

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: **06/15/2001**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Keckhaver**

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

Drafter: **traderc**

May Contact:

Addl. Drafters:

Subject: **Environment - recycling**

Extra Copies:

Submit via email: **NO**

Requester's email:

**Pre Topic:**

SDC:.....Keckhaver - CN1051,

**Topic:**

Recycling program and funding 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>
/7	traderc 06/18/2001	wjackson 06/18/2001		_____			
/1			pgreensl 06/18/2001	_____	lrb_docadmin 06/19/2001		
/2	traderc	wjackson	haugeca	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/3	traderc 06/19/2001	jdyer 06/19/2001	haugca 06/19/2001	_____	lrb_docadmin 06/19/2001		

FE Sent For:

<END>

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/1			pgreensl 06/18/2001		lrb_docadmin 06/19/2001		
/2	traderc	wjackson 13 6/19 jld	haugeca CH for	CH 6-14 SAB	lrb_docadmin		

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SDC:.....Keckhaver - CN1051,

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**Topic:**

Recycling program and funding changes

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**Instructions:**

See Attached

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/1		1/2 wly 6/19	pgreensl 06/18/2001 12 hmk 6/19/01	_____	lrb_docadmin 06/19/2001		

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By/Representing: **Keckhaver**

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May Contact:

Addl. Drafters:

Subject: **Environment - recycling**

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

*Part*

SDC:.....Keckhaver - CN1051,

Topic:

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Instructions:

See Attached

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1?	traderc	1 NJ 6/18	6/18 <i>ppj</i>	6/18 <i>PJK</i>			

FE Sent For:

<END>

**Agency: Natural Resources**

caucus number 1051

duplicate flag: y  
duplicate with: 1051;2007;8512

Other reference numbers: 697 & 698	LFB Sum #:
1075	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Increase the existing state recycling tipping fee, create a new state tipping fee and change grant formulas and amounts.

**other notes**

Description2: Adopt motion 1075, which makes the following changes related to recycling funding and positions:

- \* Increase the existing state recycling tipping fee
- \* Create a new state tipping fee
- \* Change grant formulas and amounts
- \* Provide total funding for DNR administration of the program
- \* Assess fines for infractions of the recycling rules

The estimated recycling fund condition at the end of 00-01 is \$8.6 million, at the end of 01-02 is -\$1.2 million and at the end of 02-03 is \$0.1 million.

drafting instructions: See attached technical amendments to Freestanding Motion 1075. This attachment was also e-mailed to LRB and LFB.  
more instructions:

---

Agency: **Natural Resources**

Number of Amendments: 1

*RCT*



# Agency: Natural Resources

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Description2: Adopt motion 1075, which makes the following changes related to recycling funding and positions:

- \* Increase the existing state recycling tipping fee
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- \* Assess fines for infractions of the recycling rules

The estimated recycling fund condition at the end of 00-01 is \$8.6 million, at the end of 01-02 is -\$1.2 million and at the end of 02-03 is \$0.1 million.

drafting instructions: FM 1075 - Item 6 - change 17.5 positions in 02-03 to 18.5 positions.

more instructions:

---

Agency: Natural Resources

Number of Amendments: 1

*RCT*

Adopt Freestanding Motion 1075, which increases the existing state recycling tipping fee, creates a new state tipping fee, and changes grant formulas and amounts.

JN

NATURAL RESOURCES -- AIR, WASTE AND CONTAMINATED LAND

Recycling Programs [LFB Papers #697 and #698]

Motion:

Move to make the following changes related to recycling funding and expenditures:

1. *Increase Existing State Recycling Tipping Fee.* [LFB Paper #698] Increase the existing state recycling tipping fee assessed on waste that is not high-volume industrial waste from \$0.30 per ton by \$9.70 to \$10.00 per ton, effective with waste landfilled on or after January 1, 2002. Effective January 1, 2003, direct DNR to annually adjust the recycling tipping fee to reflect adjustments to the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. Department of Labor. Increase the ~~state environmental fund tipping fee~~ on solid waste other than high-volume industrial waste by \$0.10 per ton, effective with waste landfilled on or after January 1, 2002. Estimate revenue at approximately \$12,912,500 in 2001-02 and \$51,650,000 in 2002-03 to be deposited in the recycling fund.

2. *New State Recycling Tipping Fee.* [LFB Paper #698] Create a state recycling tipping fee of \$0.25 per ton of high-volume industrial waste, effective with high-volume waste landfilled on or after January 1, 2002. Estimate revenue at approximately \$106,300 in 2001-02 and \$425,000 in 2002-03 to be deposited in the recycling fund.

3. *DNR Municipal and County Recycling Grant Amount.* [LFB Paper #697] Provide funding for local grants of \$28,900,000 SEG in 2001-02 and \$56,000,000 SEG in 2002-03. This would increase base funding from \$24,500,000 by \$4,400,000 in 2001-02 and \$31,500,000 in 2002-03. It would be an increase to the bill of \$14,900,000 in 2001-02 (from \$14,000,000) and of \$42,500,000 in 2002-03 (from \$13,500,000).

4. *DNR Municipal and County Recycling Grant Formula and Provisions.* [LFB Paper #697] Change the local grant formula beginning with grant year 2002 (2001-02) and in subsequent years according to the following:

a. Direct DNR to distribute the grants on a per capita basis to all responsible units of local government that operate effective recycling programs. Provide that the grant amount would be \$11.80 per capita.

b. Limit the grants in 2001-02 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 in 2001-02 for calendar year 2002 could not exceed eligible costs incurred in calendar year 2000 and reported to DNR in 2001.) Define eligible costs the same as under current law (expenses, including capital expenses, for planning, constructing or operating an effective recycling program and complying with the 1993 and 1995 landfill bans.)

c. Direct that if the appropriated funds are insufficient to fully fund the grants under the per capita allocation, DNR would be required to prorate the grants.

d. Specify that for grant year 2002 only (2001-02), a responsible unit that received a grant in 2001 would be eligible for an award equal to a minimum of 80% of the 2001 award. Specify that the proration factor would not apply to these responsible units. - but not if they didn't get a grant in 2001

e. Provide that in 2001-02 and 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. Specify that the proration factor would not apply to these responsible units.

f. Beginning with grant year 2005 (2004-05), reduce the per capita grant award by \$3.00 times the population of the responsible unit, if the responsible unit is not eligible for an efficiency incentive grant created under this motion.

5. *Recycling Efficiency Incentive Grants.* Provide \$7,600,000 SEG annually beginning in 2002-03 to create a new recycling efficiency incentive grant program for responsible units. Include the following requirements:

a. Direct DNR to provide a grant amount of \$2.00 times the population of the responsible unit to responsible units that meet eligibility criteria.

b. Direct that if the appropriated funds are insufficient to fully fund the grants under the per capita allocation, DNR would be required to prorate the grants.

c. The following responsible units would be eligible to apply for an efficiency incentive grant: (1) a county that is a responsible unit for at least 75% of the population of the county; (2) a responsible unit that is not a county and that has a population of 50,000 or more; and (3) a responsible unit that is formed by the merger of three or more responsible units in existence on January 1, 2001. or that is the responsible unit for 3 or more municipalities.

d. Specify that in order to receive a recycling efficiency incentive grant, the responsible unit must engage in coordinated program delivery. Direct DNR to promulgate administrative rules that specify the minimum elements of coordinating program delivery, including: (1) the joint provision of or a single contract for the collection of materials from single-family residences that are separated for recycling under the effective recycling program requirements; (2) the joint provision of or a single contract for the processing and marketing of recyclable materials collected under effective recycling program requirements; and (3) the joint or coordinated planning of solid waste management services within the responsible unit.

e. a single program operated by the responsible unit for

✓6. *DNR Administration.* [LFB Paper #697] Delete \$43,600 SEG annually and 0.5 SEG auditor position in the Division of Administration and Technology to provide total funding for DNR administration of \$1,633,600 SEG in 2001-02 and \$1,616,100 SEG in 2002-03 for 17.5 positions. (This would provide an increase to the bill of \$887,700 SEG in 2001-02 and \$883,800 SEG in 2002-03 with 10.5 SEG positions.)

✓7. *DNR Regional Recycling Grants.* [LFB Paper #697] Maintain current law. (The Governor's recommended \$2,000,000 SEG in 2002-03 for a new regional recycling grant program would not be included.)

✓8. *DNR Responsible Unit Audits.* Delete the requirement that DNR annually conduct a financial audit of at least 5% of the responsible unit grant recipients.

Direct DNR to annually review, in cooperation with UW-Extension, the effective recycling programs of at least 5% of the responsible unit grant recipients. Direct that the review include all of the following: (a) ensure compliance with the 1991, 1993 and 1995 bans on disposal of certain materials in landfills or incinerators; (b) ensure compliance with the effective recycling program criteria in statutes in DNR administrative rules; and (c) identify activities, methods or procedures for the responsible unit to become efficient or effective.

✓9. *Other DNR Enforcement Requirements.* Prohibit any solid waste facility from accepting municipal solid waste from a building containing <sup>five</sup> ~~two~~ 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, that are separated from solid waste by users or occupants of the building or facility. Authorize DNR to promulgate an administrative rule that would create an exception to this prohibition where necessary to protect public health. (The prohibition would be in addition to the current requirement that no person may dispose of recyclable materials that are subject to the 1995 landfill and incineration disposal bans, unless the materials are residuals remaining under an effective recycling program after like materials have been separated for recycling.) 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.)

\* ✓ Revise the exception to the 1995 landfill and incineration bans to apply the exception to waste that contains 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.

10. *Recycling Market Development Board.* [LFB Paper #697] Make the following changes in current Commerce RMDB requirements:

a. Repeal the requirement that Commerce annually contract for the operation of a statewide materials exchange program that received funding from the RMDB in the 1997-99 biennium. (The RMDB provided \$100,000 in each of 1999-00 and 2000-01 to the Business Materials Exchange of Wisconsin.)

b. Direct the RMDB to give priority to grants, loans or manufacturing rebates for projects that involve recovered materials that either: (1) constitute a relatively high volume of solid waste generated in the state; or (2) are hazardous to human health or the environment.

c. Direct the RMDB to allocate up to \$200,000 annually for forgivable loans for projects that have exceptional potential to meet one of the existing four criteria that the RMDB must consider before awarding financial assistance, but that do not comply with the standard criteria established by the RMDB or Commerce to meet their fiduciary responsibilities in managing state resources.

d. Direct the RMDB, in consultation with the Council on Recycling, to annually establish a list of materials recovered from solid waste for which it may award financial assistance.

11. *High-Volume Industrial Waste Recycling Market Development Financial Assistance Program.* Provide \$106,300 SEG in 2001-02 and \$425,000 SEG in 2002-03 in a biennial appropriation to create a new financial assistance program to be administered by the RMDB. Direct the RMDB to award grants or loans under the program to: (a) develop markets for high-volume industrial waste (defined as fly ash, bottom ash, paper mill sludge or foundry process waste); or (b) assist generators of high-volume industrial waste in marketing of high-volume industrial waste. Before awarding a grant or loan under the program, direct the RMDB to consider whether the project does all of the following: (a) maximizes the marketability of high-volume industrial waste on a statewide basis; (b) minimizes the amount of high-volume industrial waste disposed of in landfills; and (c) maintains present markets or creates new or expanded markets for high-volume industrial waste. Create a program revenue appropriation to receive all repayments of loans made under the program, and authorize the RMDB to use the program revenue appropriation to award grants or loans under the program.

*No drafting* 12. *Department of Corrections.* [LFB Paper #697] Approve Alternative F.1. to approve the Governor's recommendation to provide \$145,800 SEG in 2001-02 and \$145,600 SEG in 2002-03 and 4.0 SEG positions annually for the computer recycling program. (No action necessary.)

*requires* 13. *University of Wisconsin System.* [LFB Paper #697] Approve Alternative G.3. to maintain current law funding of \$204,900 SEG annually with 0.5 SEG position for the UW System solid waste experiment centers and grants by the Solid Waste Research Council.

*204,900*  
*15* *20,255 (1)(4)* 14. *University of Wisconsin - Extension.* [LFB Paper #697] Approve Alternative H.3. to maintain current law funding of \$336,900 SEG and 4.0 SEG positions for the UW-Extension Solid and Hazardous Waste Education Center.

*20,255*  
*(1)(4)* 15. *Toner Cartridges.* Prohibit the Department of Administration, every other state

agency to which DOA delegates purchasing authority, and legislative and judicial branch entities, from purchasing toner cartridges whose original manufacturer places restrictions on the remanufacturing of the toner cartridges by any person other than the original manufacturer such as a contract that forbids the remanufacturing or recycling of a toner cartridge. 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.

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Note:

As of January 1, 1991, no person may dispose of lead acid batteries, major appliances or waste oil in a solid waste disposal facility or landfill. As of January 1, 1993, no person may dispose of yard waste in a landfill or in any other solid waste disposal facility, except a land spreading facility approved in accordance with solid waste laws.

As of January 1, 1995, no person may landfill, burn with or without energy recovery, or convert into fuel, any of the following waste materials: (a) aluminum containers; (b) corrugated paper or other container board; (c) foam polystyrene packaging; (d) glass containers; (e) magazines or other material printed on similar paper; (f) newspapers or other material printed on newsprint; (g) office paper; (h) plastic containers; (i) steel containers; and (j) containers for carbonated or malt beverages that are primarily made from a combination of steel and aluminum ("bi-metal" cans). Materials subject to the 1995 bans may generally only be landfilled or incinerated if they are the "residuals" (materials remaining after other like materials have been separated for recycling) from an effective recycling program.

The estimated recycling fund condition under the motion is shown in the following table. The motion would provide appropriations from the recycling fund of \$32,459,000 SEG in 2001-02 and \$67,459,000 SEG in 2002-03 for 29.5 SEG positions.

**Recycling Fund Condition -- Motion  
(\$ Millions)**

	2000-01 <u>Estimated</u>	2001-02 <u>Estimated</u>	2002-03 <u>Estimated</u>
Opening Balance -- July 1	\$15.6	\$8.6	- \$1.2
Recycling Surcharge	\$22.8	\$7.3	\$14.4
Recycling Tipping Fee - Existing	2.0	2.1	2.1
Proposed Additional Recycling Tipping Fee	0.0	13.0	52.1
Interest Income and Other	<u>1.8</u>	<u>0.2</u>	<u>0.2</u>
Total Revenue	\$26.6	\$22.6	\$68.8
Total Revenue Available	\$42.2	\$31.2	\$67.6
Expenditures Under the Bill	\$26.6	\$16.0	\$17.5
Motion Additional Expenditures	<u>0.0</u>	<u>16.4</u>	<u>50.0</u>
Total Expenditures	\$26.6	\$32.4	\$67.5
Transfer to General Fund	- \$7.0	\$0.0	\$0.0
Closing Balance -- June 30	\$8.6	- \$1.2	\$0.1

[Change to Base: \$65,093,800 SEG-REV recycling fund, \$43,944,100 recycling fund SEG, - 0.5 recycling fund SEG position]

[Change to Bill: \$65,093,800 SEG-REV recycling fund, \$66,386,400 recycling fund SEG, 15.0 recycling fund SEG positions]



## Tradewell, Becky

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**From:** Stolzenberg, John  
**Sent:** Wednesday, June 13, 2001 7:16 PM  
**To:** Keckhaver, John  
**Cc:** Worcester, Barbara; Bonderud, Kendra; Tradewell, Becky  
**Subject:** Changes to Recycling Motion #1075

John,

The attached file contains an outline of changes to the Joint Committee on Finance 2001-03 budget motion # 1075 that I prepared at the request of Sen. Decker. Let me know if you have any questions on the outline.

John



Motion 1075  
Changes.doc

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John Stolzenberg,  
Legislative Council Staff Scientist  
Suite 401, One East Main Street  
PO Box 2536  
Madison, WI 53701-2536  
Direct: 608-266-2988  
Fax: 608-266-3830

***Changes to Joint Committee on Finance 2001-03 Budget Motion #1075,  
Relating to Recycling Programs.***

Amend the motion as follows:

- 1) In item 4 (*DNR Municipal and County Recycling Grant Amount*):
  - a) Add to item 4 d. that this item does not apply to a responsible unit that did not receive a 2001 award.
  - b) Insert a new item 4 dm. that directs the Department of Natural Resources (DNR) to disburse municipal and county recycling grants to applicants after approval, as follows:
    - i) For grant year 2002: in two payments; the first no later than June 1, 2002 and the second no later than December 1, 2002 in the amounts specified below in new item dr.
    - ii) For grant years 2003 and subsequent years, no later than June 1 of the year for which the grants are made in the amounts specified below in new item dr.
  - c) Insert a new item 4 dr. that directs the DNR to compute eligible responsible unit grants as follows:
    - i) For grant year 2002, disburses a total of \$42,450,000 in grants based on the June 1, 2002 payment disbursing a total of \$28,900,000 in grant awards paid from the FY 2001-02 grant appropriation and the December 1, 2002 payment disbursing a total of \$13,550,000 paid from the FY 2002-03 grant appropriation. Apply items 4 a. to e. to the total of the awards to a responsible unit from the two payments in this grant year.
    - ii) For grant year 2003, disburses in the June 1, 2003 payment a total of \$42,450,000 (the amount remaining from the FY 2002-03 grant appropriation).
    - iii) For grant years 2004 and subsequent years, disburses the entire amount appropriated for the grant year in the June 1 payment of the year for which the grants are made.
- 2) In item 5 (*Recycling Efficiency Incentive Grants*):
  - a) Delete in item 5 c. (1) the phrase "for at least 75% of the population of the county".
  - b) Delete in item 5 c. (3) the phrase "in existence on January 1, 2001" and substitute "or that is the responsible unit for three or more municipalities".
  - c) Insert after "joint provision of" in items 5 d. (1) and (2) ", a single program operated by the responsible unit for".
  - d) Insert a new item 5 e. that requires applicants for a recycling efficiency grant to apply by October 1 in the year preceding the year that the grant is sought, applies the late application provisions in s. 287.23 (5p), Stats. to these grants and directs the DNR to disburse these grants to applicants after approval, but no later than June 1 of the year for which the grants are made.
- 3) In item 9 (*Other DNR Enforcement Requirements*):
  - a) Substitute in the first paragraph "five" for "two" in the phrase "two or more dwelling units".

## Hanaman, Cathlene

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**From:** Keckhaver, John  
**Sent:** Thursday, June 14, 2001 9:41 AM  
**To:** Hanaman, Cathlene  
**Subject:** cn 1051 IMPORTANT CHANGE

Cathlene,

I have one more change to make to CN 1051. On page 3 of the drafting instructions, item 6, third line down, the number of positions for DNR ADMINISTRATION should be 18.5, not 17.5. It's been sent over in paper form as well, but I wanted to let you know right away. Thank you.

John

RCT

ret

NATURAL RESOURCES -- AIR, WASTE AND CONTAMINATED LAND

Recycling Programs [LFB Papers #697 and #698]

C122007

Motion:

Move to make the following changes related to recycling funding and expenditures:

1. *Increase Existing State Recycling Tipping Fee.* [LFB Paper #698] Increase the existing state recycling tipping fee assessed on waste that is not high-volume industrial waste from \$0.30 per ton by \$9.70 to \$10.00 per ton, effective with waste landfilled on or after January 1, 2002. Effective January 1, 2003, direct DNR to annually adjust the recycling tipping fee to reflect adjustments to the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. Department of Labor. Increase the state environmental fund tipping fee on solid waste other than high-volume industrial waste by \$0.10 per ton, effective with waste landfilled on or after January 1, 2002. Estimate revenue at approximately \$12,912,500 in 2001-02 and \$51,650,000 in 2002-03 to be deposited in the recycling fund.

2. *New State Recycling Tipping Fee.* [LFB Paper #698] Create a state recycling tipping fee of \$0.25 per ton of high-volume industrial waste, effective with high-volume waste landfilled on or after January 1, 2002. Estimate revenue at approximately \$106,300 in 2001-02 and \$425,000 in 2002-03 to be deposited in the recycling fund.

3. *DNR Municipal and County Recycling Grant Amount.* [LFB Paper #697] Provide funding for local grants of \$28,900,000 SEG in 2001-02 and \$56,000,000 SEG in 2002-03. This would increase base funding from \$24,500,000 by \$4,400,000 in 2001-02 and \$31,500,000 in 2002-03. It would be an increase to the bill of \$14,900,000 in 2001-02 (from \$14,000,000) and of \$42,500,000 in 2002-03 (from \$13,500,000).

4. *DNR Municipal and County Recycling Grant Formula and Provisions.* [LFB Paper #697] Change the local grant formula beginning with grant year 2002 (2001-02) and in subsequent years according to the following:

a. Direct DNR to distribute the grants on a per capita basis to all responsible units of local government that operate effective recycling programs. Provide that the grant amount would be \$11.80 per capita.

b. Limit the grants in 2001-02 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 in 2001-02 for calendar year 2002 could not exceed eligible costs incurred in calendar year 2000 and reported to DNR in 2001.) Define eligible costs the same as under current law (expenses, including capital expenses, for planning, constructing or operating an effective recycling program and complying with the 1993 and 1995 landfill bans.)

c. Direct that if the appropriated funds are insufficient to fully fund the grants under the per capita allocation, DNR would be required to prorate the grants.

d. Specify that for grant year 2002 only (2001-02), a responsible unit that received a grant in 2001 would be eligible for an award equal to a minimum of 80% of the 2001 award. Specify that the proration factor would not apply to these responsible units.

e. Provide that in 2001-02 and 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. Specify that the proration factor would not apply to these responsible units.

f. Beginning with grant year 2005 (2004-05), reduce the per capita grant award by \$3.00 times the population of the responsible unit, if the responsible unit is not eligible for an efficiency incentive grant created under this motion.

5. *Recycling Efficiency Incentive Grants.* Provide \$7,600,000 SEG annually beginning in 2002-03 to create a new recycling efficiency incentive grant program for responsible units. Include the following requirements:

a. Direct DNR to provide a grant amount of \$2.00 times the population of the responsible unit to responsible units that meet eligibility criteria.

b. Direct that if the appropriated funds are insufficient to fully fund the grants under the per capita allocation, DNR would be required to prorate the grants.

c. The following responsible units would be eligible to apply for an efficiency incentive grant: (1) a county that is a responsible unit for at least 75% of the population of the county; (2) a responsible unit that is not a county and that has a population of 50,000 or more; and (3) a responsible unit that is formed by the merger of three or more responsible units in existence on January 1, 2001.

d. Specify that in order to receive a recycling efficiency incentive grant, the responsible unit must engage in coordinated program delivery. Direct DNR to promulgate administrative rules that specify the minimum elements of coordinating program delivery, including: (1) the joint provision of or a single contract for the collection of materials from single-family residences that are separated for recycling under the effective recycling program requirements; (2) the joint provision of or a single contract for the processing and marketing of recyclable materials collected under effective recycling program requirements; and (3) the joint or coordinated planning of solid waste management services within the responsible unit.

6. *DNR Administration.* [LFB Paper #697] Delete \$43,600 SEG annually and 0.5 SEG auditor position in the Division of Administration and Technology to provide total funding for DNR administration of \$1,633,600 SEG in 2001-02 and \$1,616,100 SEG in 2002-03 for 17.5 positions. (This would provide an increase to the bill of \$887,700 SEG in 2001-02 and \$883,800 SEG in 2002-03 with 10.5 SEG positions.)

7. *DNR Regional Recycling Grants.* [LFB Paper #697] Maintain current law. (The Governor's recommended \$2,000,000 SEG in 2002-03 for a new regional recycling grant program would not be included.)

8. *DNR Responsible Unit Audits.* Delete the requirement that DNR annually conduct a financial audit of at least 5% of the responsible unit grant recipients.

Direct DNR to annually review, in cooperation with UW-Extension, the effective recycling programs of at least 5% of the responsible unit grant recipients. Direct that the review include all of the following: (a) ensure compliance with the 1991, 1993 and 1995 bans on disposal of certain materials in landfills or incinerators; (b) ensure compliance with the effective recycling program criteria in statutes in DNR administrative rules; and (c) identify activities, methods or procedures for the responsible unit to become efficient or effective.

9. *Other DNR Enforcement Requirements.* Prohibit any solid waste facility from accepting municipal solid waste from a building containing two 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, that are separated from solid waste by users or occupants of the building or facility. Authorize DNR to promulgate an administrative rule that would create an exception to this prohibition where necessary to protect public health. (The prohibition would be in addition to the current requirement that no person may dispose of recyclable materials that are subject to the 1995 landfill and incineration disposal bans, unless the materials are residuals remaining under an effective recycling program after like materials have been separated for recycling.) 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.)

Revise the exception to the 1995 landfill and incineration bans to apply the exception to waste that contains 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.

10. *Recycling Market Development Board.* [LFB Paper #697] Make the following changes in current Commerce RMDB requirements:

a. Repeal the requirement that Commerce annually contract for the operation of a statewide materials exchange program that received funding from the RMDB in the 1997-99 biennium. (The RMDB provided \$100,000 in each of 1999-00 and 2000-01 to the Business Materials Exchange of Wisconsin.)

b. Direct the RMDB to give priority to grants, loans or manufacturing rebates for projects that involve recovered materials that either: (1) constitute a relatively high volume of solid waste generated in the state; or (2) are hazardous to human health or the environment.

c. Direct the RMDB to allocate up to \$200,000 annually for forgivable loans for projects that have exceptional potential to meet one of the existing four criteria that the RMDB must consider before awarding financial assistance, but that do not comply with the standard criteria established by the RMDB or Commerce to meet their fiduciary responsibilities in managing state resources.

d. Direct the RMDB, in consultation with the Council on Recycling, to annually establish a list of materials recovered from solid waste for which it may award financial assistance.

11. *High-Volume Industrial Waste Recycling Market Development Financial Assistance Program.* Provide \$106,300 SEG in 2001-02 and \$425,000 SEG in 2002-03 in a biennial appropriation to create a new financial assistance program to be administered by the RMDB. Direct the RMDB to award grants or loans under the program to: (a) develop markets for high-volume industrial waste (defined as fly ash, bottom ash, paper mill sludge or foundry process waste); or (b) assist generators of high-volume industrial waste in marketing of high-volume industrial waste. Before awarding a grant or loan under the program, direct the RMDB to consider whether the project does all of the following: (a) maximizes the marketability of high-volume industrial waste on a statewide basis; (b) minimizes the amount of high-volume industrial waste disposed of in landfills; and (c) maintains present markets or creates new or expanded markets for high-volume industrial waste. Create a program revenue appropriation to receive all repayments of loans made under the program, and authorize the RMDB to use the program revenue appropriation to award grants or loans under the program.

12. *Department of Corrections.* [LFB Paper #697] Approve Alternative F.1. to approve the Governor's recommendation to provide \$145,800 SEG in 2001-02 and \$145,600 SEG in 2002-03 and 4.0 SEG positions annually for the computer recycling program. (No action necessary.)

13. *University of Wisconsin System.* [LFB Paper #697] Approve Alternative G.3. to maintain current law funding of \$204,900 SEG annually with 0.5 SEG position for the UW System solid waste experiment centers and grants by the Solid Waste Research Council.

14. *University of Wisconsin - Extension.* [LFB Paper #697] Approve Alternative H.3. to maintain current law funding of \$336,900 SEG and 4.0 SEG positions for the UW-Extension Solid and Hazardous Waste Education Center.

15. *Toner Cartridges.* Prohibit the Department of Administration, every other state

agency to which DOA delegates purchasing authority, and legislative and judicial branch entities, from purchasing toner cartridges whose original manufacturer places restrictions on the remanufacturing of the toner cartridges by any person other than the original manufacturer such as a contract that forbids the remanufacturing or recycling of a toner cartridge. 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.

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Note:

As of January 1, 1991, no person may dispose of lead acid batteries, major appliances or waste oil in a solid waste disposal facility or landfill. As of January 1, 1993, no person may dispose of yard waste in a landfill or in any other solid waste disposal facility, except a land spreading facility approved in accordance with solid waste laws.

As of January 1, 1995, no person may landfill, burn with or without energy recovery, or convert into fuel, any of the following waste materials: (a) aluminum containers; (b) corrugated paper or other container board; (c) foam polystyrene packaging; (d) glass containers; (e) magazines or other material printed on similar paper; (f) newspapers or other material printed on newsprint; (g) office paper; (h) plastic containers; (i) steel containers; and (j) containers for carbonated or malt beverages that are primarily made from a combination of steel and aluminum ("bi-metal" cans). Materials subject to the 1995 bans may generally only be landfilled or incinerated if they are the "residuals" (materials remaining after other like materials have been separated for recycling) from an effective recycling program.

The estimated recycling fund condition under the motion is shown in the following table. The motion would provide appropriations from the recycling fund of \$32,459,000 SEG in 2001-02 and \$67,459,000 SEG in 2002-03 for 29.5 SEG positions.



**Recycling Fund Condition -- Motion  
(\$ Millions)**

	2000-01 Estimated	2001-02 Estimated	2002-03 Estimated
Opening Balance -- July 1	\$15.6	\$8.6	- \$1.2
Recycling Surcharge	\$22.8	\$7.3	\$14.4
Recycling Tipping Fee - Existing	2.0	2.1	2.1
Proposed Additional Recycling Tipping Fee	0.0	13.0	52.1
Interest Income and Other	<u>1.8</u>	<u>0.2</u>	<u>0.2</u>
Total Revenue	\$26.6	\$22.6	\$68.8
Total Revenue Available	\$42.2	\$31.2	\$67.6
Expenditures Under the Bill	\$26.6	\$16.0	\$17.5
Motion Additional Expenditures	<u>0.0</u>	<u>16.4</u>	<u>50.0</u>
Total Expenditures	\$26.6	\$32.4	\$67.5
Transfer to General Fund	- \$7.0	\$0.0	\$0.0
Closing Balance -- June 30	\$8.6	- \$1.2	\$0.1

[Change to Base: \$65,093,800 SEG-REV recycling fund, \$43,944,100 recycling fund SEG, - 0.5 recycling fund SEG position]

[Change to Bill: \$65,093,800 SEG-REV recycling fund, \$66,386,400 recycling fund SEG, 15.0 recycling fund SEG positions]

CN1051

-18.5

6. *DNR Administration.* [LFB Paper #697] Delete \$43,600 SEG annually and 0.5 SEG auditor position in the Division of Administration and Technology to provide total funding for DNR administration of \$1,633,600 SEG in 2001-02 and \$1,616,100 SEG in 2002-03 for 17.5 positions. (This would provide an increase to the bill of \$887,700 SEG in 2001-02 and \$883,800 SEG in 2002-03 with 10.5 SEG positions.)

*done* 7. *DNR Regional Recycling Grants.* [LFB Paper #697] Maintain current law. (The Governor's recommended \$2,000,000 SEG in 2002-03 for a new regional recycling grant program would not be included.)

8. *DNR Responsible Unit Audits.* Delete the requirement that DNR annually conduct a financial audit of at least 5% of the responsible unit grant recipients.

Direct DNR to annually review, in cooperation with UW-Extension, the effective recycling programs of at least 5% of the responsible unit grant recipients. Direct that the review include all of the following: (a) ensure compliance with the 1991, 1993 and 1995 bans on disposal of certain materials in landfills or incinerators; (b) ensure compliance with the effective recycling program criteria in statutes in DNR administrative rules; and (c) identify activities, methods or procedures for the responsible unit to become efficient or effective.

9. *Other DNR Enforcement Requirements.* Prohibit any solid waste facility from accepting municipal solid waste from a building containing two 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, that are separated from solid waste by users or occupants of the building or facility. Authorize DNR to promulgate an administrative rule that would create an exception to this prohibition where necessary to protect public health. (The prohibition would be in addition to the current requirement that no person may dispose of recyclable materials that are subject to the 1995 landfill and incineration disposal bans, unless the materials are residuals remaining under an effective recycling program after like materials have been separated for recycling.) 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.)

Revise the exception to the 1995 landfill and incineration bans to apply the exception to waste that contains 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.

10. *Recycling Market Development Board.* [LFB Paper #697] Make the following changes in current Commerce RMDB requirements:

CN1051

***Changes to Joint Committee on Finance 2001-03 Budget Motion #1075,  
Relating to Recycling Programs.***

Amend the motion as follows:

- 1) In item 4 (*DNR Municipal and County Recycling Grant Amount*):
  - a) Add to item 4 d. that this item does not apply to a responsible unit that did not receive a 2001 award.
  - b) Insert a new item 4 dm. that directs the Department of Natural Resources (DNR) to disburse municipal and county recycling grants to applicants after approval, as follows:
    - i) For grant year 2002: in two payments; the first no later than June 1, 2002 and the second no later than December 1, 2002 in the amounts specified below in new item dr.
    - ii) For grant years 2003 and subsequent years, no later than June 1 of the year for which the grants are made in the amounts specified below in new item dr.
  - c) Insert a new item 4 dr. that directs the DNR to compute eligible responsible unit grants as follows:
    - i) For grant year 2002, disburses a total of \$42,450,000 in grants based on the June 1, 2002 payment disbursing a total of \$28,900,000 in grant awards paid from the FY 2001-02 grant appropriation and the December 1, 2002 payment disbursing a total of \$13,550,000 paid from the FY 2002-03 grant appropriation. Apply items 4 a. to c. to the total of the awards to a responsible unit from the two payments in this grant year.
    - ii) For grant year 2003, disburses in the June 1, 2003 payment a total of \$42,450,000 (the amount remaining from the FY 2002-03 grant appropriation).
    - iii) For grant years 2004 and subsequent years, disburses the entire amount appropriated for the grant year in the June 1 payment of the year for which the grants are made.
- 2) In item 5 (*Recycling Efficiency Incentive Grants*):
  - a) Delete in item 5 c. (1) the phrase "for at least 75% of the population of the county".
  - b) Delete in item 5 c. (3) the phrase "in existence on January 1, 2001" and substitute "or that is the responsible unit for three or more municipalities".
  - c) Insert after "joint provision of" in items 5 d. (1) and (2) "a single program operated by the responsible unit for".
  - d) Insert a new item 5 e. that requires applicants for a recycling efficiency grant to apply by October 1 in the year preceding the year that the grant is sought, applies the late application provisions in s. 287.23 (5p), Stats. to these grants and directs the DNR to disburse these grants to applicants after approval, but no later than June 1 of the year for which the grants are made.
- 3) In item 9 (*Other DNR Enforcement Requirements*):
  - a) Substitute in the first paragraph "five" for "two" in the phrase "two or more dwelling units".

## Tradewell, Becky

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**From:** Keckhaver, John  
**Sent:** Sunday, June 17, 2001 1:14 PM  
**To:** Tradewell, Becky  
**Subject:** FW: Planning grants amendment

Becky,  
Sorry for the delay. Here are changes to the recycling amendment.  
Thanks.  
John

-----Original Message-----

**From:** Worcester, Barbara  
**Sent:** Sunday, June 17, 2001 12:52 PM  
**To:** Burnett, Douglas; Keckhaver, John  
**Subject:** FW: Planning grants amendment

-----Original Message-----

**From:** John Stolzenberg [<mailto:john.stolzenberg2@home.com>] <<mailto:john.stolzenberg2@home.com>>  
**Sent:** Saturday, June 16, 2001 9:49 AM  
**To:** [Barbara.Worcester@legis.state.wi.us](mailto:Barbara.Worcester@legis.state.wi.us)  
**Subject:** Planning grants amendment



Planning grants.doc

Barb,

Here are the instructions for the recycling efficiency incentive planning grants that we discussed yesterday.

John

***Changes to Joint Committee on Finance 2001-03 Budget Motion #1075,  
Relating to Recycling Programs***

Amend the motion to create a new one-time recycling efficiency incentive planning grant program with the following features:

1. **Purpose:** (a) provide the Department of Natural Resources (DNR) information to use in designing and implementing the recycling efficiency incentive grant program (created by motion #1075), and (b) assist municipalities that are responsible units in preparing for use of recycling efficiency incentive grants.
2. **Grant period:** specify that the program will award grants only in FY 2001-02.
3. **Eligibility:** establish that a municipality that is a responsible unit may apply for a grant.
4. **Requirements:** require a grant recipient to report to the DNR policies and activities that, if implemented, would make its recycling program more efficient and more effective, including activities to provide the coordinated program delivery specified in item 5 d. in Motion #1075, and any barriers to the implementation of these policies and activities.
5. **Administration:** direct the DNR to establish and administer the program. Specify that the DNR may establish the program by emergency rule without a finding of emergency and does not need to promulgate the emergency rule as a permanent rule.
6. **Appropriation:** appropriate \$3,000,000 GPR in FY 2001-02 for the grants. Direct the DNR to award \$2,000,000 to municipalities with a population of 50,000 or more and \$1,000,000 to municipalities with a population less than 50,000.

2001

Date (time) needed

Today (as soon as we can because it will take time to review)  
SPC LRB b 0834 1 1

AMDT TO BUDGET SUB AMDT

Ret: WLj: \_\_\_\_\_

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT  
TO ~~SENATE AMENDMENT~~,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 55

Note

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

- #. Page . . . . , line . . . . :
- #. Page . . . . , line . . . . :
- #. Page . . . . , line . . . . :
- #. Page . . . . , line . . . . :
- #. Page . . . . , line . . . . :
- #. Page . . . . , line . . . . :

8

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 <sup>59</sup>47, line <sup>6</sup>18: after that line insert:

3 "SECTION <sup>2768p</sup>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 <sup>62</sup>48, line <sup>5</sup>14: after that line insert:

9 "SECTION <sup>280d</sup>16.72 (2) (e) of the statutes is renumbered 16.72 (2) (e) 1.

10 SECTION <sup>280e</sup>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 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



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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. Page <sup>1400</sup>1605, line <sup>23</sup> before <sup>after</sup> that line insert:

6 “(7m) STATE PROCUREMENT OF TONER CARTRIDGES. The treatment of sections  
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.”

(END)

Ed & LPS - this is  
used later in  
the draft - I have  
it in a sep. sheet in  
the correct location