

Today

YMY

SDC:.....Keckhaver – CN1051, Recycling program and funding changes

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 **1.** Page 59, line 6: after that line insert:

3 **"SECTION 268p.** 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 62, line 5: after that line insert:

9 **"SECTION 280d.** 16.72 (2) (e) of the statutes is renumbered 16.72 (2) (e) 1.

10 **SECTION 280e.** 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 62, line 25: after that line insert:

16 “SECTION 284q. 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.”.

4 **4.** Page 145, line 10: increase the dollar amount for fiscal year 2001–02 by
5 \$336,900 and increase the dollar amount for fiscal year 2002–03 by \$336,900 to
6 increase funding for the purpose for which the appropriation is made and to increase
7 the authorized FTE positions by 4.0 SEG positions.

8 **5.** Page 145, line 12: increase the dollar amount for fiscal year 2001–02 by
9 \$204,900 and increase the dollar amount for fiscal year 2002–03 by \$204,900 to
10 increase funding for the purpose for which the appropriation is made and to increase
11 the authorized FTE positions by 0.5 SEG position.

12 **6.** Page 169, line 16: after that line insert:

13 “(bc) Recycling efficiency planning

14 grants GPR A 3,000,000 –0–”.

15 **7.** Page 170, line 9: increase the dollar amount for fiscal year 2001–02 by
16 \$4,400,000 and increase the dollar amount for fiscal year 2002–03 by \$31,500,000 to
17 increase funding for the purpose for which the appropriation is made.

18 **8.** Page 170, line 9: after that line insert:

19 “(bv) Recycling efficiency planning

20 grants SEG A –0– 7,600,000”.

21 **9.** Page 175, line 1: decrease the dollar amount for fiscal year 2001–02 by
22 \$43,600 and decrease the dollar amount for fiscal year 2002–03 by \$43,600 to

1 decrease funding for the purpose for which the appropriation is made and to decrease
2 the authorized FTE positions by 0.5 SEG auditor position.

3 **10.** Page 334, line 15: after that line insert:

4 “SECTION 613g. 20.370 (6) (bc) of the statutes is created to read:

5 20.370 (6) (bc) *Recycling efficiency planning grants.* The amounts in the
6 schedule for recycling efficiency planning grants under 2001 Wisconsin Act ... (this
7 act), section 9137 (1k).”.

8 **11.** Page 334, line 25: after that line insert:

9 “SECTION 615e. 20.370 (6) (bv) of the statutes is created to read:

10 20.370 (6) (bv) *Recycling efficiency incentive grants.* From the recycling fund,
11 the amounts in the schedule for recycling efficiency incentive grants under s.
12 287.235.”.

13 **12.** Page 676, line 4: after that line insert:

14 “SECTION 2014j. 66.0131 (3) (a) 1. of the statutes is amended to read:

15 66.0131 (3) (a) 1. A local governmental unit shall, to the extent practicable,
16 make purchasing selections using specifications developed by state agencies under
17 s. 16.72 (2) (e), except s. 16.72 (2) (e) 2., to maximize the purchase of products utilizing
18 recycled or recovered materials.”.

19 **13.** Page 1057, line 21: after that line insert:

20 “SECTION 3222e. 287.03 (1) (e) and (f) of the statutes is created to read:

21 287.03 (1) (e) Promulgate rules to implement s. 287.07 (7) (a).

22 (f) Promulgate rules, for the purposes of s. 287.235 (1) (b), that specify the
23 minimum elements of coordinated program delivery, including all of the following:

1 1. The joint provision of, a single program operated by the responsible unit for,
2 or a single contract for, the collection of materials from single-family residences that
3 are separated for recycling under an effective recycling program.

4 2. The joint provision of, a single program operated by the responsible unit for,
5 or a single contract for, the processing and marketing of recyclable materials
6 collected under an effective recycling program.

7 3. The joint or coordinated planning of solid waste management services within
8 the responsible unit.

9 **SECTION 3222f.** 287.07 (7) (a) of the statutes is amended to read:

10 287.07 (7) (a) The prohibitions in subs. (3) and (4) do not apply with respect to
11 solid waste, except medical waste, as defined in par. (c) 1. cg., that is generated in a
12 region that has an effective recycling program, as determined under s. 287.11, if the
13 solid waste contains an incidental amount of materials specified in subs. (3) and (4),
14 as provided by the department by rule. This paragraph does not apply to solid waste
15 that is separated for recycling as part of an effective recycling program under s.
16 287.11.

17 **SECTION 3222g.** 287.07 (9) of the statutes is created to read:

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

24 **SECTION 3222p.** 287.23 (2) of the statutes is renumbered 287.23 (2) (intro.) and
25 amended to read:

1 287.23 (2) DEPARTMENT POWERS AND DUTIES. (intro.) The department shall
2 develop, implement, and administer a program to provide financial assistance to
3 responsible units. The department shall develop criteria for reporting on and
4 evaluating the program. Each year the department, in cooperation with the
5 University of Wisconsin–Extension, shall audit review the recycling programs of at
6 least 5% of the recipients of grants in the previous year to ~~ensure that programs and~~
7 ~~activities funded by grants under this section meet the requirements of this section.~~
8 do all of the following:

9 **SECTION 3222q.** 287.23 (2) (a) to (c) of the statutes are created to read:

10 287.23 (2) (a) Ensure compliance with s. 287.07 (1m), (2), (3), and (4).

11 (b) Ensure compliance with s. 287.11 and rules promulgated under that section.

12 (c) Identify activities, methods, or procedures that would enable the
13 responsible unit to make its recycling program more efficient or effective.”

14 **14.** Page 1058, line 2: after that line insert:

15 **“SECTION 3225c.** 287.23 (5b) (title) and (intro.) of the statutes are amended to
16 read:

17 287.23 (5b) (title) GRANT AWARD FOR 2000 AND 2001. (intro.) The For 2000 and
18 2001, the department shall award a grant under this subsection to each eligible
19 responsible unit that submits a complete grant application under sub. (4) for
20 expenses allowable under sub. (3) (b). The department shall determine the amount
21 of the grants under this subsection as follows:

22 **SECTION 3225f.** 287.23 (5d) of the statutes is created to read:

23 287.23 (5d) GRANT AMOUNT FOR YEARS AFTER 2001. (a) Beginning with grants for
24 the year 2002, 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), (e), (f), and (g) and sub. (5p), the
4 department shall award an eligible responsible unit a grant under this subsection
5 equal to \$11.80 times the population of the responsible unit.

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

9 (d) For a county that is the responsible unit for at least 75% of the population
10 of the county, the department shall award a grant under this subsection equal to
11 \$100,000 or the amount determined under par. (a), but not more than the allowable
12 expenses under sub. (3) (b).

13 (e) For grants for the year 2002, the department shall award a grant to a
14 responsible unit that received an award in 2001 that is equal to at least 80% of the
15 amount received in 2001.

16 (f) Beginning with grants for the year 2005, the department shall reduce a
17 grant calculated under par. (b) by \$3 times the population of the responsible unit if
18 the responsible unit is not eligible for a grant under s. 287.235.

19 (g) If the available funds are insufficient to pay the grant amounts determined
20 under this subsection, the department shall ^{achieve the necessary reduction in} reduce ^{the total amount of} the amount of ^{each} the grants ^{of}
21 determined under this subsection, except ^a the grants determined under pars. (d) and ^{the}
22 (e), by ^{an equal} ~~the same~~ percentage ^{necessary to use the available funds."} necessary to use the available funds."

the total amount of the grants by

15. Page 1058, line 6: after that line insert:

1 “SECTION 3226c. 287.23 (6) of the statutes is renumbered 287.23 (6) (a) and
2 amended to read:

3 287.23 (6) (a) The Except as provided in par. (b), the department shall disburse
4 a grant to the applicant after approval, but no later than June 1 of the year for which
5 the grant is made.

6 SECTION 3226d. 287.23 (6) (b) of the statutes is created to read:

7 287.23 (6) (b) For grants for the year 2002, the department shall disburse a
8 total of \$28,900,000 no later than June 1, 2002, and a total of \$13,550,000 after June
9 30, 2002, but no later than December 1, 2002.

10 SECTION 3226k. 287.235 of the statutes is created to read:

11 **287.235 Recycling efficiency incentive grants. (1) ELIGIBILITY.** Beginning
12 in fiscal year 2002–03 the department shall make a recycling efficiency incentive
13 grant to a responsible unit that satisfies all of the following criteria:

14 (a) The responsible unit is one of the following:

- 15 1. A county.
- 16 2. A responsible unit, other than a county, with a population of 50,000 or more.
- 17 3. A responsible unit that is formed by the merger of 3 or more responsible units
18 or that is the responsible unit for 3 or more municipalities.

19 (b) The responsible unit engages in coordinated program delivery, as specified
20 under s. 287.03 (1) (f).

21 (2) GRANT AMOUNT. (a) Except as provided in par. (b) and sub. (3) (a), the
22 department shall provide a grant amount to an eligible responsible unit equal to 2
23 times the population of the responsible unit.

24 (b) If the available funds are insufficient to pay the grant amount determined
25 under par. (a), the department shall *achieve the necessary reduction in the total amount of*
ing the grant amount determined under par. *the grants*
by

- 1 (a) for each eligible responsible unit by ^{an equal} the same percentage as necessary to use the
2 available funds.

3 (3) APPLICATION AND PAYMENT. (a) Applications for grants under this subsection
4 are due on October 1 of the year preceding the year for which the grant is sought.
5 If a responsible unit submits its application after that date, the department shall
6 reduce the grant, or deny the application, as provided in s. 287.23 (5p).

7 (b) The department shall disburse a grant to the applicant after approval, but
8 no later than June 1 of the year for which the grant is made.

9 SECTION 3227e. 287.95 (3) (b) of the statutes is amended to read:

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

14 16. Page 1059, line 9: after that line insert:

15 “SECTION 3228d. 289.645 (3) (a) of the statutes is amended to read:

16 289.645 (3) (a) For all solid waste other than high-volume industrial waste, 30
17 cents \$10 per ton.

18 SECTION 3228e. 289.645 (3) (b) of the statutes is created to read:

19 289.645 (3) (b) For all high-volume industrial waste, 25 cents per ton.

20 SECTION 3228f. 289.67 (1) (cp) of the statutes is amended to read:

21 289.67 (1) (cp) *Amount of environmental repair fee.* Notwithstanding par. (cm)
22 and except as provided under par. (d), the environmental repair fee imposed under
23 par. (a) is 30 60 cents per ton for solid or hazardous waste, other than high-volume

1 industrial waste, ~~disposed of on or after January 1, 1988, but before July 1, 1989,~~
2 ~~and 50 cents per ton disposed of on or after July 1, 1989.~~”.

3 **17.** Page 1343, line 24: after that line insert:

4 “(1k) RECYCLING EFFICIENCY PLANNING GRANTS.

5 (a) The department of natural resources shall establish and administer a
6 recycling efficiency planning grant program to obtain information to use in
7 implementing the recycling efficiency planning grant program under section
8 287.235 of the statutes, as created by this act, and to assist municipalities that are
9 responsible units in preparing to use recycling efficiency planning grants. The
10 department may award grants under this subsection only in fiscal year 2001–02.
11 The department may award grants under this subsection only to cities, villages, and
12 towns that are responsible units, as defined in section 287.01 (9) of the statutes. The
13 department shall award \$2,000,000 in grants under this subsection to municipalities
14 with populations of 50,000 or more and \$1,000,000 to municipalities with
15 populations of less than 50,000.

16 (b) A recipient of a grant under this subsection shall report information to the
17 department of natural resources concerning policies and activities that, if
18 implemented, would make its recycling program more efficient and effective,
19 including activities to provide coordinated program delivery as required under
20 section 287.235 (1) (b) of the statutes, as created by this act, and concerning any
21 barriers to implementation of these policies and procedures.

22 (c) The department of natural resources may promulgate rules for the program
23 under this subsection using the procedure under section 227.24 of the statutes.
24 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, the rules may remain

1 in effect until June 30, 2003. Notwithstanding section 227.24 (1) (a) and (3) of the
2 statutes, the department is not required to provide evidence that promulgating a rule
3 under this paragraph as an emergency rule is necessary for the preservation of public
4 peace, health, safety, or welfare and is not required to provide a finding of emergency
5 for a rule promulgated under this paragraph. \

Insert →
11-5 6 **18.** Page 1400, line 23: before that line insert:

7 “(1k) STATE PROCUREMENT OF TONER CARTRIDGES. The treatment of sections 16.70
8 (13m) and 16.74 (5m) of the statutes, the renumbering of section 16.72 (2) (e) of the
9 statutes, and the creation of section 16.72 (2) (e) 2. of the statutes first apply to
10 specifications for notices inviting bids or competitive sealed proposals for purchases
11 and to specifications for orders for purchases placed on the first day of the 7th month
12 beginning after publication.

13 (1m) SOLID WASTE TIPPING FEES. The treatment of sections 289.645 (3) (a) and
14 (b) and 289.67 (1) (cp) of the statutes first applies to solid waste disposed of on the
15 effective date of this subsection.”.

16 **19.** Page 1422, line 12: after that line insert:

17 “(5k) SOLID WASTE TIPPING FEES. The treatment of sections 289.645 (3) (a) and
18 (b) and 289.67 (1) (cp) of the statutes and SECTION 9337 (1m) take effect on January
19 1, 2002.”.

20 (END)

Nonstat subsection

(1km) (CS)

Recycling position authorization. The authorized
FTE positions for the department of natural resources are
increased by 1.0 SEG position to be funded from the
appropriation under section 20.370 (2) (hq) of the statute,
for recycling program administration. ✓

Tradewell, Becky

From: Burnett, Douglas
Sent: Tuesday, June 19, 2001 11:43 AM
To: Tradewell, Becky
Cc: Weix, Branda; Hanaman, Cathlene; Haugen, Caroline; Bonderud, Kendra; Keckhaver, John
Subject: RE: LRB Draft: 01b0834/2 Recycling program and funding changes

The toner cartidge prohibition language is still in here and should be deleted.

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

From: Hagen, Heather
Sent: Tuesday, June 19, 2001 11:36 AM
To: Burnett, Douglas
Cc: Weix, Branda; Hanaman, Cathlene; Haugen, Caroline
Subject: LRB Draft: 01b0834/2 Recycling program and funding changes

Following is the PDF version of draft 01b0834/2.

<< File: 01b0834/2 >>



State of Wisconsin
2001 - 2002 LEGISLATURE

Today

LRBb0834/3

RCT:wjl:hmh

RMV

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3 (b) Except as provided in pars. (c), (d), (e), (f), and (g) and sub. (5p), the
4 department shall award an eligible responsible unit a grant under this subsection
5 equal to \$11.80 times the population of the responsible unit.

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

9 (d) For a county that is the responsible unit for at least 75% of the population
10 of the county, the department shall award a grant under this subsection equal to
11 \$100,000 or the amount determined under par. (a), but not more than the allowable
12 expenses under sub. (3) (b).

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15 amount received in 2001.

16 (f) Beginning with grants for the year 2005, the department shall reduce a
17 grant calculated under par. (b) by \$3 times the population of the responsible unit if
18 the responsible unit is not eligible for a grant under s. 287.235.

19 (g) If the available funds are insufficient to pay the grant amounts determined
20 under this subsection, the department shall achieve the necessary reduction in the
21 total amount of the grants by reducing the amount of each grant determined under
22 this subsection, except a grant determined under par. (d) or (e), by an equal
23 percentage.”.

24 **15.** Page 1058, line 6: after that line insert:

1 “SECTION 3226c. 287.23 (6) of the statutes is renumbered 287.23 (6) (a) and
2 amended to read:

3 287.23 (6) (a) ~~The~~ Except as provided in par. (b), the department shall disburse
4 a grant to the applicant after approval, but no later than June 1 of the year for which
5 the grant is made.

6 SECTION 3226d. 287.23 (6) (b) of the statutes is created to read:

7 287.23 (6) (b) For grants for the year 2002, the department shall disburse a
8 total of \$28,900,000 no later than June 1, 2002, and a total of \$13,550,000 after June
9 30, 2002, but no later than December 1, 2002.

10 SECTION 3226k. 287.235 of the statutes is created to read:

11 **287.235 Recycling efficiency incentive grants. (1) ELIGIBILITY.** Beginning
12 in fiscal year 2002–03 the department shall make a recycling efficiency incentive
13 grant to a responsible unit that satisfies all of the following criteria:

14 (a) The responsible unit is one of the following:

- 15 1. A county.
- 16 2. A responsible unit, other than a county, with a population of 50,000 or more.
- 17 3. A responsible unit that is formed by the merger of 3 or more responsible units
18 or that is the responsible unit for 3 or more municipalities.

19 (b) The responsible unit engages in coordinated program delivery, as specified
20 under s. 287.03 (1) (f).

21 **(2) GRANT AMOUNT.** (a) Except as provided in par. (b) and sub. (3) (a), the
22 department shall provide a grant amount to an eligible responsible unit equal to \$2
23 times the population of the responsible unit.

24 (b) If the available funds are insufficient to pay the grant amount determined
25 under par. (a), the department shall achieve the necessary reduction in the total

1 amount of the grants by reducing the grant amount determined under par. (a) for
2 each eligible responsible unit by an equal percentage.

3 (3) APPLICATION AND PAYMENT. (a) Applications for grants under this subsection
4 are due on October 1 of the year preceding the year for which the grant is sought.
5 If a responsible unit submits its application after that date, the department shall
6 reduce the grant, or deny the application, as provided in s. 287.23 (5p).

7 (b) The department shall disburse a grant to the applicant after approval, but
8 no later than June 1 of the year for which the grant is made.

9 SECTION 3227e. 287.95 (3) (b) of the statutes is amended to read:

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

14 **16.** Page 1059, line 9: after that line insert:

15 “SECTION 3228d. 289.645 (3) (a) of the statutes is amended to read:

16 289.645 (3) (a) For all solid waste other than high-volume industrial waste, 30
17 cents \$10 per ton.

18 SECTION 3228e. 289.645 (3) (b) of the statutes is created to read:

19 289.645 (3) (b) For all high-volume industrial waste, 25 cents per ton.

20 SECTION 3228f. 289.67 (1) (cp) of the statutes is amended to read:

21 289.67 (1) (cp) *Amount of environmental repair fee.* Notwithstanding par. (cm)
22 and except as provided under par. (d), the environmental repair fee imposed under
23 par. (a) is ~~30~~ 60 cents per ton for solid or hazardous waste, other than high-volume

1 industrial waste, ~~disposed of on or after January 1, 1988, but before July 1, 1989,~~
2 ~~and 50 cents per ton disposed of on or after July 1, 1989.~~”

3 **17.** Page 1343, line 24: after that line insert:

4 “(1k) RECYCLING EFFICIENCY PLANNING GRANTS.

5 (a) The department of natural resources shall establish and administer a
6 recycling efficiency planning grant program to obtain information to use in
7 implementing the recycling efficiency planning grant program under section
8 287.235 of the statutes, as created by this act, and to assist municipalities that are
9 responsible units in preparing to use recycling efficiency planning grants. The
10 department may award grants under this subsection only in fiscal year 2001–02.
11 The department may award grants under this subsection only to cities, villages, and
12 towns that are responsible units, as defined in section 287.01 (9) of the statutes. The
13 department shall award \$2,000,000 in grants under this subsection to municipalities
14 with populations of 50,000 or more and \$1,000,000 to municipalities with
15 populations of less than 50,000.

16 (b) A recipient of a grant under this subsection shall report information to the
17 department of natural resources concerning policies and activities that, if
18 implemented, would make its recycling program more efficient and effective,
19 including activities to provide coordinated program delivery as required under
20 section 287.235 (1) (b) of the statutes, as created by this act, and concerning any
21 barriers to implementation of these policies and procedures.

22 (c) The department of natural resources may promulgate rules for the program
23 under this subsection using the procedure under section 227.24 of the statutes.
24 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, the rules may remain

1 in effect until June 30, 2003. Notwithstanding section 227.24 (1) (a) and (3) of the
 2 statutes, the department is not required to provide evidence that promulgating a rule
 3 under this paragraph as an emergency rule is necessary for the preservation of public
 4 peace, health, safety, or welfare and is not required to provide a finding of emergency
 5 for a rule promulgated under this paragraph.

6 (1km) RECYCLING POSITION AUTHORIZATION. The authorized FTE positions for the
 7 department of natural resources are increased by 1.0 SEG position to be funded from
 8 the appropriation under section 20.370 (2) (hq) of the statutes, for recycling program
 9 administration.”.

10 **18.** Page 1400, line 23: before that line insert:

11 ~~“(1k) STATE PROCUREMENT OF TONER CARTRIDGES. The treatment of sections 16.70
 12 (13m) and 16.74 (5m) ✓ of the statutes, the renumbering of section 16.72 (2) (e) of the
 13 statutes, and the creation of section 16.72 (2) (e) 2. of the statutes first apply to
 14 specifications for notices inviting bids or competitive sealed proposals for purchases
 15 and to specifications for orders for purchases placed on the first day of the 7th month
 16 beginning after publication.~~

17 (1m) SOLID WASTE TIPPING FEES. The treatment of sections 289.645 (3) (a) and
 18 (b) and 289.67 (1) (cp) of the statutes first applies to solid waste disposed of on the
 19 effective date of this subsection.”.

20 **19.** Page 1422, line 12: after that line insert:

21 “(5k) SOLID WASTE TIPPING FEES. The treatment of sections 289.645 (3) (a) and
 22 (b) and 289.67 (1) (cp) of the statutes and SECTION 9337 (1m) ✓ take effect on January
 23 1, 2002.” ^{of this act}

24 (END)

SDC:.....Keckhaver – CN1051, Recycling program and funding changes

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 **1.** Page 145, line 10: increase the dollar amount for fiscal year 2001-02 by
3 \$336,900 and increase the dollar amount for fiscal year 2002-03 by \$336,900 to
4 increase funding for the purpose for which the appropriation is made and to increase
5 the authorized FTE positions by 4.0 SEG positions.

6 **2.** Page 145, line 12: increase the dollar amount for fiscal year 2001-02 by
7 \$204,900 and increase the dollar amount for fiscal year 2002-03 by \$204,900 to
8 increase funding for the purpose for which the appropriation is made and to increase
9 the authorized FTE positions by 0.5 SEG position.

10 **3.** Page 169, line 16: after that line insert:

1 “(bc) Recycling efficiency planning

2 grants GPR A 3,000,000 –0–”.

3 4. Page 170, line 9: increase the dollar amount for fiscal year 2001–02 by
4 \$4,400,000 and increase the dollar amount for fiscal year 2002–03 by \$31,500,000 to
5 increase funding for the purpose for which the appropriation is made.

6 5. Page 170, line 9: after that line insert:

7 “(bv) Recycling efficiency planning

8 grants SEG A –0– 7,600,000”.

9 6. Page 175, line 1: decrease the dollar amount for fiscal year 2001–02 by
10 \$43,600 and decrease the dollar amount for fiscal year 2002–03 by \$43,600 to
11 decrease funding for the purpose for which the appropriation is made and to decrease
12 the authorized FTE positions by 0.5 SEG auditor position.

13 7. Page 334, line 15: after that line insert:

14 “SECTION 613g. 20.370 (6) (bc) of the statutes is created to read:

15 20.370 (6) (bc) *Recycling efficiency planning grants*. The amounts in the
16 schedule for recycling efficiency planning grants under 2001 Wisconsin Act (this
17 act), section 9137 (1k).”.

18 8. Page 334, line 25: after that line insert:

19 “SECTION 615e. 20.370 (6) (bv) of the statutes is created to read:

20 20.370 (6) (bv) *Recycling efficiency incentive grants*. From the recycling fund,
21 the amounts in the schedule for recycling efficiency incentive grants under s.
22 287.235.”.

23 9. Page 1057, line 21: after that line insert:

1 **SECTION 3222e.** 287.03 (1) (e) and (f) of the statutes are created to read:

2 287.03 (1) (e) Promulgate rules to implement s. 287.07 (7) (a).

3 (f) Promulgate rules, for the purposes of s. 287.235 (1) (b), that specify the
4 minimum elements of coordinated program delivery, including all of the following:

5 1. The joint provision of, a single program operated by the responsible unit for,
6 or a single contract for, the collection of materials from single-family residences that
7 are separated for recycling under an effective recycling program.

8 2. The joint provision of, a single program operated by the responsible unit for,
9 or a single contract for, the processing and marketing of recyclable materials
10 collected under an effective recycling program.

11 3. The joint or coordinated planning of solid waste management services within
12 the responsible unit.

13 **SECTION 3222f.** 287.07 (7) (a) of the statutes is amended to read:

14 287.07 (7) (a) The prohibitions in subs. (3) and (4) do not apply with respect to
15 solid waste, except medical waste, as defined in par. (c) 1. cg., that is generated in a
16 region that has an effective recycling program, as determined under s. 287.11, if the
17 solid waste contains an incidental amount of materials specified in subs. (3) and (4),
18 as provided by the department by rule. This paragraph does not apply to solid waste
19 that is separated for recycling as part of an effective recycling program under s.
20 287.11.

21 **SECTION 3222g.** 287.07 (9) of the statutes is created to read:

22 287.07 (9) **ACCEPTANCE BY SOLID WASTE FACILITY.** (a) Except as provided under
23 par. (b), no person operating a solid waste facility may accept solid waste from a
24 building containing 5 or more dwelling units or a commercial, retail, industrial, or
25 governmental facility that does not provide for the collection of materials that are

1 subject to subs. (3) and (4) and that are separated from other solid waste by users or
2 occupants of the building or facility.

3 **SECTION 3222p.** 287.23 (2) of the statutes is renumbered 287.23 (2) (intro.) and
4 amended to read:

5 **287.23 (2) DEPARTMENT POWERS AND DUTIES.** (intro.) The department shall
6 develop, implement, and administer a program to provide financial assistance to
7 responsible units. The department shall develop criteria for reporting on and
8 evaluating the program. Each year the department, in cooperation with the
9 University of Wisconsin-Extension, shall audit review the recycling programs of at
10 least 5% of the recipients of grants in the previous year to ensure that programs and
11 activities funded by grants under this section meet the requirements of this section.
12 do all of the following:

13 **SECTION 3222q.** 287.23 (2) (a) to (c) of the statutes are created to read:

14 **287.23 (2) (a)** Ensure compliance with s. 287.07 (1m), (2), (3), and (4).

15 (b) Ensure compliance with s. 287.11 and rules promulgated under that section.

16 (c) Identify activities, methods, or procedures that would enable the
17 responsible unit to make its recycling program more efficient or effective.”.

18 **10.** Page 1058, line 2: after that line insert:

19 **“SECTION 3225c.** 287.23 (5b) (title) and (intro.) of the statutes are amended to
20 read:

21 **287.23 (5b) (title)** GRANT AWARD FOR 2000 AND 2001. (intro.) The For 2000 and
22 2001, the department shall award a grant under this subsection to each eligible
23 responsible unit that submits a complete grant application under sub. (4) for

1 expenses allowable under sub. (3) (b). The department shall determine the amount
2 of the grants under this subsection as follows:

3 **SECTION 3225f.** 287.23 (5d) of the statutes is created to read:

4 **287.23 (5d) GRANT AMOUNT FOR YEARS AFTER 2001.** (a) Beginning with grants for
5 the year 2002, the department shall award a grant under this subsection to each
6 eligible responsible unit that submits a complete grant application under sub. (4) for
7 expenses allowable under sub. (3) (b).

8 (b) Except as provided in pars. (c), (d), (e), (f), and (g) and sub. (5p), the
9 department shall award an eligible responsible unit a grant under this subsection
10 equal to \$11.80 times the population of the responsible unit.

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

14 (d) For a county that is the responsible unit for at least 75% of the population
15 of the county, the department shall award a grant under this subsection equal to
16 \$100,000 or the amount determined under par. (a), but not more than the allowable
17 expenses under sub. (3) (b).

18 (e) For grants for the year 2002, the department shall award a grant to a
19 responsible unit that received an award in 2001 that is equal to at least 80% of the
20 amount received in 2001.

21 (f) Beginning with grants for the year 2005, the department shall reduce a
22 grant calculated under par. (b) by \$3 times the population of the responsible unit if
23 the responsible unit is not eligible for a grant under s. 287.235.

24 (g) If the available funds are insufficient to pay the grant amounts determined
25 under this subsection, the department shall achieve the necessary reduction in the

1 total amount of the grants by reducing the amount of each grant determined under
2 this subsection, except a grant determined under par. (d) or (e), by an equal
3 percentage.”.

4 **11.** Page 1058, line 6: after that line insert:

5 “SECTION 3226c. 287.23 (6) of the statutes is renumbered 287.23 (6) (a) and
6 amended to read:

7 287.23 (6) (a) ~~The~~ Except as provided in par. (b), the department shall disburse
8 a grant to the applicant after approval, but no later than June 1 of the year for which
9 the grant is made.

10 SECTION 3226d. 287.23 (6) (b) of the statutes is created to read:

11 287.23 (6) (b) For grants for the year 2002, the department shall disburse a
12 total of \$28,900,000 no later than June 1, 2002, and a total of \$13,550,000 after June
13 30, 2002, but no later than December 1, 2002.

14 SECTION 3226k. 287.235 of the statutes is created to read:

15 **287.235 Recycling efficiency incentive grants. (1) ELIGIBILITY.** Beginning
16 in fiscal year 2002–03 the department shall make a recycling efficiency incentive
17 grant to a responsible unit that satisfies all of the following criteria:

18 (a) The responsible unit is one of the following:

19 1. A county.

20 2. A responsible unit, other than a county, with a population of 50,000 or more.

21 3. A responsible unit that is formed by the merger of 3 or more responsible units
22 or that is the responsible unit for 3 or more municipalities.

23 (b) The responsible unit engages in coordinated program delivery, as specified
24 under s. 287.03 (1) (f).

1 (2) GRANT AMOUNT. (a) Except as provided in par. (b) and sub. (3) (a), the
2 department shall provide a grant amount to an eligible responsible unit equal to \$2
3 times the population of the responsible unit.

4 (b) If the available funds are insufficient to pay the grant amount determined
5 under par. (a), the department shall achieve the necessary reduction in the total
6 amount of the grants by reducing the grant amount determined under par. (a) for
7 each eligible responsible unit by an equal percentage.

8 (3) APPLICATION AND PAYMENT. (a) Applications for grants under this subsection
9 are due on October 1 of the year preceding the year for which the grant is sought.
10 If a responsible unit submits its application after that date, the department shall
11 reduce the grant, or deny the application, as provided in s. 287.23 (5p).

12 (b) The department shall disburse a grant to the applicant after approval, but
13 no later than June 1 of the year for which the grant is made.

14 **SECTION 3227c.** 287.95 (3) (b) of the statutes is amended to read:

15 287.95 (3) (b) After December 31, 1996, any person who violates s. 287.07 (3)
16 and, (4), or (9) may be required to forfeit \$50 for a first violation, may be required to
17 forfeit \$200 for a 2nd violation, and may be required to forfeit not more than \$2,000
18 for a 3rd or subsequent violation.”

19 **12.** Page 1059, line 9: after that line insert:

20 **“SECTION 3228d.** 289.645 (3) (a) of the statutes is amended to read:

21 289.645 (3) (a) For all solid waste other than high-volume industrial waste, 30
22 cents \$10 per ton.

23 **SECTION 3228e.** 289.645 (3) (b) of the statutes is created to read:

24 289.645 (3) (b) For all high-volume industrial waste, 25 cents per ton.

1 **SECTION 3228f.** 289.67 (1) (cp) of the statutes is amended to read:

2 289.67 (1) (cp) *Amount of environmental repair fee.* Notwithstanding par. (cm)
3 and except as provided under par. (d), the environmental repair fee imposed under
4 par. (a) is ~~30~~ 60 cents per ton for solid or hazardous waste, other than high-volume
5 industrial waste, ~~disposed of on or after January 1, 1988, but before July 1, 1989,~~
6 and ~~50 cents per ton disposed of on or after July 1, 1989.~~”

7 **13.** Page 1343, line 24: after that line insert:

8 “(1k) RECYCLING EFFICIENCY PLANNING GRANTS.

9 (a) The department of natural resources shall establish and administer a
10 recycling efficiency planning grant program to obtain information to use in
11 implementing the recycling efficiency planning grant program under section
12 287.235 of the statutes, as created by this act, and to assist municipalities that are
13 responsible units in preparing to use recycling efficiency planning grants. The
14 department may award grants under this subsection only in fiscal year 2001–02.
15 The department may award grants under this subsection only to cities, villages, and
16 towns that are responsible units, as defined in section 287.01 (9) of the statutes. The
17 department shall award \$2,000,000 in grants under this subsection to municipalities
18 with populations of 50,000 or more and \$1,000,000 to municipalities with
19 populations of less than 50,000.

20 (b) A recipient of a grant under this subsection shall report information to the
21 department of natural resources concerning policies and activities that, if
22 implemented, would make its recycling program more efficient and effective,
23 including activities to provide coordinated program delivery as required under

1 section 287.235 (1) (b) of the statutes, as created by this act, and concerning any
2 barriers to implementation of these policies and procedures.

3 (c) The department of natural resources may promulgate rules for the program
4 under this subsection using the procedure under section 227.24 of the statutes.
5 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, the rules may remain
6 in effect until June 30, 2003. Notwithstanding section 227.24 (1) (a) and (3) of the
7 statutes, the department is not required to provide evidence that promulgating a rule
8 under this paragraph as an emergency rule is necessary for the preservation of public
9 peace, health, safety, or welfare and is not required to provide a finding of emergency
10 for a rule promulgated under this paragraph.

11 (1km) RECYCLING POSITION AUTHORIZATION. The authorized FTE positions for the
12 department of natural resources are increased by 1.0 SEG position to be funded from
13 the appropriation under section 20.370 (2) (hq) of the statutes, for recycling program
14 administration.”.

15 **14.** Page 1400, line 23: before that line insert:

16 “(1m) SOLID WASTE TIPPING FEES. The treatment of sections 289.645 (3) (a) and
17 (b) and 289.67 (1) (cp) of the statutes first applies to solid waste disposed of on the
18 effective date of this subsection.”.

19 **15.** Page 1422, line 12: after that line insert:

20 “(5k) SOLID WASTE TIPPING FEES. The treatment of sections 289.645 (3) (a) and
21 (b) and 289.67 (1) (cp) of the statutes and SECTION 9337 (1m) of this act take effect
22 on January 1, 2002.”.

23 (END)