2007 SENATE BILL 29

February 7, 2007 – Introduced by Senators JAUCH, KREITLOW, HARSdorf, CARPENTER, LEHMAN, LASSA and RISser, cosponsored by Representatives BLACK, SMith, HRAYCHUCK, HUBLER, BOYLE, BENEDICT, HILGENBERG, KESSLER, PARISI, POCAN, CULLEN, GARThWAITE, TURNER, HEBL, BERCEAU, MOLEPSKEd, SHERMAN and SINICKI. Referred to Committee on Environment and Natural Resources.

AN ACT to renumber and amend 287.23 (3) (b); to amend 287.23 (3) (am) 2.,
287.23 (5b) (intro.) and 289.645 (3); and to create 287.23 (3) (b) 2. and 287.23 (5c) of the statutes; relating to: increasing the recycling fee imposed on the disposal of solid waste, the program of financial assistance for local recycling programs, and making an appropriation.

Analysis by the Legislative Reference Bureau

Current law imposes a fee of $3 per ton on solid waste, other than certain kinds of high-volume industrial waste, disposed of at a landfill or other waste disposal facility. This type of fee is often called a tipping fee. The recycling fee is deposited into the recycling fund. Under current law, the Department of Natural Resources administers a program that provides financial assistance to local units of government that operate recycling programs. In each fiscal year, a local unit of government generally receives the same proportion of the total available funding that it received in 1999, but not more than its eligible costs.

This bill increases the recycling fee to $10 per ton on April 1, 2008. The bill also increases funding by $48,000,000 in fiscal year 2008–09 for the program that provides financial assistance to local governmental units that operate recycling programs. Under this bill, in 2009 each local governmental unit receives at least a 75 percent increase in financial assistance, even if the increased amount exceeds the eligible costs of its recycling program.
For further information see the state and local 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:

SECTION 1. 287.23 (3) (am) 2. of the statutes is amended to read:

287.23 (3) (am) 2. That the responsible unit spent funds received under this section on activities not eligible for assistance under par. (b) 1., unless the spending is authorized under par. (b) 2.

SECTION 2. 287.23 (3) (b) of the statutes is renumbered 287.23 (3) (b) 1. and amended to read:

287.23 (3) (b) 1. Only. Except as provided in subd. 2., only expenses, including capital expenses, anticipated to be incurred for planning, constructing or operating a recycling program with one or more of the components specified in s. 287.11 (2) (a) to (h) and for complying with the prohibition under s. 287.07 (2) during the year for which an application is submitted under sub. (4) are eligible for assistance under the program.

SECTION 3. 287.23 (3) (b) 2. of the statutes is created to read:

287.23 (3) (b) 2. If, because of the operation of sub. (5c) (b), a responsible unit receives an award that exceeds the amount of costs that are eligible under subd. 1., the responsible unit may spend the amount by which the award exceeds eligible costs for other purposes.

SECTION 4. 287.23 (5b) (intro.) of the statutes is amended to read:

287.23 (5b) Grant award for years 2000 to 2008. (intro.) The For years after 1999 but before 2009, the department shall award a grant under this subsection to each eligible responsible unit that submits a complete grant application under sub.
(4) for expenses allowable under sub. (3) (b) 1. The department shall determine the amount of the grants under this subsection as follows:

**SECTION 5.** 287.23 (5c) of the statutes is created to read:

287.23 (5c) **GRANT AWARD FOR YEARS AFTER 2008.** (a) For a year after 2008, the department shall calculate for each eligible responsible unit that submits a complete grant application under sub. (4) the amount equal to 175 percent of the award that the eligible responsible unit received for 2008.

(b) If the amount determined under par. (a) equals or exceeds the amount of the responsible unit’s eligible costs, described in sub. (3) (b) 1., the department shall award the amount determined under par. (a) to the responsible unit.

(c) For responsible units to which par. (b) does not apply, the department shall provide each eligible unit with a grant that exceeds the amount determined under par. (a) by using the remaining available funds to provide proportional increases over 2008 award amounts, except that an award under this paragraph for a year may not exceed a responsible unit’s eligible costs, described in sub. (3) (b) 1., for that year.

**SECTION 6.** 289.645 (3) of the statutes is amended to read:

289.645 (3) **AMOUNT OF RECYCLING FEE.** The fee imposed under this section is $3 $10 per ton for all solid waste other than high-volume industrial waste.

**SECTION 7. Fiscal changes.**

(1) **LOCAL GOVERNMENTAL RECYCLING ASSISTANCE.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (6) (bu) of the statutes, as affected by the acts of 2007, the dollar amount is increased by $48,000,000 for fiscal year 2008–09 to increase funding for the purpose for which the appropriation is made.

**SECTION 8. Initial applicability.**
(1) The treatment of section 289.645 (3) of the statutes first applies to solid waste disposed of on the effective date of this subsection.

SECTION 9. Effective date.

(1) This act takes effect on April 1, 2008.