

2013 DRAFTING REQUEST

Bill

Received: 12/11/2013 Received By: btradewe
Wanted: As time permits Same as LRB:
For: Robert Cowles (608) 266-0484 By/Representing: Tim Fiocchi (Petrowski's aide)
May Contact: Drafter: btradewe
Subject: Environment - recycling Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Cowles@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Deposits for lead acid batteries

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>
/?	btradewe 12/11/2013			_____			
/1	btradewe 1/6/2014	evinz 12/11/2013	jmurphy 12/11/2013	_____	srose 12/11/2013	mbarman 12/18/2013	
/2		evinz 1/6/2014	rschluet 1/6/2014	_____	mbarman 1/6/2014	mbarman 1/6/2014	

FE Sent For:

Not Needed

<END>

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/?	btradewe 12/11/2013			_____			
/1		evinz 12/11/2013	jmurphy 12/11/2013	_____	roose 12/11/2013	mbarman 12/18/2013	

FE Sent For:

12 eev
1/6/14
12 eev
4/6/14
<END>
16/14 JM

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/?	btradewe 12/11/2013			_____			
/1		evinz 12/11/2013	jmurphy 12/11/2013	_____	rose 12/11/2013		

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 12/11/2013 Received By: btradewe
 Wanted: As time permits Same as LRB:
 For: Jerry Petrowski (608) 266-2502 By/Representing: Tim Fiocchi
 May Contact: Drafter: btradewe
 Subject: Environment - recycling Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Sen.Petrowski@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Deposits for lead acid batteries

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>
/?	btradewe 12/11/2013			_____			
/1		evinz 12/11/2013	jmurphy 12/11/2013	_____	srose 12/11/2013		

FE Sent For:

<END>

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 Wanted: As time permits Same as LRB:
 For: Jerry Petrowski (608) 266-2502 By/Representing: Tim Fiocchi
 May Contact: Drafter: btradewe
 Subject: Environment - recycling Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Sen.Petrowski@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

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Topic:

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Instructions:

See attached

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1?	btradewe	1cev 12/11/13	1cev 12/11/13	_____	_____	_____	_____
				jm 12/11			

FE Sent For:

<END>

Tradewell, Becky

From: Fiocchi, Tim
Sent: Tuesday, December 10, 2013 11:33 AM
To: Tradewell, Becky
Subject: Bill Draft
Attachments: senate version of ab 131 battery bill.docx

Hi Becky,

We would like to get an LRB draft to reflect the attached instructions pertaining to deposit fees for batteries.

Thank you,

Tim

Tim Fiocchi
Chief of Staff, Senator Jerry Petrowski
29th Senate District
(608) 266-2502

2013-2014 LEGISLATURE

AN ACT to amend 287.18(5) of the statutes; relating to: the sale of lead acid batteries and acceptance of used lead acid batteries.

Analysis

Current law prohibits a person from disposing of a lead acid battery, including a motor vehicle battery, by placing it in a landfill or incinerating it. Current law requires anyone who sells a lead acid battery to a person who will use the battery (a consumer) and who installs the battery to accept the consumer's used battery. Current law also requires a person who sells a lead acid battery to a consumer without installing the battery to offer to take the used battery in trade. The law prohibits a person from charging a consumer a deposit of more than \$5 on the sale of a lead acid battery.

This bill requires a person who sells a lead acid battery to a consumer to charge a deposit of \$10. The bill also describes the types of batteries included for the purposes of the law.

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

SECTION 1. 287.18 (5) of the statutes is amended to read:

287.18 (5) DEPOSIT. A retailer ~~may~~ shall charge a deposit of ~~not more than \$5~~ \$10 on the sale of a an automotive type replacement battery, such as an automobile, truck, motorcycle, all-terrain vehicle, utility terrain vehicle, snowmobile golf cart, tractor, lawn and garden equipment, or marine battery or other battery used to start an internal combustion engine. The retailer shall refund the deposit if the consumer delivers the battery to the retailer under sub. (3) (a) 3.

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE

SCON (in 12/11)



LRB-3810/1

RCT:.....

eev

2013 BILL

SAD
xref

Water

gen cat

1 **AN ACT** ...; **relating to:** deposits on the sale of certain lead acid batteries.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from disposing of a lead acid battery, including a motor vehicle battery, by placing it in a landfill or incinerating it. Current law requires anyone who sells a lead acid battery to a person who will use the battery (a consumer) and who installs the battery to accept the consumer's used battery. Current law also requires a person who sells a lead acid battery to a consumer without installing the battery to offer to take the used battery in trade. The law prohibits a person from charging a consumer a deposit of more than \$5 on the sale of a lead acid battery. ✓

motor vehicles

This bill requires a person who sells a consumer a replacement lead acid battery of the kind used in ~~automobiles~~ to charge a deposit of \$10.

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

2 **SECTION 1.** 287.18 (5) of the statutes is amended to read:

BILL

Insert 2-2

1 287.18 (5) DEPOSIT. A retailer ~~may~~ shall charge a deposit of ~~not more than \$5~~
2 \$10 on the sale of ~~a~~ a battery. The retailer shall refund the deposit if the consumer
3 delivers the battery to the retailer under sub. (3) (a) 3.

4 History: 1989 a. 335; 1991 a. 32; 1995 a. 227 s. 899; Stats. 1995 s. 287.18.

(END)

Note



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa0715/1
RCT:kjf:ph

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 131**

August 1, 2013 – Offered by Representative HONADEL.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 2: delete “a battery” and substitute “a an automotive type
3 replacement battery, such as an automobile, truck, motorcycle, all-terrain vehicle,
4 utility terrain vehicle, snowmobile, golf cart, tractor, lawn and garden equipment, or
5 marine battery or other battery used to start an internal combustion engine”.

6 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3810/1dn

RCT...:...

epv

date

Tim Fiocchi:

As requested, this draft requires a person who sells a lead acid battery of the type described to charge a \$10 deposit. Because there will almost certainly be inflation over time, in the future \$10 will be worth less than it is today and the value of the lead (and any other components that have value) in a battery is likely to increase. You might want to consider allowing a seller to charge a higher deposit to ensure that batteries continue to be returned in the future.

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3810/1dn
RCT:eev:jm

December 11, 2013

Tim Fiocchi:

As requested, this draft requires a person who sells a lead acid battery of the type described to charge a \$10 deposit. Because there will almost certainly be inflation over time, in the future \$10 will be worth less than it is today and the value of the lead (and any other components that have value) in a battery is likely to increase. You might want to consider allowing a seller to charge a higher deposit to ensure that batteries continue to be returned in the future.

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

Tradewell, Becky

From: Fiocchi, Tim
Sent: Monday, December 16, 2013 3:57 PM
To: Tradewell, Becky
Cc: Smith, Ryan; Bates, Katherine
Subject: LRB 3810 Batteries

Hi Becky,

Please release LRB 3810 to Rep. Spiros' office and Sen. Cowles office.

Thank you,

Tim

Tim Fiocchi
Chief of Staff, Senator Jerry Petrowski
29th Senate District
(608) 266-2502

12/18

Please jacket

13-3810 For the
Senate + send to
Sen. Cowles's office.

RL

Tradewell, Becky

From: Smith, Ryan
Sent: Monday, January 06, 2014 10:10 AM
To: Tradewell, Becky
Cc: Bates, Katherine
Subject: FW: LRB 3810 Batteries

Hey Becky,

Sen. Cowles and Rep. Spiros are going to be taking over this bill from Sen. Petrowski. We are looking to make a slight modification to the draft. The new language is underlined below:

287.18 (1) (bm) "Deposit" means an amount charged upon the sale of an item, whether as a separate charge or included within the original purchase price of the item, that is refunded when the item, or another item of the same kind, is relinquished to the person who sold the item. "Deposit" includes a core charge.

Feel free to give me a call if you have any questions.

Thanks!

Ryan Smith
Chief of Staff
Office of Sen. Robert Cowles
800-334-1465

From: Fiocchi, Tim
Sent: Monday, December 16, 2013 3:57 PM
To: Tradewell, Becky
Cc: Smith, Ryan; Bates, Katherine
Subject: LRB 3810 Batteries

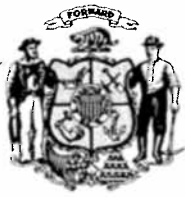
Hi Becky,

Please release LRB 3810 to Rep. Spiros' office and Sen. Cowles office.

Thank you,

Tim

Tim Fiocchi
Chief of Staff, Senator Jerry Petrowski
29th Senate District
(608) 266-2502



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3810/2 2

RCT:eev:jm

Today, if possible

rmy

2013 BILL

please regenerate
↓

1 AN ACT to amend 287.18 (5) of the statutes; relating to: deposits on the sale of
2 certain lead acid batteries.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from disposing of a lead acid battery, including a motor vehicle battery, by placing it in a landfill or incinerating it. Current law requires anyone who sells a lead acid battery to a person who will use the battery (a consumer) and who installs the battery to accept the consumer's used battery. Current law also requires a person who sells a lead acid battery to a consumer without installing the battery to offer to take the used battery in trade. The law prohibits a person from charging a consumer a deposit of more than \$5 on the sale of a lead acid battery.

This bill requires a person who sells a consumer a replacement lead acid battery of the kind used in motor vehicles to charge a deposit of \$10.

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

INS, f1-3

3 SECTION 1. 287.18 (5) of the statutes is amended to read:
4 287.18 (5) DEPOSIT. A retailer ~~may~~ shall charge a deposit of ~~not more than~~ \$5
5 \$10 on the sale of ~~a~~ an automotive type replacement battery, such as an automobile,

BILL

SECTION 1

1 truck, motorcycle, all-terrain vehicle, utility terrain vehicle, snowmobile, golf cart,
2 tractor, lawn and garden equipment, or marine battery or other battery used to start
3 an internal combustion engine. The retailer shall refund the deposit if the consumer
4 delivers the battery to the retailer under sub. (3) (a) 3.

5

(END)

ASSEMBLY BILL 131

to the sale of lead acid batteries and defines the term "deposit" for the purposes of that law.

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

Insert 1-3

1 **SECTION 1.** 287.18 (1) (bm) of the statutes is created to read:

2 287.18 (1) (bm) "Deposit" means an amount charged upon the sale of an item,
3 that is refunded when the item, or another item of the same kind, is relinquished to
4 the person who sold the item. "Deposit" includes a core charge.

whether as a separate charge or included in the original purchase price of the item,

5 ~~**SECTION 2.** 287.18 (1) (c) of the statutes is amended to read:~~

end of insert 1-3

6 ~~287.18 (1) (c) "Retailer" "Seller" means a person who sells batteries to~~
7 ~~consumers.~~

8 **SECTION 3.** 287.18 (1m) (a) (intro.) of the statutes is amended to read:

9 287.18 (1m) (a) (intro.) The department shall provide a notice concerning the
10 disposal of batteries to all ~~retailers~~ sellers. The notice shall be 8.5 inches by 11 inches
11 and all notices shall be of the same color, typeface, and type size. The notice shall
12 include all of the following information:

13 **SECTION 4.** 287.18 (1m) (a) 3. of the statutes is amended to read:

14 287.18 (1m) (a) 3. That state law requires ~~retailers~~ sellers to accept used
15 batteries in trade and in some other instances.

16 **SECTION 5.** 287.18 (1m) (b) of the statutes is amended to read:

17 287.18 (1m) (b) A ~~retailer~~ seller shall post the notice provided under par. (a)
18 in a place where it can be seen by consumers.

19 **SECTION 6.** 287.18 (2) (a) and (b) of the statutes are amended to read:

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0207/P1dn

MED:eev:jm

January 6, 2014

In this substitute amendment, I combined 2013 AB 446 and 2013 LRB-3360/P2 and did the following:

1. I incorporated changes suggested by DSPS, including eliminating some references to “dispensing” from LRB-3360 (because “delivery” already includes “dispensing”) and providing that the immunity in the bill for delivery and dispensing extends to physicians, physician assistants, and APRN prescribers acting under their normal prescribing and dispensing authority, in addition to the authority granted under the bill.
2. I harmonized the immunity and other provisions between AB 446 and LRB-3360.
3. I added the concept of other opioid antagonists throughout the bill, using essentially the definition provided by the Pharmacy Society of Wisconsin. Note, however, that in the PSW's definition of opioid antagonist, the word “with” seemed to be missing, which I added. Let me know if this was incorrect. As requested, I retained specific references to naloxone in the provisions pertaining to EMTs, law enforcement officers, and fire fighters.
4. I added language for reporting on the use of naloxone and other opioid antagonists by EMTs and first responders. To better ensure compliance with confidentiality provisions under federal HIPAA law and to better facilitate compilation of these records by DHS, I required DHS to prescribe uniform methods for complying with the recordkeeping requirements. This would also provide time for EMTs to comply with the new requirement because they would be able to wait until DHS prescribed methods and procedures for keeping these records. Please review this language and let me know if any of these provisions do not reflect the intent or if any other changes are needed and I will make the requested changes. I was unable to get in touch with anyone at DHS regarding this language, so you may want to have them review it as well.

Let me know if you would like any other changes to the substitute amendment.

Michael Duchek
Legislative Attorney
Phone: (608) 266-0130
E-mail: michael.duchek@legis.wisconsin.gov

Barman, Mike

From: LRB.Legal
To: Sen.Cowles
Subject: Draft review: LRB -3810/2 Topic: Deposits for lead acid batteries
Attachments: 13-3810/2

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Rebecca C. Tradewell, Managing Attorney, at (608) 266-7290, at becky.tradewell@legis.wisconsin.gov, or at One East Main Street, Suite 200.

We will re-jacket this draft for the Senate and send it (by page) to your office this afternoon.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.