

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: **06/23/2001**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Assembly Republican Caucus**

By/Representing: **Tessmer**

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:

ARC:.....Tessmer - AM94,

Topic:

Recycling pilot program and other changes related to local recycling program requirements

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>
/?	traderc 06/25/2001	csicilia 06/26/2001		_____			
/1			jfrantze 06/26/2001	_____	lrb_docadmin 06/26/2001		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	traderc 06/28/2001	wjackson 06/28/2001	jfrantze 06/28/2001	_____	lrb_docadmin 06/28/2001		
/3	traderc 06/28/2001	csicilia 06/28/2001	rschluet 06/28/2001	_____	lrb_docadmin 06/28/2001		

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<END>

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/?	traderc 06/25/2001	csicilia 06/26/2001		_____			
/1			jfrantze 06/26/2001	_____	lrb_docadmin 06/26/2001		

JD
6-28-01

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	traderc 06/28/2001	wjackson 06/28/2001	jfrantze 06/28/2001	_____	lrb_docadmin 06/28/2001		

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/1		1/2 Wlj 6/28	jfrantze 06/26/2001	_____	lrb_docadmin 06/26/2001		

6/28 *Self*
6/28

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Instructions:

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1?	traderc	1 jg 6/26 01	6/26	6/26			

FE Sent For:

<END>

Agency affected: UW-Extension

Fiscal Impact: 2001-03 Funding \$337,000 SEG and 2.0 positions

Location/Status: New motion

F. Recycling Pilot Program for Effective Program Compliance

Create a pilot program to provide an alternate method of complying with the effective recycling program requirements related to the 1995 landfill and incineration bans. Under the program, DNR would select up to 10 responsible units to participate in 2003-2004. DNR may waive the mandated requirements for each of the 10 pilot communities and each pilot community may be unique.

The participating responsible units could select materials to recycle from a list established in DNR rule, and would seek to meet recycling percentage rate goals specified in administrative rule. DNR would be required to submit a report containing specified information to the Legislature by December 1, 2003. The pilot program would end December 31, 2004.

Agency affected: DNR

Fiscal Impact: \$0

Location/Status: Adopt JFC Motion 1283 (Duff, Ward)

G. Grant State Recycling Dollars Based on Performance

This motion will:

- Provide incentives to responsible units that meet per capita recycling standards
- Remove any incentive responsible units may have to shift costs such as equipment or administrative expenses from general solid waste services to the recycling grant program, by moving from a cost-based model to one based on a standard per capita amount adjusted for whether or not curbside service is mandated by law for the community
- Provide additional, meaningful incentives for responsible units to join together to provide services, market recyclables, and reduce administrative costs.

Agency affected: DNR

Fiscal Impact: \$0

Location/Status: Adopt FM Motion 1289 (Duff, Ward)

H. Modify Solid Waste Material to be Recycled

This motion would create an alternate method of complying with the effective recycling program requirements related to the 1995 landfill and incineration bans. DNR would be directed to promulgate administrative rules to provide that responsible units that meet

certain goals for recycling percentages of materials established in rule and that meet other criteria, could recycle those materials instead of the materials included in the 1995 bans.

Agency affected: DNR

Fiscal Impact: \$0

Location/Status: Adopt FM Motion 1084

I. Wheelchair Recycling

Agency affected: DNR

Move to provide \$40,000 for the Wheelchair Recycling Program in each year of the biennium to provide recycled medical equipment directly to consumers and programs in need and for equipment parts, maintenance, and distribution costs. Reduce funding for DNR Waste Reduction and Recycling Demonstration Grants by \$40,000 in each year of the biennium.

Fiscal Impact: An \$80,000 increase for the Wheelchair Recycling Program and a reduction of \$80,000 for DNR Waste Reduction and Recycling Demonstration Grants.

Location/Status: New motion (Johnsrud)

J. Newsprint Recycling Cap

Agency affected: DNR

Cap the newspaper recycling fee and the recycled content of newsprint used in newspapers at 33%

Fiscal impact: \$1,000 reduction in revenue for the first few years of implementation

Location/Status: Adopt Assembly Bill 365 (Johnsrud)

2. Land Conservation/Restoration

A. Incentives for Private Stewardship

Create a nonrefundable tax credit for donation of conservation land or conservation easements effective January 1, 2003.

Credit equal to 50% of the assessed value of donated property or conservation easement.

Use existing federal tax law standards for qualifying conservation contributions under Section 170 (h) of the Internal Revenue Code: These include gifts of land or permanent restrictions which provide a significant public benefit for one of the following conservation purposes:

1. Preservation of land areas for outdoor recreation by, or for the education of, the general public.

Representative Duff
Representative Ward

NATURAL RESOURCES -- AIR, WASTE AND CONTAMINATED LAND

Recycling - Pilot Program for Effective Program Compliance

Motion:

Move to direct DNR to administer a pilot program that would offer responsible units of local government an alternative method of complying with the effective recycling program requirement that a responsible unit's program require that the occupants of residential, commercial, retail, industrial and governmental facilities within the responsible unit separate the materials subject to the 1995 landfill bans, from postconsumer waste.

Require that the pilot program include the following requirements:

1. DNR would be required to promulgate administrative rules for the program, and would be authorized to promulgate administrative rules, without the finding of an emergency, for administration of the program.
2. DNR would be required to accept applications for the program from eligible applicants by October 1, 2002, for participation in the program for calendar year 2003.
3. Eligible applicants would include: (a) a responsible unit in existence on January 1, 2001, that is comprised of two or more local governments; (b) a county; or (c) two or more responsible units that were responsible units on January 1, 2001, and that submit an application for joint participation in the program.
4. DNR would be required to establish, in rules for the program: (a) goals for materials recycled as a percentage of solid waste generated in the geographic area served by the applicant, which participants in the pilot program would be required to work towards; and (b) a list of recyclable materials that could be collected for recycling by participants. The list of materials could include the materials currently subject to the 1995 landfill bans and other recyclable materials.
5. Applicants for the pilot program would be required to include the following information in their application: (a) a list of recyclable materials from the DNR list that the applicant would collect for recycling; (b) documentation of how the selected materials would meet the recycling percentage rate goal established in program rules; and (c) other information required by DNR.

6. DNR would be required to select up to 10 participants for the pilot program, giving highest priority to applicants that can demonstrate they will meet or exceed the recycling percentage rate goals. DNR would be required to select participants from various geographic areas of the state and of various population sizes.

7. All participants would be required to comply with the current landfill bans on waste tires, waste oil, lead acid batteries, major appliances or yard waste.

8. Each selected participant would be required to submit a report to DNR by April 1, 2004, that describes: (a) the recycling percentage rate obtained by the participant in 2003; (b) any cost or program efficiencies obtained as a result of collecting the selected materials instead of collecting the currently required materials subject to the landfill bans; (c) any cost or program efficiencies obtained as a result of more than one government working together; and (d) other information required by DNR.

9. Calendar year 2003 participants could renew their participation for 2004 if they submit an application and if DNR determines that the participant is meeting program requirements. DNR could select 10 additional participants for calendar year 2004, according to the same program criteria used for 2003. Participants for 2004 would be required to submit a report to DNR by April 1, 2005, that provides the same information required for 2003 participants in 2004. Calendar year 2003 and 2004 participants could renew their participation for 2005 if DNR determines that the participant is meeting program requirements. DNR would not be allowed to select new pilot program participants for 2005.

10. DNR would be required to submit a report to the Legislature, appropriate standing committees and Joint Committee on Finance no later than December 1, 2004, that describes: (a) the results of the 2003 pilot year; (b) any changes in the recycling rate obtained by the participants; (c) any cost or program efficiencies obtained by the participants; and (d) any recommendations for statutory changes to expand or modify the pilot program.

11. Require that the pilot program would end on December 31, 2005.

Note:

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 motion would create a pilot program to provide an alternate method of complying with the effective recycling program requirements related to the 1995 landfill and incineration bans. Under the pilot program, DNR would select up to 10 responsible units to participate in 2003 and up to 10 additional responsible units in 2004. The participating responsible units could select materials to recycle from a list established in DNR rule, and would seek to meet recycling percentage rate goals specified in administrative rule. DNR would be required to submit a report containing specified information to the Legislature by December 1, 2004. The pilot program would end December 31, 2005.

Representative Duff
Representative Ward

NATURAL RESOURCES -- AIR, WASTE AND CONTAMINATED LAND

Municipal and County Recycling Grant Formula

Motion:

Move to change the formula for distribution of municipal and local grants so that the appropriation is awarded to responsible units of local government with effective recycling programs on a per capita basis. Direct that the grants would not be capped at net eligible costs. Direct DNR to promulgate administrative rules that provide an adjusted per capita grant to responsible units that are required to have curbside collection of recyclable materials. Delete the current late application penalty provisions.

Note:

Currently, for grant years 2000 and after, responsible units of local government are eligible for a municipal and county recycling grant equal to the same percentage of total grant funds that each responsible unit received in 1999. Each responsible unit's grant is capped at the current year's net eligible recycling costs. Net eligible costs include expenses, including capital expenses, anticipated to be incurred for planning, constructing or operating an effective recycling program, which includes complying with the 1995 landfill and incineration bans, and for complying with the 1993 prohibition of disposing of yard waste in a landfill or incinerator.

Current law late application penalty provisions require that the responsible unit receives 95% of the grant amount if it submits its grant application after the October 1 deadline and no later than October 10, 90% of the grant amount if it submits its application after October 10, but no later than October 20, 75% of the grant amount if it submits its grant application after October 20, but no later than October 30, and no grant if it submits its application after October 30.

NR 544- 5,000 or greater

Senator Welch

NATURAL RESOURCES -- AIR, WASTE AND CONTAMINATED LAND**Modify Solid Waste Materials Required to be Recycled****Motion:**

Move to direct DNR to promulgate administrative rules that would: (a) set goals for materials to be recycled as a percentage of solid waste generated in the geographic area served by responsible units of local government; (b) establish a list of recyclable materials that could be collected for recycling by responsible units, including materials currently subject to the 1995 landfill bans and other recyclable materials; (c) establish a procedure for responsible units to determine which materials they will recycle to meet the goals; (d) allow responsible units to choose to recycle materials other than or in addition to materials currently subject to the 1995 landfill bans; and (e) establish a procedure for DNR to determine whether responsible units achieve the recycled materials percentage goals. Specify that responsible units that comply with the recycled materials percentage goals established in rule would not have to comply with the 1995 landfill and incineration bans that are currently required in order to maintain an effective recycling program.

Note:

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 motion would create an alternate method of complying with the effective recycling program requirements related to the 1995 landfill and incineration bans. DNR would be directed to promulgate administrative rules to provide that responsible units that meet certain goals for recycling percentages of materials established in rule and that meet other criteria, could recycle those materials instead of the materials included in the 1995 bans.

2001

Date (time) needed

Today, if possible
see below (in 6/25)

LRB b 1627 11

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

RET : cis :

See form **AMENDMENTS — COMPONENTS & ITEMS.**

TODAY (6/26)
IF POSSIBLE

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

DN Note

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

#. Page 1057, line 21...: after that line insert:

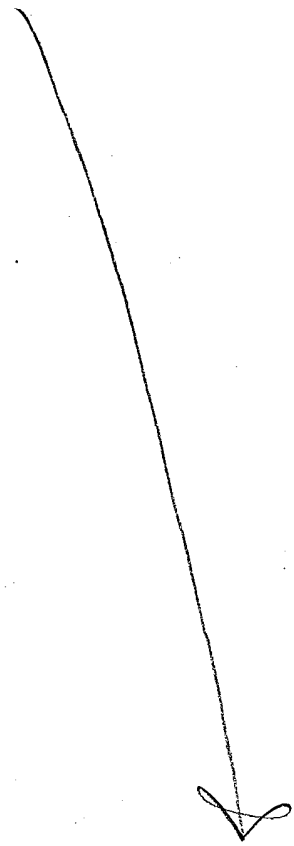
#. Page, line

#. Page, line

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#. Page, line

#. Page, line



b1627/1

3222d ✓

→ Section # 287.09 (2) (a) of the statutes is amended to read:

287.09 (2) (a) Develop and implement a recycling or other program to manage the solid waste generated within its region in compliance with s. 287.07 (1m) ~~to (4)~~ and the priorities under s. 287.05 (12).
with

History: 1989 a. 335, 359; 1993 a. 116, 406; 1995 a. 201; 1995 a. 227 s. 891; Stats. 1995 s. 287.09; 1997 a. 27; 1999 a. 150 s. 672.

and (2) ~~and~~ with either s. 287.07 (3) and (4) or the rules promulgated under s. 287.11 (4) 2

3222g

Section # 287.11 (2) (a) of the statutes is amended to read:

287.11 (2) (a) A public education component to inform residents of the region of the reasons to recycle, local opportunities to recycle and the ~~prohibitions in s. 287.07 (3) and (4)~~

strike

History: 1989 a. 335, 359; 1993 a. 245, 345; 1995 a. 142; 1995 a. 227 s. 894; Stats. 1995 s. 287.11; 1997 a. 27, 60; 1999 a. 9.

materials that
residents are required
to recycle under the
program under par. (b)

→ ¶ Section 3222h. RN; 287.11 (2)(b); 287.11 (2)(b) 1. x

→ ¶ Section 3222; CR; 287.11 (2)(b) (intro.)

¶ 287.11 [ⓑ](2)(b) (intro.) One of the following:

→ ¶ Section 3222; CR; 287.11 (2)(b) 2.

¶ 287.11 [ⓑ](2)(b) 2. A program that ^{the department determines} complies with the rules promulgated under sub. (4).

✓ ✓ ✓

b1627/1

3222k

Section # 287.11 (2) (er) of the statutes is amended to read:

that is required to be separated for recycling under the program
under par. (6)
and

* 287.11 (2) (er) A prohibition on disposing of in a solid waste disposal facility or burning in a solid waste treatment facility any material ~~identified under s. 287.07 (3) and (4)~~ that is separated for recycling as part of the program.

↑
strike

History: 1989 a. 335, 359; 1993 a. 245, 345; 1995 a. 142; 1995 a. 227 s. 894; Stats. 1995 s. 287.11; 1997 a. 27, 60; 1999 a. 9.

3222L

Section #. 287.11 (2) (i) of the statutes is amended to read:

287.11 (2) (i) A reasonable effort, through the implementation of pars. (a) to (h), as applicable, to reduce to the maximum extent feasible the amount, by weight, of each material specified in s. 287.07 (3) and (4) that is generated as solid waste within the region and disposed of in a solid waste disposal facility or converted into fuel or burned without energy recovery in a solid waste treatment facility.

strike

of a type that is recycled in the program under ~~Sub. (3) (b)~~

strike

History: 1989 a. 335, 359; 1993 a. 245, 345; 1995 a. 142; 1995 a. 227 s. 894; Stats. 1995 s. 287.11; 1997 a. 27, 60; 1999 a. 9.

par. (b)

^

¶ Section ³²²²¹ CR; 287.11(4)

¶ 287.11(4) ^(B) ~~(ES)~~ Alternate method of compliance. The department shall promulgate rules that do all of the following:

¶ (a) Set goals for ^{amount of} materials to be recycled as a percentage of solid waste generated in the geographic area served by a responsible unit.

¶ (b) Include a list ^{recyclable} of recyclable materials, including the materials identified under s. 287.07(3) and (4), that a responsible unit may choose, ^{under this subsection} to require ^{to} be separated for recycling under its recycling program.

¶ (c) Specify a procedure for ^a responsible units to identify the materials that it will require to be separated for recycling under its recycling program.

¶ (d) Specify a procedure to be used by ~~the~~ the department to determine whether a responsible unit has ^{achieved} achieved the goals under ^{per. (a)} ~~subsec. (a)~~

^

¶ Section 3222n. CR; 287.11 (5)

¶ 287.11 (5) ^(B) Pilot program for alternate compliance. (a) ^(CS)

The department shall administer a pilot program in 2003, 2004, and 2005 that provides an alternate method of complying with sub. (2)(b) 1. The department shall promulgate rules for the pilot program under this subsection that ~~include~~ ^{do} all of the following:

Insert →

¶ (b) The following are eligible for the pilot program under this subsection:

¶ 1. A responsible unit that ^{was} in existence on January 1, 2001, and that is the responsible unit for 2 or more municipalities.

¶ 2. A responsible unit that is a county.

¶ 3. Two or more responsible units that ^{were} ~~are~~ in existence on January 1, 2002, and that submit an application for joint participation.

¶ (c) An applicant for the program under this subsection shall include all of the following information in the application:

¶ 1. A list of materials, ^{insert} from the list under ~~the~~ par. (a) 2., that the applicant will require to be separated for recycling.

¶ 2. A description of how ^{requiring} the materials listed under subd. 1. ~~are~~ to be separated for recycling would enable the applicant to meet the goals under par. (a) 1.

¶ 3. Other information required by the departments.

¶ (d) 1. The department shall select not more than 10 participants for the program ^{under this subsection} for 2003 from among eligible applicants that submit applications by October 1, 2002. ^{¶ 2.} The department shall give priority to applicants that demonstrate that they will meet or exceed the ~~recycling~~ goals under par. (a) 1. and shall select participants from various areas of this state and with various populations.

to participate for 2004 if the participant ^{reapplies} reapplies and if the department determines that the participant is meeting ~~the~~ ^{of the program} requirements. The department may select up to 10 additional participants for 2004, using the criteria in par.(d)2. The department may not select additional participants for 2005, but shall ~~also~~ permit a participant in the program under this subsection for 2004 to participate for 2005 if the participant reapplies and if the department determines that the participant is meeting the requirements of the program.

→ In set from previous page.

¶ (g) A participant in the program under this subsection shall be considered to comply with sub.(2)(b)1.

¶ (h) ^{No later than December 1, 2004, I submit a} the department shall report to the legislature, under s.13.172(2), that includes all of the following:

¶ 1. The results of the program under this subsection →

shall submit a report to the department by April 1, 2005

move to next page

¶ (f) Each participant ~~in the program~~ ^{in the program} under this subsection for 2003 shall submit a report to the department by April 1, 2004, ^{and each participant for 2004 in the program} that includes all of the following:

¶ 1. A description of the recycling percentage rate achieved by the participant in 2003 ^{or 2004}.

¶ 2. A description of any cost or program efficiencies obtained as a result of ~~electronic records~~ ^{for recycling} requiring the separation of the materials ^{listed} under par. (c) 1. rather than the material identified ~~to~~ under s. 287.07 (3) and (4).

¶ 3. A description of any cost or program efficiencies obtained as a result of more than one governmental unit working together.

¶ 4. Other information required by the department.

¶ (g) The department shall permit a participant in the ~~program~~ program under this subsection for 2003 to continue

for 2003.

¶ 2. ^{A description of} any changes in the recycling percentage rate achieved by participants.

¶ 3. ^{A description of} any cost or program efficiencies obtained by participants.

¶ 4. Any recommendations for statutory changes to expand or modify the program under this subsection.

✓ 6/27/11

3222P

Section # 287.23 (2) of the statutes is amended to read:

287.23 (2) DEPARTMENT POWERS AND DUTIES. The department shall develop, implement and administer a program to provide financial assistance to responsible units. The department shall develop criteria for reporting on and evaluating the program. Each year the department shall ~~audit~~ ^{review} at least 5% of the recipients of grants in the previous year to ensure that ~~programs and activities~~ ^{the recycling} funded by grants under this section ~~meet the requirements of this section~~ ^{of the recipients are effective recycling programs}.

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

32228

x

Section 287.23 (3) (am) (intro.) and 1. of the statutes are consolidated, renumbered 287.23 (3) (am) and amended to read:

287.23 (3) (am) The department may withhold all or a portion of the assistance for a responsible unit for one year if the department determines ^{strike} any of the following:

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

^{that}
1. ~~That~~ the responsible unit has not maintained an effective recycling program following approval of the recycling program under s. 287.11.

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

Section 3222r. RP; 287.23(3) Cam) 2.

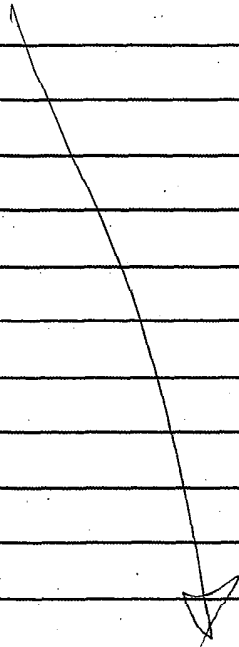


x

Section 3222s. RP; 287.23(3)(b)



x



b/627/1

32236

Section 287.23 (4) (intro.) of the statutes is amended to read:

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

Strike as shown

strike as shown

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

✓

6/627/1

33 23p

Section #. 287.23 (5) (intro.) of the statutes is amended to read:

287.23 (5) GRANT AWARD FOR YEARS BEFORE 2000. (intro.) For years before 2000, the department shall award a grant under this subsection to each eligible responsible unit that submits a complete grant application under sub. (4) for expenses allowable under sub. (3) (b) Except as provided under sub. (5m) ~~or (5p)~~, the amount of the grant under this subsection shall be determined as follows:

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

s. 287.23

1999 stats

strike

strike

plain comma



s. 287.23 (5p) ↑ 1999 stats. ↑ or

Page 1058, line 2: after that line insert:
3225e

6/627/1

Section 287.23 (5b) (intro.) of the statutes is amended to read:

^{CS} for 2000 and 2001 ^{grants for} For 2000 and 2001, the

287.23 (5b) GRANT AWARD (intro.) ~~The~~ ^{strike} department shall award a grant under this subsection to each eligible responsible unit that submits a complete grant application under sub. (4) for expenses allowable under ~~sub. (3)~~ ^{1999 stats} ~~(b)~~ ^{strike} The department shall determine the amount of the grants under this subsection as follows:

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

s. 287.23

3225h

Section # 287.23 (5b) (a) of the statutes is amended to read:

287.23 (5b) (a) Determine the total amount that would have been awarded under this section for 1999 if no grants had been reduced under sub-~~(5p)~~ 1999 stats

strike →

← plain period

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

s. 287.23

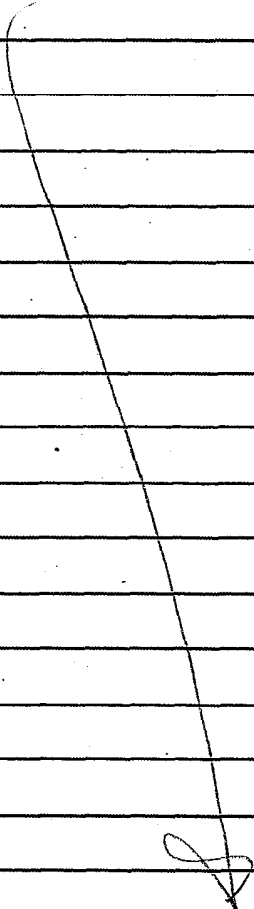


Section 3225 K. CR; 287.23 (5c)

287.23 (5c) ^(b) ^(c) Grant award for years after 2001. The department shall promulgate rules that specify ^a the method for determining the amount of ~~any~~ ^a grants under this section for years after 2001. ~~The department shall specify a method that determines grant amounts~~ based on the population of the responsible unit. The department shall specify different per capita grant amounts for responsible units that the department requires to provide collection of recyclable materials from residential properties and ^{for} other responsible units. The department may not restrict the amount of a grant to the costs of operating an effective recycling program. "

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

Section 3226^e RP; 287.23 (5p) "



NONSTAT SESSLAW

1. In the component bar:

For the action phrase, execute: create → action: → *NS: → nonstat

For the budget action phrase, execute: create → action: → *NS: → 91XX

For a subsection, execute: create → text: → *NS: → sub

For a paragraph, execute: create → text: → *NS: → par

For a subdivision, execute: create → text: → *NS: → subd

For a subdivision paragraph, execute: create → text: → *NS: → subpar

2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9100 department code.

Page 1344, line 13: after that line insert!

SECTION # [91] **Nonstatutory provisions: ...**

^(CS) ~~29~~ (29) Emergency rules for recycling pilot program.

Using the procedure under section 227.24 of the statute, the department of natural resources may promulgate ^{as emergency rules} the

rules required under section 287.11 (5)(a) of the ^{as created by this act} statutes. ⁽¹⁾ Notwithstanding section 227.24 (1)(c) and (2)

of the statute, the ^{emergency} rules may remain in effect until

December 31, 2005. Notwithstanding section 227.24 (1)(a) and

(3) of the statute, the department is not required to provide

evidence that promulgating a rule under this subsection

NON
STAT

as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. 11.

(End)

Note

Insert A

¶ 1. Set goals for amounts of materials to be recycled as a percentage of solid waste generated in the geographic area served by a participant and require the participant to work toward those goals.

¶ 2. Include a list of ^{recyclable} recyclable materials, including the materials identified under s. 287.07(3) and (4), that a participant may choose to require to be separated for recycling under its recycling program.

b1627/ldn
RAT:cjs:

Note

Please review this draft carefully.

You may wish to consider making additional changes in s. 287.23(4), of the statute, because of the change in the way that ^{local recycling} grant amounts will be determined.

The instructions did not indicate when the change in the way that local recycling grant amounts should take effect. This draft provides that the change will

take effect for grants for 2002. This would not give DNR much time to promulgate rules. ~~The draft could give DNR emergency~~ ^{rule-making} It would be ^{for this} ^{purpose.} easy to change that to 2003. It would be difficult

to make the necessary changes in s. 287.23 take effect at some indefinite time, such as the first year after DNR promulgates the rules.

DNote, p 2

It is not clear to me how the alternate method of complying with the effective program requirement and the pilot program for that same purpose are intended to interact. They seem to have the same purpose.

RT

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1627/1dn
RCT:cjs:jf

June 26, 2001

Please review this draft carefully.

You may wish to consider making additional changes in s. 287.23 (4), of the statutes, because of the change in the way that local recycling grant amounts will be determined.

The instructions did not indicate when the change in the way that local recycling grant amounts should take effect. This draft provides that the change will take effect for grants for 2002. This would not give DNR much time to promulgate rules. The draft could give DNR emergency rule-making for this purpose. It would be easy to change that to 2003. It would be difficult to make the necessary changes in s. 287.23 take effect at some indefinite time, such as the first year after DNR promulgates the rules.

It is not clear to me how the alternate method of complying with the effective program requirement and the pilot program for that same purpose are intended to interact. They seem to have the same purpose.

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

Tradewell, Becky

From: Bonderud, Kendra
Sent: Wednesday, June 27, 2001 2:33 PM
To: Tradewell, Becky
Subject: Recycling LRB 1627/1

You did an amazing job of drafting the recycling provisions. You raised several good points in your drafter's note, Just in case you are asked to prepare a /2 for this, I think that page 3, line 23 has a typo and should say January 1, 2001. rather than 2002.

Kendra Bonderud
Legislative Fiscal Bureau
(608) 266-3847
Kendra.Bonderud@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1627/2

RCT:cjs:jf

soon

Wlj rmy

ARC:.....Tessmer – AM94, Recycling pilot program and other changes related to local recycling program requirements

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

See p. 3
Note

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

2 1. Page 1057, line 21: after that line insert:

3 "SECTION 3222d. 287.09 (2) (a) of the statutes is amended to read:

4 287.09 (2) (a) Develop and implement a recycling or other program to manage

5 the solid waste generated within its region in compliance with s. 287.07 (1m) ~~to (4)~~

6 and (2), with either s. 287.07 (3) and (4) or the rules promulgated under s. 287.11 (4),

7 and with the priorities under s. 287.05 (12).

8 SECTION 3222g. 287.11 (2) (a) of the statutes is amended to read:

9 287.11 (2) (a) A public education component to inform residents of the region

10 of the reasons to recycle, local opportunities to recycle and the ~~prohibitions in s.~~

1 287.07 (3) and (4) materials that residents are required to recycle under the program
2 under par. (b).

3 **SECTION 3222h.** 287.11 (2) (b) of the statutes is renumbered 287.11 (2) (b) 1.

4 **SECTION 3222i.** 287.11 (2) (b) (intro.) of the statutes is created to read:

5 287.11 (2) (b) (intro.) One of the following:

6 **SECTION 3222j.** 287.11 (2) (b) 2. of the statutes is created to read:

7 287.11 (2) (b) 2. A program that the department determines complies with the
8 rules promulgated under sub. (4).

9 **SECTION 3222k.** 287.11 (2) (er) of the statutes is amended to read:

10 287.11 (2) (er) A prohibition on disposing of in a solid waste disposal facility or
11 burning in a solid waste treatment facility any material identified under s. 287.07
12 (3) and (4) that is required to be separated for recycling under the program under par.
13 (b) and that is separated for recycling as part of the program.

14 **SECTION 3222L.** 287.11 (2) (i) of the statutes is amended to read:

15 287.11 (2) (i) A reasonable effort, through the implementation of pars. (a) to (h),
16 as applicable, to reduce to the maximum extent feasible the amount, by weight, of
17 each material specified in s. 287.07 (3) and (4) of a type that is recycled in the program
18 under par. (b) that is generated as solid waste within the region and disposed of in
19 a solid waste disposal facility or converted into fuel or burned without energy
20 recovery in a solid waste treatment facility.

21 **SECTION 3222m.** 287.11 (4) of the statutes is created to read:

22 287.11 (4) ALTERNATE METHOD OF COMPLIANCE. The department shall
23 promulgate rules that do all of the following:

24 (a) Set goals for amounts of materials to be recycled as a percentage of solid
25 waste generated in the geographic area served by a responsible unit.

1 (b) Include a list of recyclable materials, including the materials identified
2 under s. 287.07 (3) and (4), that a responsible unit may choose under this subsection
3 to require to be separated for recycling under its recycling program.

4 (c) Specify a procedure for a responsible unit to identify the materials that it
5 will require to be separated for recycling under its recycling program.

6 (d) Specify a procedure to be used by the department to determine whether a
7 responsible unit has achieved the goals under par. (a).

8 **SECTION 3222n.** 287.11 (5) of the statutes is created to read:

9 287.11 (5) PILOT PROGRAM FOR ALTERNATE COMPLIANCE. (a) The department shall
10 administer a pilot program in 2003, 2004, and 2005 that provides an alternate
11 method of complying with sub. (2) (b) 1. The department shall promulgate rules for
12 the pilot program under this subsection that do all of the following:

13 1. Set goals for amounts of materials to be recycled as a percentage of solid
14 waste generated in the geographic area served by a participant and require the
15 participant to work toward those goals.

16 2. Include a list of recyclable materials, including the materials identified
17 under s. 287.07 (3) and (4), that a participant may choose to require to be separated
18 for recycling under its recycling program.

19 (b) The following are eligible for the pilot program under this subsection:

20 1. A responsible unit that was in existence on January 1, 2001, and that is the
21 responsible unit for 2 or more municipalities.

22 2. A responsible unit that is a county.

23 3. Two or more responsible units that were in existence on January 1, 200~~1~~¹, and
24 that submit an application for joint participation.

1 (c) An applicant for the program under this subsection shall include all of the
2 following information in the application:

3 1. A list of materials, chosen from the list under par. (a) 2., that the applicant
4 will require to be separated for recycling.

5 2. A description of how requiring the materials listed under subd. 1. to be
6 separated for recycling would enable the applicant to meet the goals under par. (a)
7 1.

8 3. Other information required by the department.

9 (d) 1. The department shall select not more than 10 participants for the
10 program under this subsection for 2003 from among eligible applicants that submit
11 applications by October 1, 2002.

12 2. The department shall give priority to applicants that demonstrate that they
13 will meet or exceed the goals under par. (a) 1. and shall select participants from
14 various areas of this state and with various populations.

15 (e) The department shall permit a participant in the program under this
16 subsection for 2003 to continue to participate for 2004 if the participant reapplies and
17 if the department determines that the participant is meeting the requirements of the
18 program. The department may select up to 10 additional participants for 2004, using
19 the criteria in par. (d) 2. The department may not select additional participants for
20 2005, but shall permit a participant in the program under this subsection for 2004
21 to participate for 2005 if the participant reapplies and if the department determines
22 that the participant is meeting the requirements of the program.

23 (f) Each participant in the program under this subsection for 2003 shall submit
24 a report to the department by April 1, 2004, and each participant in the program for

1 2004 shall submit a report to the department by April 1, 2005, that includes all of the
2 following:

3 1. A description of the recycling percentage rate achieved by the participant in
4 2003 or 2004.

5 2. A description of any cost or program efficiencies obtained as a result of
6 requiring the separation for recycling of the materials listed under par. (c) 1. rather
7 than the materials identified under s. 287.07 (3) and (4).

8 3. A description of any cost or program efficiencies obtained as a result of more
9 than one governmental unit working together.

10 4. Other information required by the department.

11 (g) A participant in the program under this subsection shall be considered to
12 comply with sub. (2) (b) 1.

13 (h) No later than December 1, 2004, the department shall submit a report to
14 the legislature, under s. 13.172 (2), that includes all of the following:

15 1. The results of the program under this subsection for 2003.

16 2. A description of any changes in the recycling percentage rate achieved by
17 participants.

18 3. A description of any cost or program efficiencies obtained by participants.

19 4. Any recommendations for statutory changes to expand or modify the
20 program under this subsection.

21 **SECTION 3222p.** 287.23 (2) of the statutes is amended to read:

22 287.23 (2) DEPARTMENT POWERS AND DUTIES. The department shall develop,
23 implement and administer a program to provide financial assistance to responsible
24 units. The department shall develop criteria for reporting on and evaluating the
25 program. Each year the department shall ~~audit~~ review at least 5% of the recipients

1 of grants in the previous year to ensure that the recycling programs and activities
2 funded by grants under this section meet the requirements of this section of the
3 recipients are effective recycling programs.

4 **SECTION 3222q.** 287.23 (3) (am) (intro.) and 1. of the statutes are consolidated,
5 renumbered 287.23 (3) (am) and amended to read:

6 287.23 (3) (am) The department may withhold all or a portion of the assistance
7 for a responsible unit for one year if the department determines ~~any of the following:~~
8 ~~1. That~~ that the responsible unit has not maintained an effective recycling program
9 following approval of the recycling program under s. 287.11.

10 **SECTION 3222r.** 287.23 (3) (am) 2. of the statutes is repealed.

11 **SECTION 3222s.** 287.23 (3) (b) of the statutes is repealed.

12 **SECTION 3223b.** 287.23 (4) (intro.) of the statutes is amended to read:

13 287.23 (4) APPLICATION. (intro.) A responsible unit that seeks assistance under
14 the program shall submit an application to the department. ~~To qualify for a full~~
15 ~~grant, the responsible unit must submit the application no later than October 1 in~~
16 ~~the year preceding the year for which the assistance is sought. For the purpose of~~
17 ~~this subsection and sub. (5p), if an application is postmarked, it is considered to be~~
18 ~~submitted on the date that it is postmarked.~~ An application shall include all of the
19 following:

20 **SECTION 3323p.** 287.23 (5) (intro.) of the statutes is amended to read:

21 287.23 (5) GRANT AWARD FOR YEARS BEFORE 2000. (intro.) For years before 2000,
22 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
24 expenses allowable under ~~sub. s. 287.23 (3) (b), 1999 stats.~~ Except as provided under

1 s. 287.23 (5p), 1999 stats., or sub. (5m) or (5p), the amount of the grant under this
2 subsection shall be determined as follows:”.

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

4 “**SECTION 3225e.** 287.23 (5b) (intro.) of the statutes is amended to read:

5 **287.23 (5b) GRANT AWARD FOR 2000 AND 2001.** (intro.) The For grants for 2000 and
6 2001, the department shall award a grant under this subsection to each eligible
7 responsible unit that submits a complete grant application under sub. (4) for
8 expenses allowable under sub. s. 287.23 (3) (b), 1999 stats. The department shall
9 determine the amount of the grants under this subsection as follows:

10 **SECTION 3225h.** 287.23 (5b) (a) of the statutes is amended to read:

11 **287.23 (5b) (a)** Determine the total amount that would have been awarded
12 under this section for 1999 if no grants had been reduced under sub. s. 287.23 (5p),
13 1999 stats.

14 **SECTION 3225k.** 287.23 (5c) of the statutes is created to read:

15 **287.23 (5c) GRANT AWARD FOR YEARS AFTER 2001.** The department shall
16 promulgate rules that specify a method for determining the amount of a grant under
17 this section for years after 2001 based on the population of the responsible unit. The
18 department shall specify different per capita grant amounts for responsible units
19 that the department requires to provide collection of recyclable materials from
20 residential properties and for other responsible units. The department may not
21 restrict the amount of a grant to the costs of operating an effective recycling
22 program.”.

23 **3.** Page 1058, line 6: after that line insert:

24 “**SECTION 3226e.** 287.23 (5p) of the statutes is repealed.”.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1627/2dn
RCT:cjs:jf

June 28, 2001

This redraft makes a minor correction to the first draft.

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

Tradewell, Becky

From: Pirlot, R.J.
Sent: Thursday, June 28, 2001 1:24 PM
To: Tradewell, Becky
Cc: Raschka, Adam; Duff, Marc
Subject: FW: I need to speak to you about 2 drafting issues I have

Please make the change Rep. Duff is requesting.

R.J. Pirlot

Policy Director and Legal Counsel
Office of Assembly Speaker Scott R. Jensen

Direct: 608-261-9482
Fax: 608-266-5123

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

From: Raschka, Adam
Sent: Thursday, June 28, 2001 12:39 PM
To: Pirlot, R.J.
Subject: I need to speak to you about 2 drafting issues I have

Duff wants to delete language in 01b1627/2

He says the Recycling Pilot Program for Effective Program Compliance is a subset of Modify Solid Waste Material to be Recycled, it is not needed according to Duff's office who authored the Pilot program. Thus, it is not needed.

delete **Page 3, Section 5 to Page 5, line 20**

Adam Raschka
Assembly Republican Caucus
adam.raschka@legis.state.wi.us
Direct Line: 608-267-0892
Toll-Free: 888-394-1452
Fax: 608-264-6999



State of Wisconsin
2001 - 2002 LEGISLATURE

SOON

LRBb1627/2 3

RCT:cjs:jf

Stays
6/11

ARC:.....Tessmer – AM94, Recycling pilot program and other changes related to local recycling program requirements

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 1. Page 1057, line 21: after that line insert:

3 "SECTION 3222d. 287.09 (2) (a) of the statutes is amended to read:

4 287.09 (2) (a) Develop and implement a recycling or other program to manage
5 the solid waste generated within its region in compliance with s. 287.07 (1m) ~~to (4)~~
6 and (2), with either s. 287.07 (3) and (4) or the rules promulgated under s. 287.11 (4),
7 and with the priorities under s. 287.05 (12).

8 SECTION 3222g. 287.11 (2) (a) of the statutes is amended to read:

9 287.11 (2) (a) A public education component to inform residents of the region
10 of the reasons to recycle, local opportunities to recycle and the prohibitions in s.

1 287.07 (3) and (4) materials that residents are required to recycle under the program
2 under par. (b).

3 **SECTION 3222h.** 287.11 (2) (b) of the statutes is renumbered 287.11 (2) (b) 1.

4 **SECTION 3222i.** 287.11 (2) (b) (intro.) of the statutes is created to read:

5 287.11 (2) (b) (intro.) One of the following:

6 **SECTION 3222j.** 287.11 (2) (b) 2. of the statutes is created to read:

7 287.11 (2) (b) 2. A program that the department determines complies with the
8 rules promulgated under sub. (4).

9 **SECTION 3222k.** 287.11 (2) (er) of the statutes is amended to read:

10 287.11 (2) (er) A prohibition on disposing of in a solid waste disposal facility or
11 burning in a solid waste treatment facility any material ~~identified under s. 287.07~~
12 (3) and (4) that is required to be separated for recycling under the program under par.
13 (b) and that is separated for recycling as part of the program.

14 **SECTION 3222L.** 287.11 (2) (i) of the statutes is amended to read:

15 287.11 (2) (i) A reasonable effort, through the implementation of pars. (a) to (h),
16 as applicable, to reduce to the maximum extent feasible the amount, by weight, of
17 each material ~~specified in s. 287.07 (3) and (4) of a type that is recycled in the program~~
18 under par. (b) that is generated as solid waste within the region and disposed of in
19 a solid waste disposal facility or converted into fuel or burned without energy
20 recovery in a solid waste treatment facility.

21 **SECTION 3222m.** 287.11 (4) of the statutes is created to read:

22 287.11 (4) **ALTERNATE METHOD OF COMPLIANCE.** The department shall
23 promulgate rules that do all of the following:

24 (a) Set goals for amounts of materials to be recycled as a percentage of solid
25 waste generated in the geographic area served by a responsible unit.

1 (b) Include a list of recyclable materials, including the materials identified
2 under s. 287.07 (3) and (4), that a responsible unit may choose under this subsection
3 to require to be separated for recycling under its recycling program.

4 (c) Specify a procedure for a responsible unit to identify the materials that it
5 will require to be separated for recycling under its recycling program.

6 (d) Specify a procedure to be used by the department to determine whether a
7 responsible unit has achieved the goals under par. (a).

8 **SECTION 3222n.** 287.11 (5) of the statutes is created to read:

9 **287.11 (5) PILOT PROGRAM FOR ALTERNATE COMPLIANCE.** (a) The department shall
10 administer a pilot program in 2003, 2004, and 2005 that provides an alternate
11 method of complying with sub. (2) (b) 1. The department shall promulgate rules for
12 the pilot program under this subsection that do all of the following:

13 1. Set goals for amounts of materials to be recycled as a percentage of solid
14 waste generated in the geographic area served by a participant and require the
15 participant to work toward those goals.

16 2. Include a list of recyclable materials, including the materials identified
17 under s. 287.07 (3) and (4), that a participant may choose to require to be separated
18 for recycling under its recycling program.

19 (b) The following are eligible for the pilot program under this subsection:

20 1. A responsible unit that was in existence on January 1, 2001, and that is the
21 responsible unit for 2 or more municipalities.

22 2. A responsible unit that is a county.

23 3. Two or more responsible units that were in existence on January 1, 2001, and
24 that submit an application for joint participation.

1 (c) An applicant for the program under this subsection shall include all of the
2 following information in the application:

3 1. A list of materials, chosen from the list under par. (a) 2., that the applicant
4 will require to be separated for recycling.

5 2. A description of how requiring the materials listed under subd. 1. to be
6 separated for recycling would enable the applicant to meet the goals under par. (a)
7 1.

8 3. Other information required by the department.

9 (d) 1. The department shall select not more than 10 participants for the
10 program under this subsection for 2003 from among eligible applicants that submit
11 applications by October 1, 2002.

12 2. The department shall give priority to applicants that demonstrate that they
13 will meet or exceed the goals under par. (a) 1. and shall select participants from
14 various areas of this state and with various populations.

15 (e) The department shall permit a participant in the program under this
16 subsection for 2003 to continue to participate for 2004 if the participant reapplies and
17 if the department determines that the participant is meeting the requirements of the
18 program. The department may select up to 10 additional participants for 2004, using
19 the criteria in par. (d) 2. The department may not select additional participants for
20 2005, but shall permit a participant in the program under this subsection for 2004
21 to participate for 2005 if the participant reapplies and if the department determines
22 that the participant is meeting the requirements of the program.

23 (f) Each participant in the program under this subsection for 2003 shall submit
24 a report to the department by April 1, 2004, and each participant in the program for

1 2004 shall submit a report to the department by April 1, 2005, that includes all of the
2 following:

3 1. A description of the recycling percentage rate achieved by the participant in
4 2003 or 2004.

5 2. A description of any cost or program efficiencies obtained as a result of
6 requiring the separation for recycling of the materials listed under par. (c) 1. rather
7 than the materials identified under s. 287.07 (3) and (4).

8 3. A description of any cost or program efficiencies obtained as a result of more
9 than one governmental unit working together.

10 4. Other information required by the department.

11 (g) A participant in the program under this subsection shall be considered to
12 comply with sub. (2) (b) 1.

13 (h) No later than December 1, 2004, the department shall submit a report to
14 the legislature under s. 13.172 (2), that includes all of the following:

15 1. The results of the program under this subsection for 2003.

16 2. A description of any changes in the recycling percentage rate achieved by
17 participants.

18 3. A description of any cost or program efficiencies obtained by participants.

19 4. Any recommendations for statutory changes to expand or modify the
20 program under this subsection.

21 **SECTION 3222p.** 287.23 (2) of the statutes is amended to read:

22 287.23 (2) DEPARTMENT POWERS AND DUTIES. The department shall develop,
23 implement and administer a program to provide financial assistance to responsible
24 units. The department shall develop criteria for reporting on and evaluating the
25 program. Each year the department shall audit review at least 5% of the recipients

1 of grants in the previous year to ensure that the recycling programs and activities
2 ~~funded by grants under this section meet the requirements of this section of the~~
3 recipients are effective recycling programs.

4 **SECTION 3222q.** 287.23 (3) (am) (intro.) and 1. of the statutes are consolidated,
5 renumbered 287.23 (3) (am) and amended to read:

6 287.23 (3) (am) The department may withhold all or a portion of the assistance
7 for a responsible unit for one year if the department determines ~~any of the following:~~
8 ~~1. That that the responsible unit has not maintained an effective recycling program~~
9 following approval of the recycling program under s. 287.11.

10 **SECTION 3222r.** 287.23 (3) (am) 2. of the statutes is repealed.

11 **SECTION 3222s.** 287.23 (3) (b) of the statutes is repealed.

12 **SECTION 3223b.** 287.23 (4) (intro.) of the statutes is amended to read:

13 287.23 (4) APPLICATION. (intro.) A responsible unit that seeks assistance under
14 the program shall submit an application to the department. ~~To qualify for a full~~
15 ~~grant, the responsible unit must submit the application no later than October 1 in~~
16 ~~the year preceding the year for which the assistance is sought. For the purpose of~~
17 ~~this subsection and sub. (5p), if an application is postmarked, it is considered to be~~
18 ~~submitted on the date that it is postmarked.~~ An application shall include all of the
19 following:

20 **SECTION 3323p.** 287.23 (5) (intro.) of the statutes is amended to read:

21 287.23 (5) GRANT AWARD FOR YEARS BEFORE 2000. (intro.) For years before 2000,
22 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
24 expenses allowable under ~~sub. s. 287.23 (3) (b), 1999 stats.~~ Except as provided under

1 s. 287.23 (5p), 1999 stats., or sub. (5m) or (5p), the amount of the grant under this
2 subsection shall be determined as follows:”.

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

4 **“SECTION 3225e.** 287.23 (5b) (intro.) of the statutes is amended to read:

5 287.23 (5b) GRANT AWARD FOR 2000 AND 2001. (intro.) ~~The~~ For grants for 2000 and
6 2001, the department shall award a grant under this subsection to each eligible
7 responsible unit that submits a complete grant application under sub. (4) for
8 expenses allowable under ~~sub. s. 287.23 (3) (b), 1999 stats.~~ The department shall
9 determine the amount of the grants under this subsection as follows:

10 **SECTION 3225h.** 287.23 (5b) (a) of the statutes is amended to read:

11 287.23 (5b) (a) Determine the total amount that would have been awarded
12 under this section for 1999 if no grants had been reduced under ~~sub. s. 287.23 (5p),~~
13 1999 stats.

14 **SECTION 3225k.** 287.23 (5c) of the statutes is created to read:

15 287.23 (5c) GRANT AWARD FOR YEARS AFTER 2001. The department shall
16 promulgate rules that specify a method for determining the amount of a grant under
17 this section for years after 2001 based on the population of the responsible unit. The
18 department shall specify different per capita grant amounts for responsible units
19 that the department requires to provide collection of recyclable materials from
20 residential properties and for other responsible units. The department may not
21 restrict the amount of a grant to the costs of operating an effective recycling
22 program.”.

23 **3.** Page 1058, line 6: after that line insert:

24 **“SECTION 3226e.** 287.23 (5p) of the statutes is repealed.”.

1 4. Page 1344, line 13: after that line insert:

2 “(2q) EMERGENCY RULES FOR RECYCLING PILOT PROGRAM. Using the procedure
3 under section 227.24 of the statutes, the department of natural resources may
4 promulgate as emergency rules the rules required under section 287.11 (5) (a) of the
5 statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the
6 statutes, the emergency rules may remain in effect until December 31, 2005.
7 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not
8 required to provide evidence that promulgating a rule under this subsection as an
9 emergency rule is necessary for the preservation of public peace, health, safety, or
10 welfare and is not required to provide a finding of emergency for a rule promulgated
11 under this subsection.”

12

(END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1627/3
RCT:cjs:rs

ARC:.....Tessmer – AM94, Recycling pilot program and other changes related
to local recycling program requirements

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 **1.** Page 1057, line 21: after that line insert:

3 **“SECTION 3222d.** 287.09 (2) (a) of the statutes is amended to read:

4 287.09 (2) (a) Develop and implement a recycling or other program to manage
5 the solid waste generated within its region in compliance with s. 287.07 (1m) ~~to (4)~~
6 and (2), with either s. 287.07 (3) and (4) or the rules promulgated under s. 287.11 (4),
7 and with the priorities under s. 287.05 (12).

8 **SECTION 3222g.** 287.11 (2) (a) of the statutes is amended to read:

9 287.11 (2) (a) A public education component to inform residents of the region
10 of the reasons to recycle, local opportunities to recycle and the ~~prohibitions in s.~~

1 287.07 (3) and (4) materials that residents are required to recycle under the program
2 under par. (b).

3 **SECTION 3222h.** 287.11 (2) (b) of the statutes is renumbered 287.11 (2) (b) 1.

4 **SECTION 3222i.** 287.11 (2) (b) (intro.) of the statutes is created to read:

5 287.11 (2) (b) (intro.) One of the following:

6 **SECTION 3222j.** 287.11 (2) (b) 2. of the statutes is created to read:

7 287.11 (2) (b) 2. A program that the department determines complies with the
8 rules promulgated under sub. (4).

9 **SECTION 3222k.** 287.11 (2) (er) of the statutes is amended to read:

10 287.11 (2) (er) A prohibition on disposing of in a solid waste disposal facility or
11 burning in a solid waste treatment facility any material ~~identified under s. 287.07~~
12 ~~(3) and (4) that is required to be separated for recycling under the program under par.~~
13 ~~(b) and~~ that is separated for recycling as part of the program.

14 **SECTION 3222L.** 287.11 (2) (i) of the statutes is amended to read:

15 287.11 (2) (i) A reasonable effort, through the implementation of pars. (a) to (h),
16 as applicable, to reduce to the maximum extent feasible the amount, by weight, of
17 each material ~~specified in s. 287.07 (3) and (4) of a type that is recycled in the program~~
18 ~~under par. (b) that is generated as solid waste within the region and disposed of in~~
19 ~~a solid waste disposal facility or converted into fuel or burned without energy~~
20 ~~recovery in a solid waste treatment facility.~~

21 **SECTION 3222m.** 287.11 (4) of the statutes is created to read:

22 287.11 (4) **ALTERNATE METHOD OF COMPLIANCE.** The department shall
23 promulgate rules that do all of the following:

24 (a) Set goals for amounts of materials to be recycled as a percentage of solid
25 waste generated in the geographic area served by a responsible unit.

1 (b) Include a list of recyclable materials, including the materials identified
2 under s. 287.07 (3) and (4), that a responsible unit may choose under this subsection
3 to require to be separated for recycling under its recycling program.

4 (c) Specify a procedure for a responsible unit to identify the materials that it
5 will require to be separated for recycling under its recycling program.

6 (d) Specify a procedure to be used by the department to determine whether a
7 responsible unit has achieved the goals under par. (a).

8 **SECTION 3222p.** 287.23 (2) of the statutes is amended to read:

9 287.23 (2) DEPARTMENT POWERS AND DUTIES. The department shall develop,
10 implement and administer a program to provide financial assistance to responsible
11 units. The department shall develop criteria for reporting on and evaluating the
12 program. Each year the department shall audit review at least 5% of the recipients
13 of grants in the previous year to ensure that the recycling programs and activities
14 ~~funded by grants under this section meet the requirements of this section of the~~
15 recipients are effective recycling programs.

16 **SECTION 3222q.** 287.23 (3) (am) (intro.) and 1. of the statutes are consolidated,
17 renumbered 287.23 (3) (am) and amended to read:

18 287.23 (3) (am) The department may withhold all or a portion of the assistance
19 for a responsible unit for one year if the department determines ~~any of the following:~~

20 ~~1. That that the responsible unit has not maintained an effective recycling program~~
21 following approval of the recycling program under s. 287.11.

22 **SECTION 3222r.** 287.23 (3) (am) 2. of the statutes is repealed.

23 **SECTION 3222s.** 287.23 (3) (b) of the statutes is repealed.

24 **SECTION 3223b.** 287.23 (4) (intro.) of the statutes is amended to read:

1 287.23 (4) APPLICATION. (intro.) A responsible unit that seeks assistance under
2 the program shall submit an application to the department. ~~To qualify for a full~~
3 ~~grant, the responsible unit must submit the application no later than October 1 in~~
4 ~~the year preceding the year for which the assistance is sought. For the purpose of~~
5 ~~this subsection and sub. (5p), if an application is postmarked, it is considered to be~~
6 ~~submitted on the date that it is postmarked.~~ An application shall include all of the
7 following:

8 **SECTION 3323p.** 287.23 (5) (intro.) of the statutes is amended to read:

9 287.23 (5) GRANT AWARD FOR YEARS BEFORE 2000. (intro.) For years before 2000,
10 the department shall award a grant under this subsection to each eligible
11 responsible unit that submits a complete grant application under sub. (4) for
12 expenses allowable under ~~sub. s. 287.23 (3) (b), 1999 stats.~~ Except as provided under
13 ~~s. 287.23 (5p), 1999 stats., or sub. (5m) or (5p),~~ the amount of the grant under this
14 subsection shall be determined as follows:".

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

16 **"SECTION 3225e.** 287.23 (5b) (intro.) of the statutes is amended to read:

17 287.23 (5b) GRANT AWARD FOR 2000 AND 2001. (intro.) ~~The~~ For grants 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. s. 287.23 (3) (b), 1999 stats.~~ The department shall
21 determine the amount of the grants under this subsection as follows:

22 **SECTION 3225h.** 287.23 (5b) (a) of the statutes is amended to read:

