

BILL HISTORY FOR SENATE BILL 29 (LRB -1497)

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. (FE)

2003

02-12. S.	Introduced by Senators Kedzie, Schultz, Cowles and Roessler ; cosponsored by Representatives M. Lehman, Ainsworth, Hines, Jeskewitz, Nass, Ott, Grothman and Albers , by request of Department of Natural Resources.	
02-12. S.	Read first time and referred to committee on Environment and Natural Resources	70
02-24. S.	Fiscal estimate received.	
03-27. S.	Public hearing held.	
04-24. S.	Executive action taken.	
04-29. S.	Report passage recommended by committee on Environment and Natural Resources, Ayes 5, Noes 0	151
04-29. S.	Available for scheduling.	
04-30. S.	Placed on calendar 5-6-2003 by committee on Senate Organization.	
05-06. S.	Read a second time	171
05-06. S.	Ordered to a third reading	171
05-06. S.	Rules suspended	171
05-06. S.	Read a third time and passed	171
05-06. S.	Ordered immediately messaged	175
05-08. A.	Received from Senate	201
05-08. A.	Read first time and referred to committee on Natural Resources	201
07-09. A.	Public hearing held.	
08-20. A.	Executive action taken.	
08-26. A.	Report concurrence recommended by committee on Natural Resources, Ayes 11, Noes 0	342
08-26. A.	Referred to committee on Rules	342
10-16. A.	Placed on calendar 10-21-2003 by committee on Rules.	
10-21. A.	Read a second time	445
10-21. A.	Ordered to a third reading	445
10-21. A.	Rules suspended	445
10-21. A.	Read a third time and concurred in	445
10-21. A.	Ordered immediately messaged	445
10-22. S.	Received from Assembly concurred in:	

**2003
ENROLLED BILL**

03en S B-29

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

03 - 1479 1

Amendments to above (if none, write "NONE"):

Corrections - show date (if none, write "NONE"):

Topic Immunity for the use of solid waste
for public projects

10/22/03
Date

[Signature]
Enrolling Drafter

ELECTRONIC PROCEDURE:

Follow automatic or manual enrolling procedures in *TEXT2000 Reference Guide*, Document Specific Procedures, Ch. 20, Engrossing and Enrolling

DISTRIBUTION:

HOUSE OF ORIGIN:

- 11 copies plus bill jacket
- Secretary of State's envelope containing 4 copies plus newspaper notice

REVISOR OF STATUTES:

- 5 copies

DEPARTMENT OF ADMINISTRATION:

- 2 copies

LRB:

- Drafting file original
- Drafting attorney 1 copy
- Legislative editors 1 copy each
- Reference section 1 copy
- Bill index librarian 1 copy

2003 SENATE BILL 29

February 12, 2003 - Introduced by Senators KEDZIE, SCHULTZ, COWLES and ROESSLER, cosponsored by Representatives M. LEHMAN, AINSWORTH, HINES, JESKEWITZ, NASS, OTT, GROTHMAN and ALBERS, by request of Department of Natural Resources. Referred to Committee on Environment and Natural Resources.

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

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) may characterize a solid waste as a special waste available for beneficial use in a public works project and must maintain a list of those characterized solid wastes in a format that is available to the public. Currently, a contracting agency in a public works project may only require the use of those special wastes in a public works project. Current law grants immunity from liability to any person for his or her acts or omissions while using those special wastes in a public works project if those acts or omissions occurred while performing work under the contract for the public works project, the contract permitted or required the use of those special wastes, and the acts or omissions conformed to the contract provisions. Current law makes the immunity inapplicable to acts or omissions that involve reckless, wanton, or intentional misconduct or that result in the death or injury of an individual.

Under current law, as a way to encourage new ways to recycle solid waste, DNR may grant a research waiver or an exemption from the requirements regarding the disposal or recycling of high-volume industrial wastes and certain other solid wastes. Under this bill, solid wastes that DNR has exempted from the normal disposal requirement are considered special wastes and may be characterized by DNR as suitable for beneficial use in public works projects. This bill requires DNR

SENATE BILL 29

to maintain a list of those special wastes that are suitable for use in specified types of public works projects. The list may include conditions under which the wastes may be used in public works projects. Under the bill, the current provisions granting immunity from liability apply to the use of those listed special wastes in public works projects if the conditions established by DNR for their use are met. In addition, the current law provisions prohibiting immunity for acts of reckless, wanton, or intentional misconduct or that result in the death or injury of an individual apply.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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
8 resources for which the department has granted a waiver or an exemption under s.
9 289.43 (3), (4), (7), or (8) or that is exempt by rule promulgated under s. 289.05 (4).

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

11 895.58 (2) The department may characterize a solid special waste as suitable
12 for beneficial use in public works projects by rule, memorandum of understanding
13 between itself and other state agencies or local governmental units, or on a
14 case-by-case basis. The department shall compile and maintain a list of special
15 wastes that are suitable for use in specified types of public works projects in a format
16 readily available to the general public and only those special wastes may be required
17 by contracting agencies to be used in a public works project. The list may include

SENATE BILL 29

1 conditions under which the special waste may be used in the public works project in
2 order for subs. (3) and (4) to be applicable. The list under this subsection is not a rule
3 under s. 227.01 (13).

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

5 895.58 (3) Special waste, when used in a public works project, is ~~not subject to~~
6 exempt from regulation as solid waste under ch. 289 if all of the applicable conditions
7 included in the list compiled under sub. (2) are met.

8

(END)