

2009 DRAFTING REQUEST

Assembly Amendment (AA-SB107)

Received: 09/09/2009

Received By: btradewe

Wanted: Soon

Identical to LRB:

For: Penny Bernard Schaber (608) 266-3070

By/Representing:

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact: John Stolzenberg, LC  
Sen. Miller's office

Addl. Drafters:

Subject: Environment - recycling

Extra Copies:

Submit via email: YES

Requester's email: Rep.BernardSchaber@legis.wisconsin.gov

Carbon copy (CC:) to: john.stolzenberg@legis.wisconsin.gov  
John.Anderson@legis.wisconsin.gov

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Pre Topic:

No specific pre topic given

---

Topic:

Delay some dates and other changes

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Instructions:

See attached

---

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	btradewe 09/10/2009	csicilia 09/11/2009	jfrantze 09/15/2009	_____	mbarman 09/15/2009		
/1	btradewe 09/17/2009	csicilia 09/17/2009	mduchek 09/17/2009	_____	sbasford 09/17/2009	sbasford 09/17/2009	

FE Sent For:

<END>

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*1 gs 9/17/09* *ND 9/17* <END>

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/?	btradewe	Pl. 9/11/09 gs	 9/11	_____			

FE Sent For:

<END>

**DRAFT**

DRAFTING Instructions for Assembly amendment to SB 107

Include:

1) the language of LRBa0509/1, relating to a report on electronic waste generated in schools.

2) date changes:

<b>Change in dates for the first program</b>	<b>Current date</b>	<b>proposed date</b>	<b>comments</b>
<b>Year ending June 30, 2010</b>			
Landfill ban effective date	Sept 1, 2010	Sept 1, 2010	
✓ Recycler registration	Nov 1, 2009	Jan 1, 2010	
✓ Collector registration	Nov 1, 2009	Jan 1, 2010	
✓ Retailer sales restriction	May 1, 2010	Jul 1, 2010	
✓ Manufacturer registration	Dec 1, 2009	Feb 1, 2010	Recycling target in the first program year remains prorated at 0.5, covering the last two quarters of the first program year
✓ Manufacturer sales restriction	Dec 1, 2009	Feb 1, 2010	A manufacturer may not sell in the state unless registered by this date.

✓ 3) Shortfall fees will be suspended for the first program year ending June 30, 2010.

13 ✓ 4) Raise the threshold for paying the registration fee of \$1250 to between 25 and 250.  
(page 12, line 15) and 4

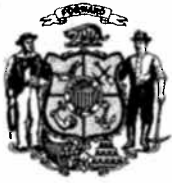
*operational requirements,*  
5) add. "reasonable" before estimated costs  
of paying . . .  
p. 20, line 24

**SENATE BILL 107 (LRB -0944)**

An Act to amend 287.91 (2), 287.95 (1) and 287.97; and to create 20.370 (2) (hr), 25.49 (1m), 287.07 (5), 287.09 (2) (ar), 287.13 (5) (i) and 287.17 of the statutes; relating to: the sale, disposal, collection, and recycling of electronic devices, granting rule-making authority, making an appropriation, and providing penalties.

**2009**

03-11.	S.	Introduced by Senators <b>Miller, Jauch, Hansen, Robson, Erpenbach, Wirch, Lehman, Risser and Taylor</b> ; cosponsored by Representatives <b>Bernard Schaber, Black, Hebl, Sherman, Milroy, Shilling, Parisi, Berceau, Benedict, Molepske Jr., Pope-Roberts, Richards, A. Ott, Clark, Smith, Hintz, Dexter, A. Williams and Hubler.</b>	
03-11.	S.	Read first time and referred to committee on Environment .....	94
04-14.	S.	Public hearing held.	
05-06.	S.	Executive action taken.	
05-07.	S.	Fiscal estimate received.	
05-07.	S.	Report introduction and adoption of Senate Substitute Amendment 1 recommended by committee on Environment, Ayes 5, Noes 0 ( <b>LRB s0047</b> ).	
05-07.	S.	Report passage as amended recommended by committee on Environment, Ayes 4, Noes 1 .....	159
05-07.	S.	Available for scheduling.	
05-12.	S.	Senator Carpenter added as a coauthor .....	163
06-03.	S.	Referred to joint committee on Finance by committee on Senate Organization, pursuant to Senate Rule 41 (1)(e) .....	191
06-03.	S.	Withdrawn from joint committee on Finance and made Available for Scheduling by committee on Senate Organization, pursuant to Senate Rule 41 (1)(e) .....	191
06-03.	S.	Emergency statement attached by committee on Senate Organization pursuant to s. 16.47 (2) Wisconsin Statutes.	
06-03.	S.	Placed on calendar 6-9-2009 by committee on Senate Organization .....	191
06-09.	S.	Senator Vinchout added as a coauthor .....	195
06-09.	S.	Read a second time .....	196
06-09.	S.	Senate amendment 1 to Senate substitute amendment 1 offered by Senator Miller ( <b>LRB a0514</b> ) .....	196
06-09.	S.	Senate amendment 1 to Senate substitute amendment 1 <b>adopted</b> .....	196
06-09.	S.	Senate substitute amendment 1 <b>adopted</b> .....	196
06-09.	S.	Ordered to a third reading .....	196
06-09.	S.	Rules suspended .....	196
06-09.	S.	Read a third time and <b>passed</b> , Ayes 23, Noes 10 .....	196
06-09.	S.	Ordered immediately messaged .....	198
06-16.	A.	Received from Senate .....	270
06-16.	A.	Read first time and referred to committee on Natural Resources .....	270
06-16.	A.	<b>LRB correction</b> (Senate amendment 1 to Senate substitute amendment 1) .....	271
06-17.	A.	Assembly amendment 1 offered by Representative Steinbrink ( <b>LRB a0544</b> ) .....	273
06-18.	A.	Executive action taken.	
06-18.	A.	Assembly amendment 2 offered by committee on Natural Resources ( <b>LRB a0536</b> ) .....	273
06-30.	A.	Report concurrence recommended by committee on Natural Resources, Ayes 9, Noes 6 .....	329
06-30.	A.	Referred to committee on Rules .....	329



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa0663/P1

RCT. f:...

*Wanted Monday 9/14*

*gs*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**ASSEMBLY AMENDMENT ,**  
**TO 2009 SENATE BILL 107**

*INSERT*

*full list ✓*

- 1 At the locations indicated, amend the bill, as shown by senate substitute  
2 amendment 1 as follows:  
3 **1.** Page 10, line 18: delete "December 1, 2009" and substitute "February 1,  
4 2010".  
5 **2.** Page 11, line 7: delete "May" and substitute "July".  
6 **3.** Page 11, line 17: delete lines 17 and 18 and substitute "manufacturer shall,  
7 no later than February 1, 2010, and annually, no later than September 1, beginning  
8 in 2010, submit to the department a registration that".  
9 **4.** Page 12, line 10: delete "December 1, 2009" and substitute "February 1,  
10 2010".  
11 **5.** Page 13, line 1: substitute "250" for "100".  
12 **6.** Page 13, line 4: substitute "250" for "100".

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**7.** Page 13, line 10: delete “2010” and substitute “2011”. ✓

**8.** Page 13, line 11: delete “(c) or”. ✓

**9.** Page 13, line 12: delete “those provisions” and substitute “that provision”.

**10.** Page 13, line 15: delete the material beginning with that line and ending with page 14, line 14. ✓

**11.** Page 15, line 16: after that line insert:

“(dm) *Target recycling weight for 2010.* A manufacturer’s target recycling weight for the last 2 program quarters of program year 2009–10, is calculated by multiplying the number of pounds of the manufacturer’s covered electronic devices sold to households in this state during program year 2007–08, as reported under sub. (5) (a), by 0.8 and multiplying the product by 0.5.”

**12.** Page 15, line 19: delete “(c) 1. or (d) 1.” and substitute “(d) 1. or (dm)”.

**13.** Page 16, line 14: after that line, on page 1, line 8, of the material inserted by senate amendment 1, delete “(c) 1. or”. ✓

**14.** Page 17, line 12: delete “in” and substitute “that is due by September 1,”. ✓

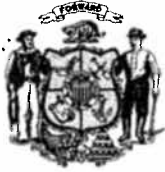
**15.** Page 18, line 13: delete “November<sup>1</sup>, 2009” and substitute “January 1, 2010”. Δ

**16.** Page 18, line 17: delete lines 17 and 18 and substitute “A person shall register by submitting, no later than January 1, 2010, and annually, no later than August 1 beginning in 2010, to the department a registration, using a”.

**17.** Page 19, line 12: delete “November<sup>1</sup>, 2009” and substitute “January 1, 2010”. Δ

**18.** Page 19, line 15: delete “annually”.





State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa0509/1  
RCT:bjk:jf

SENATE AMENDMENT ,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2009 SENATE BILL 107

Insert 3-4

1 ~~At the locations indicated, amend the substitute amendment as follows:~~

2 ~~#~~ 1. Page 30, line 18: after that line insert:

3       “(2m) REPORT ON ELECTRONIC WASTE GENERATED IN SCHOOLS. The department of  
4 natural resources shall study methods to ensure the proper recycling and disposal  
5 of electronic waste generated in schools. The department shall report the results of  
6 the study, including its recommendations, to the standing committees of each house  
7 of the legislature with jurisdiction over environmental matters no later than the first  
8 day of the 13th month beginning after the effective date of this subsection.”.

9

(END)

1           **19.** Page 19, line 16: delete that line and substitute "January 1, 2010, and  
2 annually, no later than August 1 beginning in 2010, to the department".

3           **20.** Page 20, line 24: after "cover the" insert "reasonable".

4           **21.** Page 26, line 11: delete "2009 and".

*Insert* →

△

(END)

3-4

## Tradewell, Becky

---

**From:** Stolzenberg, John  
**Sent:** Monday, September 14, 2009 2:21 PM  
**To:** Tradewell, Becky  
**Cc:** Anderson, John; Wilson, Stephanie; Maycroft, John  
**Subject:** FW: Another potential amendment to SB 107

Becky,

John A. called me with instructions regarding the two effective dates I had raised in my note below. These provisions should be added to the amendment that you are presently preparing for Sen. Miller and Rep. Bernard Schaber.

He requested that they retailer public education requirement in sub. (9), starting on page 23, line 22 in SSA 1 to SB 107, begin on July 1, 2010 and that the responsible unit public education requirement in s. 287.09 (2 (ar), page 6, lines 2 to 4 in SSA 1 to SB 107, begin on February 1, 2010.

John

---

**From:** Stolzenberg, John  
**Sent:** Friday, September 11, 2009 4:55 PM  
**To:** Anderson, John  
**Cc:** Tradewell, Becky  
**Subject:** Another potential amendment to SB 107

John,

In working with Becky on your most recent amendment to the Senate passed version of SB 107, I saw additional timing issues that we had not discussed.

Under this version, sub (9) [page 23, lines 22 to 25, in SSA 1 to SB 107] states: "A retailer who sells covered electronic devices for use by households shall provide purchasers information describing how eligible electronic devices can be collected and recycled and a description of the prohibitions in s. 287.07 (5) (a)...." Since there is no effective date contained within this provision, it takes effect on the day after publication of the act, i.e., sometime this fall, assuming the legislature passes the bill during one of its fall floor periods and the governor promptly signs it.

Do you want to delay the effective date of this provision? If so, alternative dates include the following:

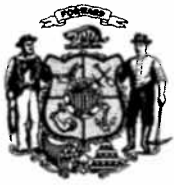
- The new date of the manufacturer sales restriction, February 1, 2010.
- The new date of the retailer sales restriction, July 1, 2010.
- The date of the landfill ban, September 1, 2010.

In addition, note that responsible units have a duty under the bill [page 6, lines 2 to 4 in SSA 1 to SB 107] to "provide information to persons in its region about the prohibitions under s. 287.07 (5) (a), why it is important to recycle electronic devices, and opportunities available to those persons for recycling electronic devices." This requirement also kicks in on the act's effective date (the day after publication). You may want to also consider delaying this requirement, unless you anticipate that it will be clear soon after enactment (i.e., in 2009) what opportunities for recycling these devices will be available in each responsible unit's region or DNR has another strategy for working with the responsible units on this new duty.

John

---

John Stolzenberg  
Legislative Council  
266-2988



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa0663/P1 ← stays  
RCT:cjs:jf  
T  
stays

Wanted 9/15 (Wed), if possible

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
ASSEMBLY AMENDMENT,  
TO 2009 SENATE BILL 107**

Chris -  
They asked for a couple  
of additional items. The  
draft has not been submitted.  
The electronic folder is still  
with the LPSes.  
Ret

Insert  
A →

- 1 At the locations indicated, amend the bill, as shown by senate substitute
- 2 amendment 1, as follows:
- 3 **1.** Page 10, line 18: delete "December 1, 2009" and substitute "February 1,
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- 7 no later than February 1, 2010, and annually, no later than September 1 beginning
- 8 in 2010, submit to the department a registration that".
- 9 **4.** Page 12, line 10: delete "December 1, 2009" and substitute "February 1,
- 10 2010".
- 11 **5.** Page 13, line 1: substitute "250" for "100".
- 12 **6.** Page 13, line 4: substitute "250" for "100".

- 1           **7.** Page 13, line 10: delete “2010” and substitute “2011”.
- 2           **8.** Page 13, line 11: delete “(c) or”.
- 3           **9.** Page 13, line 12: delete “those provisions” and substitute “that provision”.
- 4           **10.** Page 13, line 15: delete the material beginning with that line and ending  
5 with page 14, line 14.
- 6           **11.** Page 15, line 16: after that line insert:  
7           “(dm) *Target recycling weight for 2010.* A manufacturer’s target recycling  
8 weight for the last 2 program quarters of program year 2009-10, is calculated by  
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11 (5) (a), by 0.8 and multiplying the product by 0.5.”.
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2           annually, no later than August 1 beginning in 2010, to the department”.

3           **20.** Page 20, line 24: after “cover the” insert “reasonable”.  
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5           **21.** Page 26, line 11: delete “2009 and”.  
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7           **22.** Page 30, line 18: after that line insert:  
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9           “(2m) REPORT ON ELECTRONIC WASTE GENERATED IN SCHOOLS. The department of  
10           natural resources shall study methods to ensure the proper recycling and disposal  
11           of electronic waste generated in schools. The department shall report the results of  
12           the study, including its recommendations, to the standing committees of each house  
13           of the legislature with jurisdiction over environmental matters no later than the first  
14           day of the 13th month beginning after the effective date of this subsection.”.

(END)

**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0663/Plins  
RCT:.....

1           **Insert A**

2           **1.** Page 6, line 2: delete "Provide" and substitute "Beginning on February 1,  
3           2010, provide".

4           **Insert B**

5           **2.** Page 23, line 22: delete "A" and substitute "Beginning on July 1, 2010, a".

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

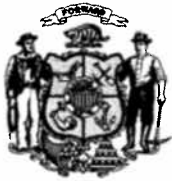
LRB

- 0663/P1

9/17/09 - Per Stephanie Wilson - It's fine as drafted. Jacket  
it now.

RET





State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa0663/1  
RCT:cjs:jf

Today

Stays

VMV

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

**ASSEMBLY AMENDMENT ,**

**TO 2009 SENATE BILL 107**

No changes

*Bill text*

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7           **22.** Page 23, line 22: delete “A” and substitute “Beginning on July 1, 2010, a”.

8           **23.** Page 26, line 11: delete “2009 and”.

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10           “(2m) REPORT ON ELECTRONIC WASTE GENERATED IN SCHOOLS. The department of  
11 natural resources shall study methods to ensure the proper recycling and disposal  
12 of electronic waste generated in schools. The department shall report the results of  
13 the study, including its recommendations, to the standing committees of each house  
14 of the legislature with jurisdiction over environmental matters no later than the first  
15 day of the 13th month beginning after the effective date of this subsection.”.

16

(END)