutes is created to read:

8 20.370 (6) (bw) *Wheelchair Recycling Project*. From the recycling fund, the
9 amounts in the schedule for the Wheelchair Recycling Project under 2001 Wisconsin
10 Act (this act) section 9137 (1q).

1 **SECTION 36kc.** 20.370 (6) (bw) of the statutes, as created by 2001 Wisconsin Act
2 (this act), is repealed.”.

3 **3.** Page 217, line 16: after that line insert:

4 **“SECTION 370e.** 287.03 (1) (e) of the statutes is created to read:

5 287.03 (1) (e) Promulgate rules to implement s. 287.07 (7) (a) and (10) (a).

6 **SECTION 370f.** 287.07 (7) (a) of the statutes is amended to read:

7 287.07 (7) (a) The prohibitions in subs. (3) and (4) do not apply with respect to
8 solid waste, except medical waste, as defined in par. (c) 1. ~~cg., that is generated in a~~
9 ~~region that has an effective recycling program, as determined under s. 287.11~~ if the
10 solid waste contains no more than an incidental amount of materials specified in
11 subs. (3) and (4), as provided by the department by rule. This paragraph does not
12 apply to solid waste that is separated for recycling as part of an effective recycling
13 program under s. 287.11.

14 **SECTION 370g.** 287.07 (9) of the statutes is created to read:

15 287.07 (9) ACCEPTANCE BY SOLID WASTE FACILITY. (a) Except as provided under
16 pars. (b) and (c), no person operating a solid waste facility may accept solid waste
17 from a building containing 5 or more dwelling units or a commercial, retail,
18 industrial, or governmental facility that does not provide for the collection of
19 materials that are subject to subs. (3) and (4) and that are separated from other solid
20 waste by users or occupants of the building or facility.

21 (b) The department may grant exceptions to par. (a) on a case-by-case basis
22 as necessary to protect public health.

23 (c) 1. Paragraph (a) does not apply to a person operating a solid waste facility
24 if the person has implemented a program to minimize the acceptance of recyclable

1 materials at the solid waste facility, and the program complies with the rules
2 promulgated under subd. 2.

3 2. The department shall promulgate rules that specify minimum standards for
4 a program that minimizes the acceptance of recyclable materials at a solid waste
5 facility for the purposes of subd. 1.

6 **SECTION 370h.** 287.07 (10) of the statutes is created to read:

7 **287.07 (10) TRANSPORTATION TO FACILITY.** (a) Except as provided in par. (b), no
8 person operating a solid waste facility that provides a collection and transportation
9 service may transport solid waste for delivery to a solid waste disposal facility or a
10 solid waste treatment facility that converts solid waste into fuel or that burns solid
11 waste if the solid waste contains more than incidental amounts of materials specified
12 in subs. (3) and (4), as provided by the department by rule.

13 (b) Paragraph (a) does not apply with respect to solid waste to which the
14 prohibitions in subs. (3) and (4) do not apply because of sub. (7) (b), (bg), (c) 2., (d),
15 (f), (g), or (h).

16 **SECTION 370j.** 287.23 (5b) (intro.) of the statutes is amended to read:

17 **287.23 (5b) GRANT AWARD FOR 2000 TO 2003.** (intro.) ~~The~~ For 2000 to 2003, the
18 department shall award a grant under this subsection to each eligible responsible
19 unit that submits a complete grant application under sub. (4) for expenses allowable
20 under sub. (3) (b). The department shall determine the amount of the grants under
21 this subsection as follows:

22 **SECTION 370k.** 287.23 (5d) of the statutes is created to read:

23 **287.23 (5d) GRANT AMOUNT FOR YEARS AFTER 2003.** (a) Beginning with grants for
24 the year 2004, the department shall award a grant under this subsection to each

1 eligible responsible unit that submits a complete grant application under sub. (4) for
2 expenses allowable under sub. (3) (b).

3 (b) Except as provided in pars. (c), (d), and (e) and sub. (5p), the department
4 shall award an eligible responsible unit a grant under this subsection equal to the
5 population of the responsible unit times an amount that is the same for each
6 responsible unit and that the department determines will result in distributing as
7 much as possible of the amount appropriated under s. 20.370 (6) (bu), taking into
8 account pars. (c), (d), and (e) and sub. (5p).

9 (c) A grant under this subsection may not exceed the allowable expenses under
10 sub. (3) (b) that the responsible unit incurred in the year 2 years before the year for
11 which the grant is made.

12 (d) For a county that is the responsible unit for at least 75% of the population
13 of the county, the department shall award a grant under this subsection equal to the
14 greater of \$100,000 or the amount determined under par. (a), but not more than the
15 allowable expenses under sub. (3) (b).

16 (e) For grants for the year 2004, the department shall award a grant to a
17 responsible unit that received an award in 2003 that is equal to at least 80% of the
18 amount received in 2003.

19 **SECTION 370L.** 287.95 (3) (b) of the statutes is amended to read:

20 287.95 (3) (b) After December 31, 1996, any person who violates s. 287.07 (3)
21 and, (4), (9), or (10) may be required to forfeit \$50 for a first violation, may be required
22 to forfeit \$200 for a 2nd violation, and may be required to forfeit not more than \$2,000
23 for a 3rd or subsequent violation.”

24 **4.** Page 393, line 8: after that line insert:



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2401/1
RCT:hmh:jf

LFB:.....Bonderud – Delete Joint Finance recycling enforcement changes
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1

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

2 **1.** Page 182, line 23: delete the material beginning with that line and ending
3 with page 184, line 9.

4 **2.** Page 185, line 13: delete lines 13 to 17.

5 (END)