

2001 DRAFTING REQUEST

Bill

Received: 09/13/2000

Received By: traderc

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Wong

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Alt. Drafters:

Subject: Environment - recycling

Extra Copies: DNR

Pre Topic:

DOA:.....Wong -

Topic:

Recycling program cleanup

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 09/27/2000 | jdyer 09/28/2000 | martykr 09/28/2000 | _____ | lrb_docadmin 09/28/2000 | | S&L |
| /2 | traderc 02/06/2001 | jdyer 02/07/2001 | martykr 02/07/2001 | _____ | lrb_docadmin 02/07/2001 | | S&L |

FE Sent For:

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FE Sent For:

1/2 2/6 jld

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| 1? | traderc | 1 9/28 jld | km 9/28 | <u>Dec 17 9/28</u> | | | |

FE Sent For:

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2001-2003 Statutory Language Proposals

Division: CUSTOMER ASSISTANCE AND EXTERNAL RELATIONS

Bureau: COMMUNITY FINANCIAL ASSISTANCE

Issue/Topic: RECYCLING PROGRAM CHANGES: CLEAN-UP

Proposed Change: **A.** A provision of the statute governing the Recycling Grants to Responsible Units pre-2000 grant calculation should be changed to bring it into concordance with changes in the law enacted in the 1999-01 biennial budget.

The 99-01 budget bill provides a new grant calculation method beginning with the 2000 grant year. An amendment of s. 287.23(5)(c) to bring it into concordance with s. 287.23(5) GRANT AWARD (INTRO) as amended by the 99-01 budget bill by specifying that the grant formula carried in sub. (C) pertains to grants through 1999, not through 2000.

Suggested Draft of Change:

287.23(5)(c)2. Except as provided in subd. 5 or sub. (5e), for all other responsible units, the amount of the grant for 1993 through 1999 ~~2000~~ equals either 66% of the difference between eligible expenses and avoided disposal costs or \$8 times the population of the responsible unit, whichever is less.

B. The Recycling Grants to Responsible Units grant application content requirements should be removed from the statutes because they are no longer germane to the grant calculation and no longer serve a purpose. In some cases, the requirements are redundant to reporting requirements under other provisions of the recycling law.

The Department is proposing amendment of s. 287.23(4) INTRO and repeal of s. 287.23(4)(a) through (e) to remove specified recycling grant application content requirements from the statutes. Applicants seeking assistance would still be required by law to submit an application on forms provided by the Department.

Suggested Draft of Change:

287.23(4) APPLICATION. A responsible unit that seeks assistance under the program shall submit an application to the department on forms provided by the department. To qualify for a full grant, the responsible unit must submit the application no later than October 1 in the year proceeding the year for which the assistance is sought. For the purpose of this subsection and sub. (5p), if an application is

postmarked, it is considered to be submitted on the date that is postmarked. An application shall include all of the following:

~~287.23(4)(a) The information specified in s. 287.09(2)(b)~~

~~(b) Documentation that the assistance, when combined with future anticipated assistance, will result in the responsible unit doing one of the following:~~

- ~~1. Making continued progress in creating an effective recycling program under s. 287.11 by January 1, 1995.~~
- ~~2. Maintaining an effective recycling program following approval of the recycling program under s. 287.11.~~

~~(c) If the responsible unit received a grant under this section or 1989 Wisconsin Act 335, section 85(5) for the grant period preceding the grant period for which the application is being made, a financial report on the activities that have been or are likely to be funded by the grant in that preceding grant period, including a statement of whether any portion of that grant was or is likely to be spent on activities not related to the requirements of this subchapter and, if so, how much of the grant was or is likely to be spent on those activities.~~

~~(d) Beginning with the application submitted for 1993, information on financial incentives that the responsible unit is using or plans to use to encourage reduction of the amount of solid waste generated or disposed of in the region.~~

~~(e) Information concerning user fees used or proposed to be used to finance costs of the recycling program and, if no user fees are used, an explanation of why they are not used.~~

Explanatory Note:

A. s. 287.23(5) as amended by the recent budget bill reads: "287.23(5) GRANT AWARD FOR YEARS BEFORE 2000 (intro.).

For years before 2000 the department shall award a grant under this subsection to each eligible responsible unit that submits a complete grant application under sub. (4) for expenses allowable under sub.

(3)(b). Except as provided under sub. (5m) or (5p), the amount of the grant under this subsection shall be determined as follows:" This section clearly shows legislative intent to have the following language in that section, including sub. (c), apply to grant years through 1999.

Subd. (5b) as created by the recent budget bill provides a new grant calculation method beginning with the 2000 grants.

B. Since 1992 the Recycling Grants to Responsible Units program has been providing grants for which responsible units desiring assistance must apply. The statute lists grant application content requirements, which have not been changed since the inception of the recycling law in 1989. Over the years the program has matured:

The effective recycling program reporting requirements have taken effect, making some of the grant application content requirements redundant. In the last budget the Legislature repealed the requirement that certain responsible units implement volume-based fees to pay for local solid waste costs. Also in the last budget, the method for calculating the grants was changed such that the required application content is no longer used to calculate the grant. Finally, the last budget cut grant staff positions in the DNR from 6.5 FTE to 2 FTE; therefore, even if review of the application information requirements proposed for repeal were useful (which it no longer is), it would not be possible with the remaining FTE. Taken together, these occurrences make the statutory grant application content requirements unnecessary and burdensome for responsible units and the Department.

Desired Effective Date: Upon passage of the budget

Contact Person: Ioy Stewart, 266-2159
Judy Patton, 267-0494



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0290/1

RCT...:....

SOEN
LPS - fix request sheet

jd

DOA:.....Wong - Recycling program clean up

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

DNote

do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT ✓

RECYCLING ✓

Under current law, DNR ✓ administers a financial assistance program to assist local governmental units with costs related to operating recycling programs. Current law specifies information that must be included in the application for assistance under this program. This bill eliminates the specific requirements concerning information that must be included in an application for financial assistance for a local recycling program.

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

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

2 SECTION 1. 287.23 (5) (c) ✓ of the statutes is amended to read:

3 287.23 (5) (c) 2. Except as provided in subd. 5. or sub. (5e), for all other

4 responsible units, the amount of the grant for 1993 through 2000 1999 ✓ equals either

1 66% of the difference between eligible expenses and avoided disposal costs or \$8
2 times the population of the responsible unit, whichever is less.

3 ~~5. If the amount calculated under subd. 2 is less than 33% of eligible expenses,~~
4 ~~the grant equals 33% of eligible expenses.~~

5 History: 1989 a. 335; 1991 a. 39; 1993 a. 16, 75; 1995 a. 27; 1995 a. 227 s. 90~~7~~ Stats. 1995 s. 287.23; 1997 a. 27, 41; 1999 a. 9.

6 **SECTION 2.** 287.23 (4) (intro.)[✓] of the statutes is renumbered 287.23 (4) and

7 amended to read:

8 287.23 (4) APPLICATION. A responsible unit that seeks assistance under the
9 program shall submit an application to the department on forms provided by the
10 department.[✓] To qualify for a full grant, the responsible unit must submit the
11 application no later than October 1 in the year preceding the year for which the
12 assistance is sought. For the purpose of this subsection and sub. (5p), if an
13 application is postmarked, it is considered to be submitted on the date that it is
14 postmarked. ~~An application shall include all of the following:~~<sup>one
striken Δ</sup>

15 History: 1989 a. 335; 1991 a. 39; 1993 a. 16, 75; 1995 a. 27; 1995 a. 227 s. 90~~7~~ Stats. 1995 s. 287.23; 1997 a. 27, 41; 1999 a. 9.

SECTION 3. 287.23 (4) (a) to (e) of the statutes are repealed.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0290/1dn

RCT:λ:...

Jld

There is probably more cleanup[✓] that needs to be done relating to the recycling financial assistance program. For example, s. 287.2³~~5~~ (5b) does not quite make sense the way it is. If any responsible unit that did not get assistance for 1999 is going to get assistance for a later year, the proportions that all responsible units received or would have received for 1999 could add up to more than 100%. Also, it would probably be good to clarify whether s. 287.23 (5p)[✓] applies to future grants.

Please feel free to contact me if you have any questions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0290/1dn
RCT:jld:km

September 28, 2000

There is probably more cleanup that needs to be done relating to the recycling financial assistance program. For example, s. 287.23 (5b) does not quite make sense the way it is. If any responsible unit that did not get assistance for 1999 is going to get assistance for a later year, the proportions that all responsible units received or would have received for 1999 could add up to more than 100%. Also, it would probably be good to clarify whether s. 287.23 (5p) applies to future grants.

Please feel free to contact me if you have any questions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

Tradewell, Becky

From: Wong, Manyee
Sent: Tuesday, February 06, 2001 2:33 PM
To: Tradewell, Becky
Subject: LRB draft 0290

Hi Becky,

This draft was marked final on the IN/OUT list. We now noticed a change that is necessary. As part of the program changes in this draft, please repeal s.20.370(6)(bq) Environmental aids - municipal and county recycling grants.

Thanks.
-Manyee

↳ 287.23(5m)



(5)(intro)

(5p)(a), (b), & (c)



SO ON

RM

DOA:.....Wong - Recycling program cleanup

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

Section #. RP, 20,370 (6)(b) 4

1 AN ACT ...; *Do not gen* relating to: the budget.

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2 SECTION 1. 287.23 (4) (intro.) of the statutes is renumbered 287.23 (4) and
3 amended to read:

4 287.23 (4) APPLICATION. A responsible unit that seeks assistance under the
5 program shall submit an application to the department on forms provided by the

1 department. To qualify for a full grant, the responsible unit must submit the
2 application no later than October 1 in the year preceding the year for which the
3 assistance is sought. For the purpose of this subsection and sub. (5p), if an
4 application is postmarked, it is considered to be submitted on the date that it is
5 postmarked. ~~An application shall include all of the following:~~

6 **SECTION 2.** 287.23 (4) (a) to (e) of the statutes are repealed.

7 **SECTION 3.** 287.23 (5) (c) 2. of the statutes is amended to read:

8 287.23 (5) (c) 2. Except as provided in subd. 5. or sub. (5e), for all other
9 responsible units, the amount of the grant for 1993 through 2000 1999 equals either
10 66% of the difference between eligible expenses and avoided disposal costs or \$8
11 times the population of the responsible unit, whichever is less.

(END)

Insert 12 →

2-11

Insert 2-11

-0290/2

Section #. 287.23 (5m)^x of the statutes is amended to read:

287.23 (5m) ALTERNATE PROCESS. The department shall establish, by rule, a process for distributing grants if the amount that would be awarded under sub. (5) or (5c) exceeds the amount of funds available [✓] under s. 20.370 (6) (bq). *

History: 1989 a. 335; 1991 a. 39; 1993 a. 16, 75; 1995 a. 27; 1995 a. 227 s. 905; Stats. 1995 s. 287.23; 1997 a. 27, 41; 1999 a. 9.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0290/2
RCT:jld:km

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