

**2001 DRAFTING REQUEST**

**Bill**

Received: 10/24/2001

Received By: traderc

Wanted: As time permits

Identical to LRB:

For: Russell Decker (608) 266-2502

By/Representing: Barb

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Addl. Drafters: kuesejt

Subject: Environment - recycling

Extra Copies:

Submit via email: NO

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Procurement of toner cartridges

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**Instructions:**

Like 99-0618 except do not apply requirement to local governmental units (there may also be budget amendments)

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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>
/?	traderc 11/19/2001	rschluet 01/03/2002		_____			State
/1			pgrecns1 01/03/2002	_____	lrb_docadmin 01/03/2002	lrb_docadmin 02/04/2002 lrb_docadmin 02/04/2002	

FE Sent For:

<END>

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1?	traderc		1/3/02	1/3/02			
FE Sent For:			PS	PS 			<END>

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5 & King

2001 **1999 BILL**

In 11/19/01

regenerate

1 AN ACT to renumber 16.72 (2) (e); and to create 16.70 (13m), 16.72 (2) (e) 2. and  
2 16.74 (5m) of the statutes; relating to: state procurement of a toner cartridge  
3 whose manufacturer restricts its remanufacture.

**Analysis by the Legislative Reference Bureau**

\* Currently, the department of administration (DOA) purchases or delegates to other state agencies in the executive branch the authority to purchase materials, supplies, and equipment for use in the state agencies in the executive branch. DOA is required to prepare standard specifications, as far as possible, for all state purchases. The specifications currently require, among other things, the purchase of products made from recycled materials and recovered materials if their use is technically and economically feasible.

Must incorporate requirements for

\* This bill requires DOA, 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 (reconditioning or refilling) of the toner cartridges by any person other than the original manufacturer. The bill defines "toner cartridge" as any cartridge containing a dry, powdered ink for application to paper by use of a photocopier, laser printer, or similar device. Restrictions on remanufacturing 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

**BILL**

\* forbids remanufacturing, and any contract that forbids the remanufacturing or recycling of a toner cartridge. ~~The bill also prohibits cities, villages, towns, counties and other local units of government in this state from purchasing toner cartridges that have such restrictions on remanufacturing.~~

For further information see the ~~state and local~~ fiscal estimate, which will be printed as an appendix to this bill.

Fix Component  
FEIS

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1 SECTION 1. 16.70 (13m) of the statutes is created to read:

2 16.70 (13m) "Remanufacturing" means the process by which a durable product  
3 is restored, retaining the bulk of components that have been through at least one life  
4 cycle and replacing consumable portions to enable the product to be restored to its  
5 originally intended function.

6 ~~SECTION 2. 16.72 (2) (e) of the statutes is renumbered 16.72 (2) (e) 1.~~

7 SECTION 3. 16.72 (2) (e) 2. of the statutes is created to read:

8 16.72 (2) (e) 2. a. In this <sup>paragraph</sup> subdivision, "toner cartridge" means a cartridge  
9 containing dry, powdered ink for application to paper by use of a photocopier, laser  
10 printer, or similar device.

11 2. b. In writing specifications for purchases under this section, the department,  
12 any other designated purchasing agent under s. 16.71 (1) and each authority, other  
13 than the University of Wisconsin Hospitals and Clinics Authority, shall ensure that  
14 the specifications prohibit the procurement of a toner cartridge whose original  
15 manufacturer places restrictions on the remanufacturing of the toner cartridge by  
16 any person other than the original manufacturer. Restrictions on remanufacturing  
17 include reducing the price of the toner cartridge in exchange for an agreement not  
18 to remanufacture the toner cartridge, a licensing agreement on the toner cartridge  
19 that forbids remanufacturing, and any contract that forbids the remanufacturing or

**BILL**

1 recycling of a toner cartridge. Trade names may be used in specifications written  
2 under this ~~subdivision~~. *paragraph*

3 **SECTION 4.** 16.74 (5m) of the statutes is created to read:

4 16.74 (5m) In writing specifications for purchases under this section, the joint  
5 committee on legislative organization, house, legislative service agency, director of  
6 state courts, or judicial branch agency shall ensure that specifications include a  
7 prohibition against the purchase of a toner cartridge, as defined in s. 16.72 (2) ~~(e) 2.~~  
8 <sup>(g) 1.</sup> ~~ay,~~ whose original manufacturer places restrictions on the remanufacturing of the  
9 toner cartridge by any person other than the original manufacturer. Restrictions on  
10 remanufacturing include reducing the price of the toner cartridge in exchange for an  
11 agreement not to remanufacture the toner cartridge, a licensing agreement on the  
12 toner cartridge that forbids remanufacturing, and any contract that forbids the  
13 remanufacturing or recycling of a toner cartridge. Trade names may be used in  
14 specifications written under this subsection.

15 **SECTION 5. Initial applicability.**

16 (1) This act first applies to specifications for notices inviting bids or competitive  
17 sealed proposals for purchases and to specifications for orders for purchases placed  
18 on the first day of the 7th month beginning after publication.

19 (END)

**Basford, Sarah**

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**From:** Henderson, Patrick  
**Sent:** Friday, February 01, 2002 3:02 PM  
**To:** LRB.Legal  
**Subject:** Jacket for LRB 4103/1

Please jacket LRB 4103/1 for Senator Jim Baumgart. Thank you.

*Patrick Henderson*

Legislative Assistant  
Office of Senator Baumgart  
Room 306 South  
(608) 266-2056  
1-888-295-8750  
Patrick.Henderson@legis.state.wi.us

**Basford, Sarah**

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**From:** Worcester, Barbara  
**Sent:** Monday, February 04, 2002 8:54 AM  
**To:** Basford, Sarah

MEMO TO: SARAH BASFORD

FROM: SENATOR DECKER'S OFFICE

RE: TONER CARTRIDGE RECYCLING DRAFT

This is to notify the Legislative Reference Bureau that they may proceed with jacketing this draft. We have given this draft to Senator Jim Baumgart to introduce. His office has our authorization to receive any information regarding this draft. Thank you for your attention to this matter.