

2003 SENATE BILL 29

AN ACT *to amend* 895.58 (1) (d), 895.58 (2) and 895.58 (3); and *to create* 289.43 (8) (b) 4. and 895.58 (1) (cr) of the statutes; **relating to:** immunity for the use of solid waste for public projects.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 289.43 (8) (b) 4. of the statutes is created to read:
2 289.43 **(8)** (b) 4. Authorize use of the solid waste in public works projects.
3 **SECTION 2.** 895.58 (1) (cr) of the statutes is created to read:
4 895.58 **(1)** (cr) “Solid waste” has the meaning given in s. 289.01 (33).
5 **SECTION 3.** 895.58 (1) (d) of the statutes is amended to read:
6 895.58 **(1)** (d) “Special waste” means any type of solid waste that is
7 ~~characterized for beneficial use in public works projects by the department of natural~~

SENATE BILL 29**SECTION 3**

1 resources for which the department has granted a waiver or an exemption under s.
2 289.43 (3), (4), (7), or (8) or that is exempt by rule promulgated under s. 289.05 (4).

3 **SECTION 4.** 895.58 (2) of the statutes is amended to read:

4 895.58 (2) The department may characterize a ~~solid~~ special waste as suitable
5 for beneficial use in public works projects ~~by rule, memorandum of understanding~~
6 ~~between itself and other state agencies or local governmental units, or on a~~
7 ~~case-by-case basis.~~ The department shall compile and maintain a list of special
8 wastes that are suitable for use in specified types of public works projects in a format
9 readily available to the general public and only those special wastes may be required
10 by contracting agencies to be used in a public works project. The list may include
11 conditions under which the special waste may be used in the public works project in
12 order for subs. (3) and (4) to be applicable. The list under this subsection is not a rule
13 under s. 227.01 (13).

14 **SECTION 5.** 895.58 (3) of the statutes is amended to read:

15 895.58 (3) Special waste, when used in a public works project, is ~~not subject to~~
16 exempt from regulation as solid waste under ch. 289 if all of the applicable conditions
17 included in the list compiled under sub. (2) are met.

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(END)