

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: **07/19/2001**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bonderud**

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

Drafter: **traderc**

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Subject: **Environment - recycling**

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

LFB:.....Bonderud -

Topic:

Recycling changes for conference committee

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>
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/P1			rschluet 07/20/2001	_____	lrb_docadmin 07/20/2001		
/P2	traderc 07/20/2001	csicilia 07/20/2001	haugeca 07/21/2001	_____	lrb_docadmin 07/22/2001		

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1 Wlj 7/23 CH 7-23 JF 7-23

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/P1			rschluet 07/20/2001		lrb_docadmin 07/20/2001		

Handwritten notes in the Drafting History table:

- Next to /P1: /P2 cjs 7/20/01
- Next to rschluet: CH 7-21
- Next to lrb_docadmin: [Signature]

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7-20-1

FE Sent For:

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Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

Date: 7/19/01

DELIVER TO: Becky Tradewell

Addressee Fax #: 4-6948 Addressee Phone #: _____

of Pages, Including Cover: 9 Sender's Initials: _____

From: Kendra Bonderud

Message:
Update - close but ~~a~~
might not be final. Call me &
I'll review changes from previous
version



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

July 19, 2001

TO: Senator Decker and Representative John Gard

FROM: Kendra Bonderud, Fiscal Analyst

SUBJECT: Recycling Program Funding Proposal

At your request, this memorandum summarizes a proposal to make changes to the recycling funding and expenditures provided in the 2001-03 biennial budget, as amended by the Joint Committee on Finance (SSA 1 to SB 55).

Under the substitute amendment, the segregated recycling fund would have an estimated deficit of \$19.8 million on July 1, 2003. Under the proposal, the recycling fund balance on June 30, 2003, would be estimated at \$0.9 million, as shown in Table 1. Table 2 shows the number of staff funded from the recycling fund. Additional revenues to the recycling fund would be expected to total roughly \$23.4 million in the 2001-03 biennium from state tipping fees on certain solid waste. Ongoing annual revenues would be expected to total roughly \$35.4 million (including the existing recycling surcharge and tipping fees).

TABLE 1
Recycling Fund Condition -- Proposed
(\$ Millions)

	<u>2000-01</u> <u>Estimated</u>	<u>2001-02</u> <u>Estimated</u>	<u>2002-03</u> <u>Estimated</u>
Opening Balance -- July 1	\$15.6	\$8.6	\$0.1
Recycling Surcharge	\$22.8	\$7.3	\$14.4
Recycling Tipping Fee - Existing	2.0	2.1	2.1
Proposed Additional Recycling Tipping Fees	0.0	4.7	18.7
Interest Income and Other	<u>1.8</u>	<u>0.2</u>	<u>0.2</u>
Total Revenue	\$26.6	\$14.3	\$35.4
Total Revenue Available	\$42.2	\$22.9	\$35.5
Expenditures:			
DNR Grants to Local Governments	\$24.5	\$19.5	\$29.5
DNR Efficiency Incentive Grants	0.0	0.0	1.9
DNR Demonstration Grants	0.5	0.3	0.5
DNR Administration	1.6	1.8	1.6
DOR Surcharge Administration	0.2	0.2	0.2
Commerce Administration	0.1	0.1	0.1
Corrections	0.5	0.3	0.3
UW System	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>
Total Expenditures	\$28.0	\$22.8	\$34.6
Recycling Fund Lapses	\$1.4	\$0.0	\$0.0
Transfer to General Fund	- 7.0	0.0	0.0
Closing Balance -- June 30	\$8.6	\$0.1	\$0.9

TABLE 2
Recycling Fund Staff

	<u>2000-01</u>	<u>2001-02</u>	<u>2002-03</u>
DNR Staff	19.0	18.5	18.5
UW Staff	4.5	4.5	4.5
DOR Staff	1.5	1.0	1.0
Commerce Staff	2.0	1.0	1.0
Corrections Staff	4.0	3.0	3.0
Total FTE	31.0	28.0	28.0

a. *Increase Existing State Recycling Tipping Fee.* Increase the existing state recycling tipping fee assessed on waste that is not high-volume industrial waste from 30¢ per ton by \$2.70 to \$3 per ton, effective with waste landfilled on or after January 1, 2002. Estimated revenue of approximately \$4,675,000 in 2001-02 and \$18,700,000 in 2002-03 would be deposited in the recycling fund.

b. *DNR Municipal and County Recycling Grant Amount.* Provide funding for local grants of \$19,500,000 SEG in 2001-02 and \$29,500,000 SEG in 2002-03.

c. *DNR Municipal and County Recycling Grant Formula and Provisions.* Change the local grant formula beginning with grant calendar year 2002 and in subsequent years according to the following:

(1) Direct DNR to distribute the grants on a per capita basis to all responsible units of local government that operate effective recycling programs. Provide that the grant amount would be \$5.30 per capita.

(2) Limit the grants in 2002 and subsequent years to the eligible costs incurred by the responsible unit two years earlier and reported to DNR in the previous year. (For example, a grant made for calendar year 2002 could not exceed eligible costs incurred in calendar year 2000 and reported to DNR in 2001.) Define eligible costs the same as under current law (expenses, including capital expenses, for planning, constructing or operating an effective recycling program and complying with the 1993 and 1995 landfill bans).

(3) Direct that if the appropriated funds are insufficient to fully fund the grants under the per capita allocation, DNR would prorate the grants.

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

(5) Specify that for grant year 2002, DNR shall calculate the total eligible grant awards as \$24,500,000. For grant year 2002 only, DNR shall disburse the awards in two installments, instead of the current single payment by June 1. Direct DNR to disburse \$19,500,000 of the awards by June 1, 2002, from the 2001-02 appropriation and the remaining \$5,000,000 by December 1, 2002, from the 2002-03 appropriation. For grant year 2003 only, DNR shall disburse the remaining \$24,500,000 from the 2002-03 appropriation by June 1, 2003 (the same disbursement date as currently). For grant year 2004 and subsequent years, DNR shall disburse the entire municipal and county grant appropriation by June 1 of the year for which the grants are made.

(6) → (7) Provide that in 2002 and subsequent years, any county that is the responsible unit for at least 75% of the county's population would receive a grant equal to the greater of \$100,000 or the

per capita grant amount, but no more than eligible costs. Specify that the proration factor would not apply to these responsible units.

(8) Beginning with grant year 2005 (2004-05), reduce the per capita grant award by \$1.50 times the population of the responsible unit, if the responsible unit is not eligible for an efficiency incentive grant.

d. *DNR Recycling Efficiency Incentive Grants.* Provide DNR with \$1,900,000 SEG in 2002-03 and create a new recycling efficiency incentive grant program for responsible units. Include the following requirements:

(1) Direct DNR to provide a grant amount of \$1 times the population of the responsible unit to responsible units that meet eligibility criteria. Direct DNR to disburse grant awards of \$3,800,000 in two installments in calendar year 2003. The first grant payment would be disbursed by June 1 with the remaining grant amount disbursed by December 1.

(2) Direct that if the appropriated funds are insufficient to fully fund the grants under the per capita allocation and semiannual disbursement, DNR would be required to prorate the grants.

(3) Direct DNR to submit its request to the Governor for the 2003-05 biennial budget bill as though the Department was appropriated \$7,600,000 SEG annually in base funding for recycling efficiency incentive grants (instead of the \$1,900,000 in the 2002-03 appropriation).

(4) The following responsible units would be eligible to apply for an efficiency incentive grant: (a) a county that is a responsible unit; (b) a responsible unit that is not a county and that has a population of 50,000 or more; (c) a responsible unit that is formed by the merger of three or more responsible units; and (d) a responsible unit that is the responsible unit for three or more municipalities.

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

(6) Require applicants for recycling efficiency incentive grants to apply by October 1 in the year preceding the year that the grant is sought. Applicants would be subject to the same late application penalties as exist for municipal and county recycling grant applicants. (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.)

(7) Direct that the sum of the recycling efficiency incentive grant and the municipal and county recycling grant received by a responsible unit may not exceed the eligible costs incurred by the responsible unit two years earlier and reported to DNR in the previous year.

e. *Pilot Program for Effective Program Compliance With the Requirement of Materials to be Recycled.* Direct DNR to promulgate administrative rules that would establish 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. The program would 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 emergency, for administration of the program.

(2) The administrative rules established by DNR would be required to do all of the following: (a) set goals for materials to be recycled as a percentage of solid waste generated in the geographic area served by a responsible unit 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) specify a procedure for a responsible unit to identify the materials that it will require to be separated for recycling under its recycling program; and (d) specify a procedure to be used by DNR to determine whether a responsible unit has achieved the recycled materials percentage goals.

(3) DNR would be required to select nine responsible units for participation in the pilot program. DNR would be required to select: (a) three responsible units with a population of less than 5,000; (b) three responsible units with a population of at least 5,000 and less than 25,000; and (c) three responsible units with a population of at least 25,000.

(4) Responsible units that comply with the alternate method of compliance for requiring materials to be recycled would not have to comply with the 1995 landfill and incineration bans that are currently required in order to maintain an effective recycling program.

(5) DNR would be required to submit a report to the appropriate standing committees of the Legislature, and the Joint Committee on Finance no later than January 1, 2003 and a report no later than January 1, 2005. Each report would be required to include all of the following: (a) a description of the participation in the pilot program and the results to date; (b) any changes in the recycling rate obtained by the participants; (c) any cost or program efficiencies obtained by the participants; (d) any recommendations for statutory changes to modify the pilot program or expand

it on a statewide basis; and (e) any recommendations about whether the 1995 landfilling and incineration bans should be modified, and if so, in what manner.

(6) Specify that the pilot program would end on December 31, 2005.

* f. *DNR Administration.* Delete \$43,600 SEG annually and 0.5 SEG auditor position in the Division of Administration and Technology. Provide 1.0 SEG waste management specialist position in the Air and Waste Division (no funding would be provided for the position). Provide \$200,000 SEG in 2001-02 in the Air and Waste Division for development of administrative rules for recycling efficiency incentive grants and the pilot program for effective program compliance with the requirement of materials to be recycled. This would provide total funding for DNR administration of \$1,833,600 SEG in 2001-02 and \$1,616,100 SEG in 2002-03 for 18.5 positions. (Under current law, DNR is authorized 19.0 positions in 2000-01, of which one is a project position that expires on October 14, 2001 to maintain 18.0 positions.)

enforcement provisions under i

g. *Waste Reduction and Recycling Demonstration Grant Program.* Delete \$200,000 SEG in 2001-02 to reduce from \$500,000 to \$300,000 the amount available for waste reduction and recycling demonstration grants. Maintain the current grant level funding of \$500,000 SEG in 2002-03.

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

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

Direct DNR to report annually by June 30 to the Joint Committee on Finance about the number of responsible unit recycling programs reviewed in the prior calendar year.

i. *Other DNR Enforcement Requirements.* Make the following changes related to recycling enforcement:

changed (1) Prohibit any solid waste facility from accepting solid waste from a building containing five or more dwelling units, or a commercial, retail, industrial or governmental facility that does not provide for the collection of recyclable materials that are subject to the 1995 landfill and incineration disposal bans and that are separated from solid waste by users or occupants of the building or facility. Authorize DNR to create an exception to this prohibition on a case-by-case basis where necessary to protect public health. Specify that the provision would not apply for activities currently exempt from the landfill and incineration disposal bans. In addition, specify that the provision would not apply to a person operating a solid waste disposal facility or a solid waste

treatment facility if the person has implemented a program to minimize the acceptance of recyclable materials at the facility. DNR would be directed to promulgate administrative rules to establish minimum standards for a program to minimize the acceptance of recyclable materials at a solid waste disposal facility or a solid waste treatment facility. Require that persons who violate the prohibition pay a forfeiture of \$50 for the first violation, \$200 for the second violation and \$2,000 for the third or subsequent violation. Authorize DNR to issue a citation to collect the forfeiture for the violation of the prohibition. (This would be the same as the penalties for violation of the current prohibition.)

(2) Prohibit any solid waste facility that provides a collection and transportation service from transporting solid waste for delivery to a solid waste disposal facility or a solid waste treatment facility that converts solid waste into fuel or that burns solid waste with or without energy recovery if the solid waste contains more than an incidental amount of materials subject to the 1995 landfill bans, as provided by DNR rule. The provision would not apply for activities currently exempt from the landfill and incineration bans. The prohibition would be subject to the same enforcement and penalties as for violations of current prohibitions and the new prohibition described above.

(3) Revise the exception to the 1995 landfill and incineration bans to apply the exception to waste that contains no more than an incidental amount of the banned recyclables, as established by DNR rule, instead of to any waste that is generated in a region that has an effective recycling program under current law. Direct DNR to promulgate administrative rules to implement the provision. Retain the current exemption to the exception for solid waste that is separated for recycling as part of an effective recycling program.

j. *Recycling Market Development Board.* Make the following changes in current Commerce RMDB requirements:

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

(2) Direct the RMDB to allocate up to \$200,000 annually for forgivable loans for projects that have exceptional potential to meet one of the existing four criteria that the RMDB must consider before awarding financial assistance, but that do not comply with the standard criteria established by the RMDB or Commerce to meet their fiduciary responsibilities in managing state resources. Currently, before the RMDB awards a grant, loan or manufacturing rebate, the RMDB is required to consider the extent to which the project: (a) maximizes the marketability of recovered materials on a statewide basis; (b) minimizes the amount of recovered materials disposed of in landfills or burned without energy recovery in incinerators; (c) includes materials that are banned from landfills and that will support community recycling efforts; and (d) maintains present markets or creates new or expanded markets for recovered materials.

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

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

\ k. *University of Wisconsin System.* Restore \$154,900 SEG annually with 0.5 SEG position for the UW System solid waste experiment centers and grants by the Solid Waste Research Council. (This would be a decrease of \$50,000 from current law funding levels.)

\ l. *University of Wisconsin - Extension.* Restore current law funding of \$336,900 SEG and 4.0 SEG positions for the UW-Extension Solid and Hazardous Waste Education Center (SHWEC).

\ m. *Department of Corrections.* Convert \$50,200 SEG in 2001-02 and \$50,600 SEG in 2002-03 and 1.0 SEG position to program revenue generated from computer recycling activities. Corrections would continue to be appropriated \$336,100 SEG in 2001-02 and \$336,600 SEG in 2002-03 and 3.0 SEG positions for computer recycling activities.

\ n. *Department of Revenue.* Delete \$27,000 SEG annually and 0.5 SEG position to maintain \$231,800 SEG and 1.0 SEG position annually for administration of the recycling surcharge.

I hope this information is helpful. Please contact me if you have questions.

KB/sas

Today (7/20)

this line will be dif.

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

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

~~CAUCUS~~ SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

Note

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
7 ¹⁵⁴\$204,900 and increase the dollar amount for fiscal year 2002-03 by ¹⁵⁴\$204,900 to
8 increase funding for the purpose for which the appropriation is made and to increase
the authorized FTE positions by 0.5 SEG position.

Insert 9
1-9 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: ^{do} increase the dollar amount for fiscal year 2001-02 by
 4 ^{\$5,000,000} ~~\$4,400,000~~ and increase the dollar amount for fiscal year 2002-03 by ^{\$5,000,000} ~~\$31,500,000~~ to
 5 ^{change the amount of} increase ^{provided} funding for the purpose for which the appropriation is made.

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

7 (bv) Recycling efficiency ^{incentive} ~~planning~~
 8 grants SEG A -0- ^{1,900,000} ~~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.

INSERT
 2-12
 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) ^{and (10)}

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. eg., 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) ^{and (c)}, 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.

Insert
3 A
4-2-4
4-2-B
5
4-26 C

(a)

SECTION 3222p. 287.23 (2) of the statutes is renumbered 287.23 (2) ~~(intro.)~~ and

amended to read:

287.23 (2) ~~DEPARTMENT POWERS AND DUTIES: (intro.)~~ (a) 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. ^{# (b)!} Each year the department, in cooperation with the

University of Wisconsin-Extension, shall audit review the recycling programs of at

least 5% of the recipients of grants in the previous year to ~~ensure that programs and~~

~~activities funded by grants under this section meet the requirements of this section.~~

do all of the following:

SECTION 3222q. 287.23 (2) ^{b 1, to 3.} ~~(a)~~ to ~~(c)~~ of the statutes are created to read:

287.23 (2) ^{b 1.} ~~(a)~~ Ensure compliance with s. 287.07 (1m), (2), (3), and (4).

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

3. ~~(c)~~ Identify activities, methods, or procedures that would enable the

responsible unit ^s to make ^{their} its recycling program ^s more efficient or effective. ~~W~~

Insert
18 4-17

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

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

287.23 (5b) (title) GRANT AWARD FOR 2000 AND 2001. (intro.) The For 2000 and

2001, the department shall award a grant under this subsection to each eligible

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~~^{\$5.30} 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~~^{\$1.50} 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~~^{\$19,500,000} no later than June 1, 2002, and a total of ~~\$13,550,000~~^{\$5,000,000} 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^s (b) and sub. (3) (a), the department shall provide a grant amount to an eligible responsible unit equal to ~~\$2~~^{\$1} times the population of the responsible unit.

4

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

Insert 7 ↓

8

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

7-7

12

(b) The department shall disburse ^{50% of} a grant to the applicant after approval, but no later than June 1 of the year for which the grant is made. ^{and the balance no later than December 1 of the year for which the grant is made}

14

SECTION 3227e. 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), ~~the~~ ^{or} (9) may be required to forfeit \$50 for a first violation, may be required to forfeit \$200 for a 2nd violation, and may be required to forfeit not more than \$2,000 for a 3rd or subsequent violation."

Insert

7-19

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 cents \$10 per ton.

22

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.

Nb For grants for 2002, the department shall disburse a total of \$3,800,000

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

9 **"(1k) RECYCLING EFFICIENCY PLANNING GRANTS.**

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

21 (b) A recipient of a grant under this subsection shall report information to the
22 department of natural resources concerning policies and activities that, if
23 implemented, would make its recycling program more efficient and effective,
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 ^{(inter) and} 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 ^g 289.645 (3) (a) and ^{(inter) and}
21 ~~(b) and 289.67 (1) (cp)~~ ⁹³⁴ of the statutes and SECTION 9337 (1m) of this act take effect
22 on January 1, 2002.”.

23 (END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2179/Plins
RCT:.....

Insert 1-9

~~1~~ 1. Page 159, line 1: increase the dollar amount for fiscal year 2001-02 by \$200,000 for the purpose of developing rules related to recycling efficiency incentive grants, the pilot program for effective recycling program compliance, and disposal ban enforcement.

~~2~~ 2. Page 170, line 5: decrease the dollar amount for fiscal year 2001-02 by \$200,000 for the purpose of decreasing funding for the purpose for which the appropriation is made.

Insert 2-12

~~3~~ 3. Page 198, line 3: decrease the dollar amount for fiscal year 2001-02 by \$50,600 and decrease the dollar amount for fiscal year 2002-03 by \$50,600 for the purpose of reducing funding for the purpose for which the appropriation is made and to reduce the authorized FTE positions by 1.0 SEG position.

~~4~~ 4. Page 264, line 17: decrease the dollar amount for fiscal year 2001-02 by \$27,000 and decrease the dollar amount for fiscal year 2002-03 by \$⁷~~26~~,000 for the purpose of reducing funding for the purpose for which the appropriation is made and to reduce the authorized FTE positions by 0.5 SEG position.

Insert 4-2-A

(b) The department may grant exceptions to par. (a) on a case-by-case basis as necessary to protect public health.

(c) 1. Paragraph (a) does not apply to a person operating a solid waste facility if the person has implemented a program to minimize the acceptance of recyclable

materials at the solid waste facility and the program complies with the rules promulgated under subd. 2.

2. The department shall promulgate rules that ^{specify} ~~specifies~~ minimum standards for a program that minimizes the acceptance ^{of} ~~of~~ recyclable materials at a solid waste facility for the purposes of subd. 1.

SECTION 3222h. 287.07 (10) of the statutes is created to read:

287.07 (10) TRANSPORTATION TO FACILITY. (a) Except as provided in par. (b), no person operating a solid waste facility that provides a collection and transportation service may transport solid waste for delivery to a solid waste disposal facility or a solid waste treatment facility that converts solid waste into fuel or that burns solid waste if the solid waste contains more than incidental amount ^s ~~y~~ of materials specified in subs. (3) and (4), as provided by the department by rule.

(b) Paragraph (a) does not apply with respect to solid waste to which the prohibitions in subs. (3) and (4) do not apply because of sub. (7) (b), (bg), (c) 2., (d), (f), (g), or (h).

4-2-B15
on sep.
pages

Insert 4-2-C

(b) The department shall select 3 responsible units with a population of less than 5,000, 3 responsible units with a population of at least 5,000 but less than 25,000, and 3 responsible units with a population of at least 25,000 to participate in the pilot program under this subsection.

(c) A responsible unit participating in the pilot program under this subsection shall be considered to comply with sub. (2) (b).

(d) The department shall submit reports on the pilot program under this subsection to the appropriate standing committees of the legislature, under s. 13.172

(3), and to the joint committee on finance no later than January 1, 2003, and no later than January 1, 2005. The department shall include all of the following in its reports:

1. A description of the participation in the pilot program and of the results to the date of the report.
2. A description of any changes in the recycling percentage rate achieved by the participants.
3. A description of any cost or program efficiencies obtained by participants.
4. Any recommendations for statutory changes to modify the pilot program or to expand it statewide.
5. Any recommendations about whether s. 287.07 (3) and (4) should be modified and, if so, in what manner.

(e) The pilot program under this subsection ends on December 31, 2005.

Insert 4-17

SECTION 3222r. 287.23 (2) (c) of the statutes is created to read:

287.23 (2) (c) By June 30 annually, the department shall report to the joint committee on finance the number of recycling programs reviewed under par. (b) during the previous year.

Insert 7-7

(c) A grant under this section plus a grant under s. 287.23 may not exceed the allowable expenses under s. 287.23 (3) (b) that the responsible unit incurred in the year 2 years before the year for which the grants are made.

Insert 7-19

"SECTION 3228db. 289.645 (3) (intro.) and (a) of the statutes are consolidated, renumbered 289.645 (3) and amended to read:

289.645 (3) AMOUNT OF RECYCLING FEE. The fee imposed under this section is as follows: (a) For \$2 per ton for all solid waste other than high-volume industrial waste, 30 cents per ton. ^{VO}

*

Insert 8-6

5. Page 1328, line 19: after that line insert:

“(2) COMPUTER RECYCLING POSITION. The authorized positions for the department of corrections are increased by 1.0 PR-S position funded from the appropriation under section 20.410 (1) (kc) of the statutes for computer recycling activities.”

Insert 8-7

^K“(1) RECYCLING EFFICIENCY INCENTIVE GRANTS. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for purposes of the 2003-^g2005 biennial budget bill, the department of natural resources shall submit information concerning the appropriation under section 20.370 (6) (bv) of the statutes, as created by this act, as though the amount appropriated to the department under that appropriation for fiscal year 2002-03 were \$7,600,000.

^{KL}“(1) EMERGENCY RULES FOR RECYCLING PILOT PROGRAM. Using the procedure under section 227.24 of the statutes, the department of natural resources may promulgate as emergency rules the rules required under section 287.11 (4) (a) of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, the emergency rules may remain in effect until December 31, 2005. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection 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.

Insert 4-2-B

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) ^{Ⓢ pilot program for} **ALTERNATE METHOD OF COMPLIANCE.** ^{(a) The department shall} The department shall
23 promulgate rules ^{for the pilot program under this subsection} that do all of the following:

24 1. (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.

administer a pilot program that provides an alternate method of complying with sub (2)(b)

Insert 11-2-B, continued
↓

1 2. (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 3. (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 4. (d) Specify a procedure to be used by the department to determine whether a
7 responsible unit has achieved the goals under par. (a). end of insert 11-2-B

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:~~

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2179?p1dn

RCT/.....

WLj

Kendra:

I am still working on the enforcement provisions and need to look over the whole draft, but I wanted to let you have a look at what I have so far.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2179/P1dn
RCT:wlj:rs

July 20, 2001

Kendra:

I am still working on the enforcement provisions and need to look over the whole draft, but I wanted to let you have a look at what I have so far.

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



State of Wisconsin
2001 - 2002 LEGISLATURE

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LRBb2179/P2
RCT:wj
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LFB:.....Bonderud - Recycling changes for conference committee

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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 \$154,900 and increase the dollar amount for fiscal year 2002-03 by \$154,900 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.

1 **9.** Page 264, line 17: decrease the dollar amount for fiscal year 2001–02 by
2 \$27,000 and decrease the dollar amount for fiscal year 2002–03 by \$27,000 for the
3 purpose of reducing funding for the purpose for which the appropriation is made and
4 to reduce the authorized FTE positions by 0.5 SEG position.

5 **10.** Page 334, line 25: after that line insert:

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

7 20.370 (6) (bv) *Recycling efficiency incentive grants.* From the recycling fund,
8 the amounts in the schedule for recycling efficiency incentive grants under s.
9 287.235.”.

10 **11.** Page 1057, line 21: after that line insert:

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

12 287.03 (1) (e) Promulgate rules to implement s. 287.07 (7) (a) and (10)^(a)

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

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

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

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

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

1 287.07 (7) (a) The prohibitions in subs. (3) and (4) do not apply with respect to
2 solid waste, except medical waste, as defined in par. (c) 1. cg., ^{strike} that is generated in a
3 ~~region that has an effective recycling program, as determined under s. 287.11~~ ^{strike} if the
4 solid waste contains ^{no more than} an incidental amount of materials specified in subs. (3) and (4),
5 as provided by the department by rule. This paragraph does not apply to solid waste
6 that is separated for recycling as part of an effective recycling program under s.
7 287.11.

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

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

15 (b) The department may grant exceptions to par. (a) on a case-by-case basis
16 as necessary to protect public health.

17 (c) 1. Paragraph (a) does not apply to a person operating a solid waste facility
18 if the person has implemented a program to minimize the acceptance of recyclable
19 materials at the solid waste facility, and the program complies with the rules
20 promulgated under subd. 2.

21 2. The department shall promulgate rules that specify minimum standards for
22 a program that minimizes the acceptance of recyclable materials at a solid waste
23 facility for the purposes of subd. 1.

24 **SECTION 3222h.** 287.07 (10) of the statutes is created to read:

1 287.07 (10) TRANSPORTATION TO FACILITY. (a) Except as provided in par. (b), no
2 person operating a solid waste facility that provides a collection and transportation
3 service may transport solid waste for delivery to a solid waste disposal facility or a
4 solid waste treatment facility that converts solid waste into fuel or that burns solid
5 waste if the solid waste contains more than incidental amounts of materials specified
6 in subs. (3) and (4), as provided by the department by rule.

7 (b) Paragraph (a) does not apply with respect to solid waste to which the
8 prohibitions in subs. (3) and (4) do not apply because of sub. (7) (b), (bg), (c) 2., (d),
9 (f), (g), or (h).

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

11 287.11 (4) PILOT PROGRAM FOR ALTERNATE METHOD OF COMPLIANCE. (a) The
12 department shall administer a pilot program that provides an alternate method of
13 complying with sub. (2) (b). The department shall promulgate rules for the pilot
14 program under this subsection that do all of the following:

15 1. Set goals for amounts of materials to be recycled as a percentage of solid
16 waste generated in the geographic area served by a responsible unit.

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

20 3. Specify a procedure for a responsible unit to identify the materials that it will
21 require to be separated for recycling under its recycling program.

22 4. Specify a procedure to be used by the department to determine whether a
23 responsible unit has achieved the goals under par. (a).

24 (b) The department shall select 3 responsible units with a population of less
25 than 5,000, 3 responsible units with a population of at least 5,000 but less than

1 25,000, and 3 responsible units with a population of at least 25,000 to participate in
2 the pilot program under this subsection.

3 (c) A responsible unit participating in the pilot program under this subsection
4 shall be considered to comply with sub. (2) (b).

5 (d) The department shall submit reports on the pilot program under this
6 subsection to the appropriate standing committees of the legislature, under s. 13.172
7 (3), and to the joint committee on finance no later than January 1, 2003, and no later
8 than January 1, 2005. The department shall include all of the following in its reports:

9 1. A description of the participation in the pilot program and of the results to
10 the date of the report.

11 2. A description of any changes in the recycling percentage rate achieved by the
12 participants.

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

14 4. Any recommendations for statutory changes to modify the pilot program or
15 to expand it statewide.

16 5. Any recommendations about whether s. 287.07 (3) and (4) should be modified
17 and, if so, in what manner.

18 (e) The pilot program under this subsection ends on December 31, 2005.

19 **SECTION 3222p.** 287.23 (2) of the statutes is renumbered 287.23 (2) (a) and
20 amended to read:

21 287.23 (2) (a) The department shall develop, implement, and administer a
22 program to provide financial assistance to responsible units. The department shall
23 develop criteria for reporting on and evaluating the program.

24 (b) Each year the department, in cooperation with the University of
25 Wisconsin-Extension, shall ~~audit~~ review the recycling programs of at least 5% of the

1 recipients of grants in the previous year to ~~ensure that programs and activities~~
2 ~~funded by grants under this section meet the requirements of this section.~~ do all of
3 the following:

4 **SECTION 3222q.** 287.23 (2) (b) 1. to 3. of the statutes are created to read:

5 287.23 (2) (b) 1. Ensure compliance with s. 287.07 (1m), (2), (3), and (4).

6 2. Ensure compliance with s. 287.11 and rules promulgated under that section.

7 3. Identify activities, methods, or procedures that would enable the responsible
8 units to make their recycling programs more efficient or effective.

9 **SECTION 3222r.** 287.23 (2) (c) of the statutes is created to read:

10 287.23 (2) (c) By June 30 annually, the department shall report to the joint
11 committee on finance the number of recycling programs reviewed under par. (b)
12 during the previous year.”.

13 **12.** Page 1058, line 2: after that line insert:

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

16 287.23 (5b) (title) GRANT AWARD FOR 2000 AND 2001. (intro.) The For 2000 and
17 2001, the department shall award a grant under this subsection to each eligible
18 responsible unit that submits a complete grant application under sub. (4) for
19 expenses allowable under sub. (3) (b). The department shall determine the amount
20 of the grants under this subsection as follows:

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

22 287.23 (5d) GRANT AMOUNT FOR YEARS AFTER 2001. (a) Beginning with grants for
23 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 \$5.30 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 \$1.50 times the population of the responsible unit
18 if 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 **13.** 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 \$19,500,000 no later than June 1, 2002, and a total of \$5,000,000 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 pars. (b) and (c) and sub. (3) (a),
22 the department shall provide a grant amount to an eligible responsible unit equal to
23 \$1 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 (c) A grant under this section plus a grant under s. 287.23 may not exceed the
4 allowable expenses under s. 287.23 (3) (b) that the responsible unit incurred in the
5 year 2 years before the year for which the grants are made.

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

10 (b) The department shall disburse 50% of a grant to the applicant no later than
11 June 1 of the year for which the grant is made and the balance no later than
12 December 1 of the year for which the grant is made. For grants for 2002, the
13 department shall disburse a total of \$3,800,000.

14 SECTION 3227e. 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), (9), or (10) may be required to forfeit \$50 for a first violation, may be required
17 to 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 14. Page 1059, line 9: after that line insert:

20 “SECTION 3228db. 289.645 (3) (intro.) and (a) of the statutes are consolidated,
21 renumbered 289.645 (3) and amended to read:

22 289.645 (3) AMOUNT OF RECYCLING FEE. The fee imposed under this section is
23 as follows: (a) For ~~\$2~~^{\$3} per ton for all solid waste other than high-volume industrial
24 waste, ~~30 cents per ton.~~”

1 **15.** Page 1328, line 19: after that line insert:

2 “(2) COMPUTER RECYCLING POSITION. The authorized positions for the
3 department of corrections are increased by 1.0 PR–S position funded from the
4 appropriation under section 20.410 (1) (kc) of the statutes for computer recycling
5 activities.”.

6 **16.** Page 1343, line 24: after that line insert:

7 “(1k) RECYCLING EFFICIENCY INCENTIVE GRANTS. Notwithstanding section 16.42
8 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes
9 for purposes of the 2003–05 biennial budget bill, the department of natural resources
10 shall submit information concerning the appropriation under section 20.370 (6) (bv)
11 of the statutes, as created by this act, as though the amount appropriated to the
12 department under that appropriation for fiscal year 2002–03 were \$7,600,000.

13 (1kL) EMERGENCY RULES FOR RECYCLING PILOT PROGRAM. Using the procedure
14 under section 227.24 of the statutes, the department of natural resources may
15 promulgate as emergency rules the rules required under section 287.11 (4) (a) of the
16 statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the
17 statutes, the emergency rules may remain in effect until December 31, 2005.
18 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not
19 required to provide evidence that promulgating a rule under this subsection as an
20 emergency rule is necessary for the preservation of public peace, health, safety, or
21 welfare and is not required to provide a finding of emergency for a rule promulgated
22 under this subsection.

23 (1km) RECYCLING POSITION AUTHORIZATION. The authorized FTE positions for the
24 department of natural resources are increased by 1.0 SEG position to be funded from

1 the appropriation under section 20.370 (2) (hq) of the statutes, for recycling program
2 administration.”.

3 **17.** Page 1400, line 23: before that line insert:

4 “(1m) SOLID WASTE TIPPING FEE. The treatment of section 289.645 (3) (intro.) and
5 (a) of the statutes first applies to solid waste disposed of on the effective date of this
6 subsection.”.

7 **18.** Page 1422, line 12: after that line insert:

8 “(5k) SOLID WASTE TIPPING FEE. The treatment of section 289.645 (3) (intro.) and
9 (a) of the statutes and SECTION 9337 (1m) of this act take effect on January 1, 2002.”.

10 (END)

Tradewell, Becky

From: Tradewell, Becky
Sent: Sunday, July 22, 2001 12:06 PM
To: Bonderud, Kendra
Subject: Recycling

Kendra,

I got your message yesterday. The /P2 of the recycling draft, which should have been emailed to you yesterday, was drafted before you sent that message.

There are a couple of minor changes that I would like to make to clarify the draft. On page 3, line 16, I would like to move "from single-family residences" after "collection" rather than after "materials." I would also like to add "the greater of" at the beginning of line 11 on page 8. *-OK per Kendra*

The only thing that I am still unsure about is the enhanced enforcement stuff, particularly proposed s. 287.07 (9). As we discussed the other day, I think that the use of the language "that are subject to subs. (3) and (4)" means that solid waste facility operator does not have to refuse solid waste from an apartment building or commercial, etc., facility just because the building or facility does not provide for the collection of materials that are exempted from subs. (3) and (4) because of a provision in sub. (7). The question seems to be whether there are any circumstances in which the solid waste facility operator should be able to accept solid waste from a facility that does not provide for collection of separated recyclables that are subject to subs. (3) and (4) other than the circumstances under pars. (b) and (c). Please let me know what you think or call me if you want to discuss this. I expect to leave soon but will be checking in later. *leave as is, per Kendra*

It is unclear to me when we will have to finalize everything. I cannot redraft the recycling draft yet for a technical reason, but expect that will be cleared up later today if I need to do the redraft today.

Thanks,
Becky