

2003 Senate Bill 29

Date of enactment: **November 25, 2003**
Date of publication*: **December 10, 2003**

2003 WISCONSIN ACT 88

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.

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

SECTION 1. 289.43 (8) (b) 4. of the statutes is created to read:

289.43 (8) (b) 4. Authorize use of the solid waste in public works projects.

SECTION 2. 895.58 (1) (cr) of the statutes is created to read:

895.58 (1) (cr) "Solid waste" has the meaning given in s. 289.01 (33).

SECTION 3. 895.58 (1) (d) of the statutes is amended to read:

895.58 (1) (d) "Special waste" means any type of solid waste that is characterized for beneficial use in public works projects by the department of natural resources for which the department has granted a waiver or an exemption under s. 289.43 (3), (4), (7), or (8) or that is exempt by rule promulgated under s. 289.05 (4).

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

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

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

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

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].