



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb2179~~4~~ 7
RCT:wlj&cs:ch

Today

RMV

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 **3.** Page 159, line 1: increase the dollar amount for fiscal year 2001–02 by
2 \$200,000 for the purpose of developing rules related to recycling efficiency incentive
3 grants, the pilot program for effective recycling program compliance, and disposal
4 ban enforcement.

5 **4.** Page 170, line 5: decrease the dollar amount for fiscal year 2001–02 by
6 \$200,000 for the purpose of decreasing funding for the purpose for which the
7 appropriation is made.

8 **5.** Page 170, line 9: decrease the dollar amount for fiscal year 2001–02 by
9 \$5,000,000 and increase the dollar amount for fiscal year 2002–03 by \$5,000,000 to
10 change the amount of funding provided for the purpose for which the appropriation
11 is made.

12 **6.** Page 170, line 9: after that line insert:

13 “(bv) Recycling efficiency incentive

14 grants

 SEG

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 1,900,000”.

15 **7.** Page 175, line 1: decrease the dollar amount for fiscal year 2001–02 by
16 \$43,600 and decrease the dollar amount for fiscal year 2002–03 by \$43,600 to
17 decrease funding for the purpose for which the appropriation is made and to decrease
18 the authorized FTE positions by 0.5 SEG auditor position.

19 **8.** Page 198, line 3: decrease the dollar amount for fiscal year 2001–02 by
20 \$50,600 and decrease the dollar amount for fiscal year 2002–03 by \$50,600 for the
21 purpose of reducing funding for the purpose for which the appropriation is made and
22 to reduce the authorized FTE positions by 1.0 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., that is generated in a~~
3 ~~region that has an effective recycling program, as determined under s. 287.11 if the~~
4 solid waste contains no more than an incidental amount of materials specified in
5 subs. (3) and (4), as provided by the department by rule. This paragraph does not
6 apply to solid waste that is separated for recycling as part of an effective recycling
7 program under s. 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 ^{the greater of} \$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 \$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)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb2179/2
RCT:wj&cs:ch

Today

Stays rnr

LFB:.....Bonderud - Recycling changes for conference committee

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

See p. 2

TO 2001 SENATE BILL 55

TODAY

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 from single-family residences of materials 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., ~~that is generated in a~~
3 ~~region that has an effective recycling program, as determined under s. 287.11 if the~~
4 solid waste contains no more than an incidental amount of materials specified in
5 subs. (3) and (4), as provided by the department by rule. This paragraph does not
6 apply to solid waste that is separated for recycling as part of an effective recycling
7 program under s. 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 the
11 greater of \$100,000 or the amount determined under par. (a), but not more than the
12 allowable 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 \$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)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb2179/2
RCT:wlj&cs:ch

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 from single-family residences of materials 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., that is generated in a~~
3 ~~region that has an effective recycling program, as determined under s. 287.11 if the~~
4 solid waste contains no more than an incidental amount of materials specified in
5 subs. (3) and (4), as provided by the department by rule. This paragraph does not
6 apply to solid waste that is separated for recycling as part of an effective recycling
7 program under s. 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 the
11 greater of \$100,000 or the amount determined under par. (a), but not more than the
12 allowable 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 \$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)