

👉 **07hr\_sb0122\_SC-CUR\_pt01**



Details:

(FORM UPDATED: 07/12/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2007-08**

(session year)

**Senate**

(Assembly, Senate or Joint)

**Committee on ... Commerce, Utilities and Rail  
(SC-CUR)**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                      (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

## Vote Record

### Committee on Commerce, Utilities and Rail

Date: 5/10/07

Moved by: Cowles

Seconded by: Breske

AB \_\_\_\_\_ SB 122 Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

- Be recommended for:
- Passage       Adoption       Confirmation       Concurrence       Indefinite Postponement
  - Introduction       Rejection       Tabling       Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Senator Jeffrey Plale, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Roger Breske</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Robert Wirch</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator David Hansen</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Robert Cowles</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Sheila Harsdorf</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Neal Kedzie</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>7</u>	_____	_____	_____

Motion Carried       Motion Failed

# Vote Record

## Committee on Commerce, Utilities and Rail

Date: 5/10/07

Moved by: Kedzie

Seconded by: ~~Ø~~

AB \_\_\_\_\_ SB \_\_\_\_\_ Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:  
 Passage     Adoption     Confirmation     Concurrence     Indefinite Postponement  
 Introduction     Rejection     Tabling     Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Senator Jeffrey Plale, Chair</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Roger Breske</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Robert Wirch</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator David Hansen</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Robert Cowles</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Sheila Harsdorf</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Neal Kedzie</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	_____	_____	_____	_____

*pulled back*

Motion Carried       Motion Failed

## Vote Record

### Committee on Commerce, Utilities and Rail

Date: 5/10/07

Moved by: Cowles

Seconded by: Breske

AB \_\_\_\_\_ SB 122 Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt 1 \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

- Be recommended for:
- |                                       |                                    |                                       |   |  |
|---------------------------------------|------------------------------------|---------------------------------------|---|--|
| <input type="checkbox"/> Passage      | <input type="checkbox"/> Adoption  | <input type="checkbox"/> Confirmation | <input type="checkbox"/> Concurrence    | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Rejection | <input type="checkbox"/> Tabling      | <input type="checkbox"/> Nonconcurrence |  |

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Senator Jeffrey Plale, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Roger Breske</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Robert Wirch</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator David Hansen</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Robert Cowles</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Sheila Harsdorf</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Neal Kedzie</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>7</u>	_____	_____	_____

Motion Carried       Motion Failed

# Vote Record

## Committee on Commerce, Utilities and Rail

Date: 5/10/07

Moved by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

AB \_\_\_\_\_ SB \_\_\_\_\_ Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt 1 to A/S Sub Amdt 1  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:  
 Passage     Adoption     Confirmation     Concurrence     Indefinite Postponement  
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<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Senator Jeffrey Plale, Chair</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<b>Senator David Hansen</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Robert Cowles</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Sheila Harsdorf</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Neal Kedzie</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

~~Totals: \_\_\_\_\_~~

UC

Motion Carried       Motion Failed



# WISCONSIN STATE LEGISLATURE



**Brian Mitchell**

**From:** "Wadd, Jay" <Jay.Wadd@legis.wisconsin.gov>  
**To:** "Brian Mitchell" <blm@mitchellgov.com>  
**Sent:** Wednesday, April 25, 2007 10:58 AM  
**Subject:** RE: Substitute Amendment to SB 122

*Newark*

Thanks, Brian.

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**From:** Brian Mitchell [mailto:blm@mitchellgov.com]  
**Sent:** Wednesday, April 25, 2007 10:26 AM  
**To:** Wadd, Jay  
**Subject:** Fw: Substitute Amendment to SB 122

Jay,

This is FYI and just to let you know we are generating some other ideas in addition to what Ed has sent you. (I still believe we need a "surgical" approach here to address the Newark situation directly and avoid all the other unintended consequences and spillover.) Please call me at (262) 244-0045 if you have any questions or wish to discuss.

Regards,

Brian Mitchell

----- Original Message -----

**From:** Brian Mitchell  
**To:** Jeff Schoepke ; Ed Wilusz  
**Sent:** Wednesday, April 25, 2007 9:55 AM  
**Subject:** Substitute Amendment to SB 122

Here's my cut at it:

**Amend s 70.11(21)(a) as follows:**

**In the first sentence after the word "sale" add the words "or for the primary purpose of processing waste into a raw material for use in a product manufactured for sale"**

COMMENT: This language specifically excludes a Newark or Newark-like operation from the "waste treatment facility" exemption but doesn't touch anything else. (The excluded property should still for the most part be exempt under M&E.) What do you think—am I missing something here???

**Brian L. Mitchell**  
Executive Director



Oconomowoc Business Center  
P.O. Box 247 ■ Oconomowoc, WI 53066  
Phone 262-244-0045 ■ Fax 262-567-5323



# WISCONSIN STATE LEGISLATURE



SB 122 & Sub.

## DOR Visits to Paper Mill Boilers – May 2007

On May 14-15, 2007 DOR staff conducted field reviews of the three paper mill sites identified by the Paper Council as possibly having tax exempt industrial boilers that were currently burning less than 50% waste.

Domtar mills in Port Edwards and Nekoosa  
Appleton Coated mill in Combined Locks  
Packaging Corp. of America (PCA) in Tomahawk

The concern was that boilers at these sites may be currently exempt and could lose their property tax exemption due to a provision in the SB 122 sub that would grant the waste treatment exemption only to boilers burning 50% or more waste.

### Domtar

The Domtar mills have 10 boilers, 5 at each plant.

Of the five boilers at the Port Edwards mill only one is reported as exempt. This is a red liquor boiler used to recover chemicals from the process. This boiler is exempt and would remain exempt under the SB 122 sub.

Of the five boilers at the Nekoosa mill two are reported as exempt. One is a black liquor boiler and the other is designed to burn wood bark waste. The black liquor boiler is exempt and would remain exempt under the SB 122 sub. Domtar indicates the other boiler is burning greater than 50% waste.

### Appleton Coated

The Appleton Coated mill has five boilers.

Appleton Coated has reported none of these boilers as exempt.

### Packaging Corp. of America (PCA) – formerly Owens Illinois

The PCA Tomahawk mill has six boilers.

Of the six boilers three are considered exempt by the company. The first boiler (boiler number 10) burns 75% to 80% wood waste. This boiler was given an exemption by the Wisconsin Court of Appeals in 1986.

The second boiler (boiler number 5) is a black liquor recovered boiler that burns 100% waste. This recovery boiler exempt and would remain exempt under the SB 122 sub.

The third boiler (boiler number 7) is capable of burning up to 75 to 100% percent waste. Boiler number seven is currently burning 25% waste and was given an exemption by the Court of Appeals in 1986 (Owens Illinois). The percentage waste burned in this boiler in the 1980s was likely higher when the exemption was granted. This plant now sells the sludge from their water treatment plant as fertilizer rather than burning it.

5/17/07



# WISCONSIN STATE LEGISLATURE



Kedzie

Process → Cmte Process

Substantive

↳ Breske's district

Introduce Kedzie Amndt.

working w/

Debate will continue

Running out of session days

Kedzie asking Breske

Breske w/

Wich  
Kedzie

Wood  
Brunner's  
50% ket