2015 SENATE BILL 621

January 22, 2016 – Introduced by Senators MILLER, CARPENTER, C. LARSON, RISER, VINEHOUT and L. TAYLOR, cosponsored by Representatives HEBL, BILLINGS, CONSIDINE, JORGENSEN, KAHL, KOLSTE, MASON, OHNSTAD, A. OTT, POPE, SARGENT, SHANKLAND, SINICKI, SPREITZER, C. TAYLOR and ZEPNICK. Referred to Committee on Natural Resources and Energy.

AN ACT to repeal 287.07 (5) (a) 5., 287.07 (5) (a) 7., 287.17 (1) (a), 287.17 (1) (gs)
1., 4m., 5m., 6. and 6m., 287.17 (4) (d) 1., 2., 3. and 4. (intro.), 287.17 (4) (dm),
287.17 (4) (f), 287.17 (10) (c) 1. d. and 287.17 (10) (cm); to renumber and
amend 287.17 (1) (k), 287.17 (4) (d) (intro.) (except 287.17 (4) (d) (title)), 287.17
(4) (d) 4. a., b. and c., 287.17 (4) (e), 287.17 (8) (b) 1. and 287.17 (8) (b) 2.; to
amend 287.07 (5) (a) 4., 287.07 (5) (a) 6., 287.17 (1) (e), 287.17 (1) (em), 287.17
(1) (f), 287.17 (1) (gs) 4., 287.17 (1) (gs) 5., 287.17 (1) (j), 287.17 (1) (np), 287.17
(2) (a) (intro.), 287.17 (2) (c) 1., 287.17 (3) (a) (intro.), 287.17 (3) (b) (intro.),
287.17 (3) (c), 287.17 (3) (e), 287.17 (4) (title), 287.17 (4) (b) 1., 287.17 (4) (b) 2.,
287.17 (4) (b) 3., 287.17 (4) (bm), 287.17 (4) (d) (title), 287.17 (4) (g) 1., 287.17
(4) (g) 2., 287.17 (5) (a) 1. a., 287.17 (5) (a) 1. b., 287.17 (5) (a) 1. c., 287.17 (5)
(b), 287.17 (5) (c) (intro.), 287.17 (5) (c) 3., 287.17 (5) (c) 4., 287.17 (7) (a) 1.
(intro.), 287.17 (7) (a) 2., 287.17 (7) (b), 287.17 (8) (a) 1. (intro.), 287.17 (8) (a)
2., 287.17 (8) (c) 4., 287.17 (8) (e), 287.17 (9), 287.17 (9m), 287.17 (10) (c) 1. a.,
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287.17 (10) (c) 1. b., 287.17 (10) (c) 2., 287.17 (10) (d) (intro.), 287.17 (10) (i),
287.17 (10) (j) and 287.17 (10) (k); and to create 287.17 (1) (eg) 1. c., 287.17 (1)
(eg) 1. d., 287.17 (1) (gs) 1m., 287.17 (1) (k) 1., 287.17 (1) (k) 2., 287.17 (1) (k) 3.,
287.17 (1) (pg), 287.17 (1) (q), 287.17 (3m) (title) and (a), 287.17 (3m) (b), 287.17
(3m) (c), 287.17 (3m) (cm), 287.17 (3m) (d) 1m., 287.17 (3m) (d) 1r., 287.17 (3m)
d (d) 2., 287.17 (3m) (e), 287.17 (4) (b) (intro.), 287.17 (4) (be), 287.17 (4) (d) 1r.,
287.17 (4) (d) 2m., 287.17 (4) (g) 1m., 287.17 (4) (g) 3., 287.17 (5) (a) 1. d., 287.17
(8) (b) 1m., 2m., 3m., 4. and 5., 287.17 (10) (L) and 287.17 (10) (m) of the statutes;

relating to: changes to the electronic waste recycling program and granting
rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes changes to this state’s electronic waste recycling program, known as “E–Cycle Wisconsin,” which is administered by the Department of Natural Resources (DNR).

General program requirements; covered electronic devices

Under the program, a manufacturer may not sell certain consumer electronic devices to households or schools in this state, or deliver consumer electronic devices to a retailer, unless the manufacturer registers with DNR each year, pays a registration fee, and either recycles a certain amount of consumer electronic devices or pays a shortfall fee. A retailer may not sell certain consumer electronic devices to households or schools in this state unless the device’s manufacturer is registered under the program. A recycler that receives electronic devices on behalf of a registered manufacturer must also register under the program and comply with certain reporting and recordkeeping requirements.

This bill expands the type of consumer electronic devices covered under the program to include video game consoles, all video display devices with screens of at least seven inches measured diagonally, and peripherals, such as keyboards or speakers, that are sold for external use with a video display device, such as a television.

Manufacturer target recycling weights

This bill changes the method for calculating a manufacturer’s target recycling weight for a program year.

Under current law, a manufacturer’s target recycling weight for a program year is 80 percent of the weight of electronic devices that the manufacturer sold during the program year preceding the previous program year.
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Under this bill, a manufacturer’s total target recycling weight for a program year is a certain percentage of the total weight of electronic devices that all registered recyclers received for recycling during the program year preceding the previous program year. In general, the percentage applied in this calculation for a program year is the average weight of electronic devices that the manufacturer sold in this state during a certain two-program-year period, divided by the average weight of electronic devices sold in this state by all registered manufacturers during that two-program-year period.

This bill eliminates the existing recycling weight bonus for electronic devices recycled from rural counties, and instead requires that 10 percent of a manufacturer’s total target recycling weight for a program year consist of electronic devices recycled from rural counties (target rural county recycling weight).

This bill also requires DNR, at least two months before the beginning of a program year, to notify each registered manufacturer of its total target recycling weight and target rural county recycling weight for the upcoming program year.

**Manufacturer shortfall fees**

Under current law, a manufacturer must pay a shortfall fee with its annual registration if it did not recycle enough electronic devices during the previous year to meet its target recycling weight.

This bill creates a separate rural county shortfall fee, which must be paid if the manufacturer failed to meet its target rural county recycling weight for the previous year.

Under the bill, if a manufacturer exceeds its total target recycling weight by more than 20 percent for a program year, the manufacturer may elect to be exempt from any rural county recycling weight shortfall fee owed for that program year. If a manufacturer elects to be exempt from the rural shortfall fee for a program year, the manufacturer may not accumulate any recycling credits for that program year.

**Manufacturer recycling credits**

Under current law, a manufacturer gains a certain number of recycling credits if it recycles more than its target recycling weight during a program year.

This bill allows a manufacturer to accumulate rural county recycling credits if it exceeds its target rural county recycling weight during a program year. The manufacturer may apply these rural county recycling credits toward meeting its total target recycling weight or its target rural county recycling weight for the succeeding program year, or may sell them to another manufacturer. Under the bill, a manufacturer’s total recycling credits, earned from exceeding its total recycling weight for a program year, may be applied only toward its total target recycling weight and may not be used toward meeting its target rural county recycling weight.

**Manufacturer reporting requirements**

Under current law, a manufacturer must report certain information to DNR when it submits its annual registration under the program.

This bill requires manufacturers, when reporting the total weight of electronic devices recycled by or on behalf of the manufacturer each year, to also report the weight of devices collected from rural counties separately from devices collected from urban counties.
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Manufacturer registration fee

Under current law, a manufacturer must ordinarily pay a registration fee with its annual registration, based on the number of electronic devices it sold in the state during the previous year.

This bill raises the threshold for requiring a manufacturer to pay a registration fee. Under the bill, a manufacturer’s registration fee is $5,000 if it sold at least 500 electronic devices in this state during the previous program year, and $1,250 if it sold at least 250 but fewer than 500 electronic devices. There is no registration fee if the manufacturer sold fewer than 250 electronic devices during the previous program year.

Recycler reporting requirements

This bill changes the reporting requirements for registered recyclers.

Under current law, every year a registered recycler must report to DNR the total weight of electronic devices the recycler received from a registered manufacturer for recycling during the previous program year.

This bill requires a recycler, in its annual report, to also separate this total weight into different categories, depending on the type of device and whether the device contains a cathode-ray tube. The bill also requires a recycler to report the weight of certain materials, such as cathode-ray tube glass, metals, and plastics, that the recycler derived from the electronic devices it received during the previous program year.

Program year

Under current law, a program year runs from July 1 to the following June 30. This bill creates an 18–month transition period (transition year) that runs from the July 1 following the effective date of the bill to the December 31 of the following year. After the transition year, a program year runs from January 1 to December 31.

For further information see the state 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:

1 SECTION 1. 287.07 (5) (a) 4. of the statutes is amended to read:

2 287.07 (5) (a) 4. A digital video disc player.

3 SECTION 2. 287.07 (5) (a) 5. of the statutes is repealed.

4 SECTION 3. 287.07 (5) (a) 6. of the statutes is amended to read:

5 287.07 (5) (a) 6. A video cassette recorder.

6 SECTION 4. 287.07 (5) (a) 7. of the statutes is repealed.
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SECTION 5. 287.17 (1) (a) of the statutes is repealed.

SECTION 6. 287.17 (1) (e) of the statutes is amended to read:

287.17 (1) (e) “Consumer computer” means a high-speed data processing device for performing logical, arithmetic, or storage functions that is marketed by the manufacturer for use by households or schools, except that “consumer computer” does not include an automated typewriter or typesetter or other similar device, a portable hand-held calculator or other similar device, or other similar device with a built-in video display less than 7 inches in its longest diagonal measurement.

SECTION 7. 287.17 (1) (eg) 1. c. of the statutes is created to read:

287.17 (1) (eg) 1. c. A printer, the primary function of which is 3-dimensional printing.

SECTION 8. 287.17 (1) (eg) 1. d. of the statutes is created to read:

287.17 (1) (eg) 1. d. A printer, the primary function of which is printing photographs.

SECTION 9. 287.17 (1) (em) of the statutes is amended to read:

287.17 (1) (em) “Consumer video display device” means a television or computer monitor, or other video display device with a tube or screen that is at least 7 inches in its longest diagonal measurement and that is marketed by the manufacturer for use by households or schools, except that “consumer video display device” does not include any of the following:

1. A television or computer monitor, or video display device that is part of a motor vehicle and that is incorporated into the motor vehicle by, or for, a motor vehicle manufacturer or a franchised motor vehicle dealer.

2. A television or computer monitor, or video display device that is contained within a clothes washer, clothes dryer, refrigerator, freezer, microwave oven,
conventional oven or stove, dishwasher, room air conditioner, dehumidifier, or air
purifier.

SECTION 10. 287.17 (1) (f) of the statutes is amended to read:

287.17 (1) (f) “Covered electronic device” means a consumer video display
device, a consumer computer, or a consumer printer, or a video game console.

SECTION 11. 287.17 (1) (gs) 1., 4m., 5m., 6. and 6m. of the statutes are repealed.

SECTION 12. 287.17 (1) (gs) 1m. of the statutes is created to read:

287.17 (1) (gs) 1m. A covered electronic device.

SECTION 13. 287.17 (1) (gs) 4. of the statutes is amended to read:

287.17 (1) (gs) 4. A digital video disc player.

SECTION 14. 287.17 (1) (gs) 5. of the statutes is amended to read:

287.17 (1) (gs) 5. A video cassette recorder.

SECTION 15. 287.17 (1) (j) of the statutes is amended to read:

287.17 (1) (j) “Peripheral” means a keyboard or any other device, other than
a consumer printer, that is sold exclusively for external use with a consumer
computer or consumer video display device and that provides input into or output
from a consumer computer or consumer video display device.

SECTION 16. 287.17 (1) (k) of the statutes is renumbered 287.17 (1) (k) (intro.)
and amended to read:

287.17 (1) (k) (intro.) “Program year” means the period from July 1 to the
following June 30, one of the following:

SECTION 17. 287.17 (1) (k) 1. of the statutes is created to read:

287.17 (1) (k) 1. For any period before the beginning of the transition year, a
period that runs from July 1 to the following June 30.

SECTION 18. 287.17 (1) (k) 2. of the statutes is created to read:
287.17 (1) (k) 2. The transition year.

**SECTION 19.** 287.17 (1) (k) 3. of the statutes is created to read:

287.17 (1) (k) 3. For any period after the end of the transition year, a period that runs from January 1 to the following December 31.

**SECTION 20.** 287.17 (1) (np) of the statutes is amended to read:

287.17 (1) (np) “School” means a public school, as defined in s. 115.01 (1), a private school participating in the program under s. 118.60, or a private school participating in the program under s. 119.23 elementary or secondary school, including a charter school, as defined in s. 115.001 (1), or a private elementary or secondary school, or a tribal school, as defined in s. 115.001 (15m).

**SECTION 21.** 287.17 (1) (pg) of the statutes is created to read:

287.17 (1) (pg) “Transition year” means the 18-month period from the July 1 following the effective date of this paragraph .... [LRB inserts date], to the December 31 of the following year.

**SECTION 22.** 287.17 (1) (q) of the statutes is created to read:

287.17 (1) (q) “Video game console” means an interactive electronic device, the primary purpose of which is to produce a video display signal that can be used with a display device such as a television or computer monitor to display a video game or other interactive activity.

**SECTION 23.** 287.17 (2) (a) (intro.) of the statutes is amended to read:

287.17 (2) (a) Manufacturers. (intro.) Beginning on February 1, 2010, a manufacturer may not sell to a household or school, offer to sell to a household or school, or deliver to a retailer for subsequent sale to a household or school a new covered electronic device unless all of the following apply:

**SECTION 24.** 287.17 (2) (c) 1. of the statutes is amended to read:
287.17 (2) (c) 1. Beginning on July 1, 2010, a retailer may not sell or offer for sale to a household or school a new covered electronic device unless, before making the first offer for sale, the retailer has determined that the brand of the covered electronic device is listed on the department’s Internet site under sub. (10) (a).

SECTION 25. 287.17 (3) (a) (intro.) of the statutes is amended to read:

287.17 (3) (a) (intro.) To comply with sub. (2) (a) 2., a manufacturer shall, no later than February 1, 2010, and annually, no later than September 1 beginning in 2010 the first day of the 3rd month of each program year, submit to the department a registration that includes all of the following:

SECTION 26. 287.17 (3) (b) (intro.) of the statutes is amended to read:

287.17 (3) (b) (intro.) Beginning with the registration due by September 1, 2010, a manufacturer shall indicate in its registration under par. (a) which of the following applies:

SECTION 27. 287.17 (3) (c) of the statutes is amended to read:

287.17 (3) (c) Notwithstanding the deadline in par. (a), a manufacturer who begins selling covered electronic devices after February 1, 2010, and who has not previously submitted a registration under this subsection shall submit a registration to the department not more than 10 days after the day on which the manufacturer begins selling or offering to sell covered electronic devices.

SECTION 28. 287.17 (3) (e) of the statutes is amended to read:

287.17 (3) (e) A complete registration is effective on receipt by the department and is valid until the first day of the 3rd month of the following September 1 program year unless revoked before that date.

SECTION 29. 287.17 (3m) (title) and (a) of the statutes are created to read:
287.17 (3m) (title) Manufacturer recycling targets, actual recycling weights, and recycling credits. (a) Total target recycling weight. A manufacturer’s total target recycling weight for a program year is calculated as follows:

1. Determine the weight of eligible electronic devices received for recycling by all registered recyclers in the program year that began 2 program years before the beginning of the program year for which the calculation is made.

2. Multiply the amount determined under subd. 1. by the manufacturer’s target recycling percentage for that program year, as determined under par. (b).

3. If the program year for which the calculation is made is the transition year, multiply the amount determined under subd. 2. by 1.5.

4. If the program year that began 2 program years before the beginning of the program year for which the calculation is made is the transition year, multiply the amount determined under subd. 2. by two-thirds.

Section 30. 287.17 (3m) (b) of the statutes is created to read:

287.17 (3m) (b) Target recycling percentage. A manufacturer’s target recycling percentage for a program year is calculated as follows:

1. Unless subd. 2. applies, determine the average weight of covered electronic devices sold to households or schools in this state by the manufacturer during the 2-program-year period that began 4 program years before the beginning of the program year for which the calculation is made, as reported by the manufacturer under sub. (5) (a), subject to subd. 5.

2. If the program year for which the calculation is made is the 3rd full program year during which the manufacturer’s covered electronic devices are sold or offered for sale to households or schools in this state, determine the weight of covered electronic devices sold to households or schools in this state by the manufacturer
during the program year that began 3 program years before the beginning of the program year for which the calculation is made, as reported by the manufacturer under sub. (5) (a), subject to subd. 5.

3. Determine the average weight of covered electronic devices sold to households or schools in this state by all registered manufacturers during the 2-program-year period that began 4 program years before the beginning of the program year for which the calculation is made, based on the total of all weights reported under sub. (5) (a) by all registered manufacturers for those program years, subject to subd. 5.

4. Divide the amount determined under subd. 1. or 2. by the amount determined under subd. 3.

5. If a program year used in a calculation under subds. 1. to 3. was the transition year, multiply the weight of covered electronic devices sold to households or schools in this state during the transition year by two-thirds before using that weight in subds. 1. to 3.

**SECTION 31.** 287.17 (3m) (c) of the statutes is created to read:

287.17 (3m) (c) *Target rural county recycling weight.* At least 10 percent of a manufacturer’s total target recycling weight for a program year shall consist of eligible electronic devices used by households or schools in rural counties. A manufacturer’s target rural county recycling weight for a program year is the amount determined under par. (a), multiplied by 0.1.

**SECTION 32.** 287.17 (3m) (cm) of the statutes is created to read:

287.17 (3m) (cm) No later than 2 months before the beginning of each program year, the department shall notify each registered manufacturer of its total target
recycling weight determined under par. (a) and its target rural county recycling
weight determined under par. (c) for the upcoming program year.

**SECTION 33.** 287.17 (3m) (d) 1m. of the statutes is created to read:

287.17 (3m) (d) 1m. If the number of rural county recycling credits calculated
under subd. 2. is a positive number, the number of recycling credits that a
manufacturer accumulates under subd. 1. is the number calculated under subd. 1.,
less the number calculated under subd. 2.

**SECTION 34.** 287.17 (3m) (d) 1r. of the statutes is created to read:

287.17 (3m) (d) 1r. If a manufacturer has accumulated any credits before the
beginning of the transition year, the manufacturer may use these credits for the
purpose of determining its actual total recycling weight under par. (e) 1. for the
transition year or may sell these credits to another manufacturer for the purpose of
determining that manufacturer’s actual total recycling weight under par. (e) 1. for
the transition year.

**SECTION 35.** 287.17 (3m) (d) 2. of the statutes is created to read:

287.17 (3m) (d) 2. Except as provided in sub. (4) (g) 3., if, for a program year,
the weight of eligible electronic devices used by households or schools in rural
counties recycled by or on behalf of a manufacturer, as reported under sub. (5) (b),
exceeds the manufacturer’s target rural county recycling weight determined under
par. (c), the manufacturer has a number of rural county recycling credits equal to the
number of excess pounds or 20 percent of the target rural county recycling weight,
whichever is less. The manufacturer may use these credits for the purpose of
determining its actual rural county recycling weight under par. (e) 2. or actual total
recycling weight under par. (e) 1. for the succeeding program year or may sell these
credits to another manufacturer for the purpose of determining that manufacturer’s
actual rural county recycling weight under par. (e) 2. or actual total recycling weight under par. (e) 1. for the succeeding program year.

**SECTION 36.** 287.17 (3m) (e) of the statutes is created to read:

>287.17 (3m) (e) Actual recycling weight. 1. A manufacturer’s actual total recycling weight is the total weight of eligible electronic devices, including the entire weight of eligible electronic devices used by households or schools in rural counties, recycled by or on behalf of the manufacturer during the previous program year, as reported under sub. (5) (b), plus the number of recycling credits or rural county recycling credits that the manufacturer elects to use, as reported under sub. (5) (c) 3.

2. A manufacturer’s actual rural county recycling weight is the weight of eligible electronic devices used by households or schools in rural counties recycled by or on behalf of the manufacturer during the previous program year, as reported under sub. (5) (b), plus the number of rural county recycling credits that the manufacturer elects to use, as reported under sub. (5) (c) 3.

**SECTION 37.** 287.17 (4) (title) of the statutes is amended to read:

>287.17 (4) (title) MANUFACTURER RECYCLING TARGETS, FEES, AND RECYCLING CREDITS.

**SECTION 38.** 287.17 (4) (b) (intro.) of the statutes is created to read:

>287.17 (4) (b) (intro.) In each program year other than the program year immediately following the transition year:

**SECTION 39.** 287.17 (4) (b) 1. of the statutes is amended to read:

>287.17 (4) (b) 1. If the manufacturer sold at least 250 500 covered electronic devices in this state during the previous program year, the manufacturer shall pay a registration fee of $5,000, except, as provided under sub. (10) (k).
SECTION 40. 287.17 (4) (b) 2. of the statutes is amended to read:

287.17 (4) (b) 2. If the manufacturer sold at least 25 250 but fewer than 250 500 covered electronic devices in this state during the previous program year, the manufacturer shall pay a registration fee of $1,250.

SECTION 41. 287.17 (4) (b) 3. of the statutes is amended to read:

287.17 (4) (b) 3. If the manufacturer sold fewer than 25 250 covered electronic devices in this state during the previous program year, the manufacturer is not required to pay a registration fee.

SECTION 42. 287.17 (4) (be) of the statutes is created to read:

287.17 (4) (be) Registration fees following the transition year. In the program year immediately following the transition year:

1. If the previous program year was the transition year and the manufacturer sold at least 750 covered electronic devices in this state during the transition year, the manufacturer shall pay a registration fee of $7,500, except as provided in sub. (10) (k).

2. If the previous program year was the transition year and the manufacturer sold at least 375 but fewer than 750 covered electronic devices in this state during the transition year, the manufacturer shall pay a registration fee of $1,875.

3. If the previous program year was the transition year and the manufacturer sold fewer than 375 covered electronic devices in this state during the transition year, the manufacturer is not required to pay a registration fee.

SECTION 43. 287.17 (4) (bm) of the statutes is amended to read:

287.17 (4) (bm) Shortfall fees. In addition to the registration fee, beginning in 2011, a manufacturer shall pay shortfall fees under par. (d) if the amounts calculated under that provision are positive numbers, except that a manufacturer is not
required to pay a shortfall fees fee until its covered electronic devices have been sold
or offered for sale to households or schools in this state for 3 full program years and
except as provided under par. (g).

**SECTION 44.** 287.17 (4) (d) (title) of the statutes is amended to read:

287.17 (4) (d) (title) *Annual Calculating shortfall fee after 2010 fees.*

**SECTION 45.** 287.17 (4) (d) (intro.) (except 287.17 (4) (d) (title)) of the statutes
is renumbered 287.17 (4) (d) 1m. (intro.) and amended to read:

287.17 (4) (d) 1m. (intro.) The annual Subject to subd. 1r., the total recycling
weight shortfall fee to be paid by a manufacturer in a program year after 2010 is
calculated by subtracting the manufacturer’s actual total recycling weight for the
previous program year, determined under sub. (3m) (e) 1., from the manufacturer’s
total target recycling weight for the previous program year, determined under sub.
(3m) (a), and multiplying the resulting amount by the estimated cost of recycling
determined as follows:

**SECTION 46.** 287.17 (4) (d) 1., 2., 3. and 4. (intro.) of the statutes are repealed.

**SECTION 47.** 287.17 (4) (d) 1r. of the statutes is created to read:

287.17 (4) (d) 1r. If the amount calculated under subd. 2m. is a positive number,
the shortfall fee to be paid by a manufacturer under subd. 1m. is the amount
calculated under subd. 1m., less the amount calculated under subd. 2m.

**SECTION 48.** 287.17 (4) (d) 2m. of the statutes is created to read:

287.17 (4) (d) 2m. The rural county recycling weight shortfall fee to be paid by
a manufacturer in a program year is calculated by subtracting the manufacturer’s
actual rural county recycling weight for the previous program year, determined
under sub. (3m) (e) 2., from the manufacturer’s target rural county recycling weight
for the previous program year, determined under sub. (3m) (c), and multiplying the resulting amount by the estimated cost of recycling determined as follows:

   a. Fifty cents per pound for a manufacturer if the manufacturer’s actual rural county recycling weight, as determined under sub. (3m) (e) 2., is less than 50 percent of the manufacturer’s target rural county recycling weight, as determined under sub. (3m) (c).

   b. Forty cents per pound for a manufacturer if the manufacturer’s actual rural county recycling weight, as determined under sub. (3m) (e) 2., is at least 50 percent but not more than 90 percent of the manufacturer’s target rural county recycling weight, as determined under sub. (3m) (c).

   c. Thirty cents per pound for a manufacturer if the manufacturer’s actual rural county recycling weight, as determined under sub. (3m) (e) 2., is more than 90 percent of the manufacturer’s target rural county recycling weight, as determined under sub. (3m) (c).

**SECTION 49.** 287.17 (4) (d) 4. a., b. and c. of the statutes are renumbered 287.17 (4) (d) 1m. a., b. and c. and amended to read:

287.17 (4) (d) 1m. a. Fifty cents per pound for a manufacturer if the manufacturer’s actual total recycling weight of eligible electronic devices recycled by or on behalf of the manufacturer, as determined under subd. 2. sub. (3m) (e) 1., is less than 50 percent of the manufacturer’s total target recycling weight, determined under subd. 1. sub. (3m) (a).

   b. Forty cents per pound for a manufacturer if the manufacturer’s actual total recycling weight of eligible electronic devices recycled by or on behalf of the manufacturer, as determined under subd. 2. sub. (3m) (e) 1., is at least 50 percent but
not more than 90 percent of the manufacturer's total target recycling weight, determined under subd. 1, sub. (3m) (a).

c. Thirty cents per pound for a manufacturer if the manufacturer's actual total recycling weight of eligible electronic devices recycled by or on behalf of the manufacturer, as determined under subd. 2, sub. (3m) (e) 1., is more than 90 percent of the manufacturer's total target recycling weight, determined under subd. 1, sub. (3m) (a).

SECTION 50. 287.17 (4) (dm) of the statutes is repealed.

SECTION 51. 287.17 (4) (e) of the statutes is renumbered 287.17 (3m) (d) 1. and amended to read:

287.17 (3m) (d) Recycling credits. 1. If except as provided in sub. (4) (g) 3., if, for a program year, the total weight of eligible electronic devices recycled by or on behalf of a manufacturer, as determined reported under par. (f) 1. or 2. sub. (5) (b), exceeds the manufacturer's total target recycling weight determined under par. (d) 1. or (dm) (a), the manufacturer has a number of recycling credits equal to the number of excess pounds or 20 percent of the total target recycling weight for that program year, whichever is less, subject to subd. 1m. The manufacturer may use these credits for the purpose of par. (d) 2. determining its actual total recycling weight under par. (e) 1. for any of the 3 succeeding program years or may sell credits to another manufacturer for use for the purpose of determining that manufacturer's actual total recycling weight under par. (e) 1. for any of the 3 succeeding program years, subject to subd. 1r.

SECTION 52. 287.17 (4) (f) of the statutes is repealed.

SECTION 53. 287.17 (4) (g) 1. of the statutes is amended to read:
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287.17 (4) (g) 1. Instead of paying a shortfall fee under this subsection par. (d) 1m. in a program year, a manufacturer may submit, with its registration, a request for relief from all or a portion of the shortfall fee in that program year along with information showing that the manufacturer has made good faith progress toward meeting its total target recycling weight under par. (d) 1. sub. (3m) (a).

SECTION 54. 287.17 (4) (g) 1m. of the statutes is created to read:

287.17 (4) (g) 1m. Instead of paying a shortfall fee under par. (d) 2m. in a program year, a manufacturer may submit, with its registration, a request for relief from all or a portion of the shortfall fee in that program year along with information showing that the manufacturer has made good faith progress toward meeting its target rural county recycling weight under sub. (3m) (c).

SECTION 55. 287.17 (4) (g) 2. of the statutes is amended to read:

287.17 (4) (g) 2. If the department determines that a manufacturer that makes a request under subd. 1. or 1m. in a program year has made good faith progress toward meeting its total target recycling weight or target rural county recycling weight, the department shall waive the requirement that the manufacturer pay the all or a portion of that shortfall fee in the program year. If the department determines that the manufacturer has not made good faith progress toward meeting its total target recycling weight or its target rural county recycling weight, it shall notify the manufacturer and the manufacturer shall pay the that shortfall fee within 60 days after receiving the notification.

SECTION 56. 287.17 (4) (g) 3. of the statutes is created to read:

287.17 (4) (g) 3. If, for a program year, the total weight of eligible electronic devices recycled by or on behalf of a manufacturer, as reported under sub. (5) (b), exceeds the manufacturer’s total target recycling weight determined under sub. (3m)
(a) by 20 percent or more, the manufacturer may elect to be exempt from the the rural county recycling weight shortfall fee under par. (d) 2m. for that program year, and shall submit, with its registration, a notice that it is making that election. If a manufacturer elects to be exempt under this subdivision, the manufacturer may not accumulate any recycling credits under sub. (3m) (d) for that program year.

SECTION 57. 287.17 (5) (a) 1. a. of the statutes is amended to read:

287.17 (5) (a) 1. a. The total weight of each model of its covered electronic devices sold to households or schools in this state during the program year that began 24 months 2 program years before the beginning of the program year in which the report is made.

SECTION 58. 287.17 (5) (a) 1. b. of the statutes is amended to read:

287.17 (5) (a) 1. b. The total weight of all of its covered electronic devices sold to households or schools in this state during the program year that began 24 months 2 program years before the beginning of the program year in which the report is made.

SECTION 59. 287.17 (5) (a) 1. c. of the statutes is amended to read:

287.17 (5) (a) 1. c. An estimate, based on national sales data, of the total weight of its covered electronic devices sold to households or schools in this state during the program year that began 24 months 2 program years before the beginning of the program year in which the report is made.

SECTION 60. 287.17 (5) (a) 1. d. of the statutes is created to read:

287.17 (5) (a) 1. d. The total weight of its covered electronic devices sold to households or schools in this state calculated by a method approved by the department.

SECTION 61. 287.17 (5) (b) of the statutes is amended to read:
287.17 (5) (b) Weight of eligible electronic devices recycled. With the registration that it submits under sub. (3) that is due by September 1, 2010, a manufacturer shall report to the department the total weight of eligible electronic devices used by households or schools in this state that were collected by or delivered to the manufacturer for recycling by the manufacturer or that were collected by or delivered to a registered recycler for recycling on behalf of the manufacturer during the last 2 program quarters of the preceding program year. Beginning in 2011, with the registration that it submits under sub. (3), a manufacturer shall report to the department the total weight of eligible electronic devices used by households or schools in this state that were collected by or delivered to the manufacturer for recycling by the manufacturer or that were collected by or delivered to a registered recycler for recycling on behalf of the manufacturer during the preceding program year. A manufacturer may shall also report separately the weight of eligible electronic devices used by households or schools in rural counties and used by households or schools in urban counties for the purpose of obtaining the weight adjustment under sub. (4) (f) for eligible electronic devices received from households or schools in rural counties.

SECTION 62. 287.17 (5) (c) (intro.) of the statutes is amended to read:

287.17 (5) (c) Recycling credits. (intro.) With the registration that it submits under sub. (3), beginning in 2011, a manufacturer shall report all of the following to the department:

SECTION 63. 287.17 (5) (c) 3. of the statutes is amended to read:

287.17 (5) (c) 3. The number of recycling credits and rural county recycling credits that the manufacturer elects to use in the calculation of its shortfall fees under sub. (4) (d) -2-.
SECTION 64. 287.17 (5) (c) 4. of the statutes is amended to read:

287.17 (5) (c) 4. The number of recycling credits available to the manufacturer after calculating its shortfall fees under sub. (4) (d) -2-.

SECTION 65. 287.17 (7) (a) 1. (intro.) of the statutes is amended to read:

287.17 (7) (a) 1. (intro.) Beginning on January 1, 2010, no person may operate as a collector delivering or arranging for the delivery of eligible electronic devices to a registered recycler for recycling on behalf of a manufacturer who is registered under sub. (3) unless the person is registered under this paragraph. A person shall register by submitting, no later than January 1, 2010, and annually, no later than August 1 beginning in 2010 the first day of the 2nd month of each program year, to the department a registration, using a form prescribed by the department, that includes all of the following:

SECTION 66. 287.17 (7) (a) 2. of the statutes is amended to read:

287.17 (7) (a) 2. A complete registration is effective on receipt by the department and is valid until the first day of the 2nd month of the following August 1 program year unless suspended or revoked before that date.

SECTION 67. 287.17 (7) (b) of the statutes is amended to read:

287.17 (7) (b) Reports and records. No later than August 1, the first day of the 2nd month of each program year, beginning August 1, 2010, a registered collector shall report to the department the total weight of eligible electronic devices collected in this state during the preceding program year and the names of all registered recyclers to whom the collector delivered eligible electronic devices. A registered collector shall maintain records of the sources of eligible electronic devices it collects and of the registered recyclers to whom the collector delivers eligible electronic devices.
**SECTION 68.** 287.17 (8) (a) 1. (intro.) of the statutes is amended to read:

287.17 (8) (a) 1. (intro.) Beginning on January 1, 2010, no person may operate as a recycler receiving eligible electronic devices on behalf of a manufacturer who is registered under sub. (3) unless the person is registered under this paragraph. A person shall register by submitting, no later than January 1, 2010, and annually, no later than August 1 beginning in 2010 the first day of the 2nd month of each program year, to the department a registration, using a form prescribed by the department, that includes all of the following:

**SECTION 69.** 287.17 (8) (a) 2. of the statutes is amended to read:

287.17 (8) (a) 2. A complete registration is effective on receipt by the department and is valid until the first day of the 2nd month of the following August 1 program year unless suspended or revoked before that date.

**SECTION 70.** 287.17 (8) (b) 1. of the statutes is renumbered 287.17 (8) (b) (intro.) and amended to read:

287.17 (8) (b) Reports and records Annual reporting requirements. (intro.) No later than August 1, the first day of the 2nd month of each program year, beginning with August 1, 2010, a registered recycler shall report to the department the total weight of eligible electronic devices collected in this state that the recycler received for recycling on behalf of a manufacturer registered under sub. (3) during the preceding program year and the name of the manufacturer. all of the following:

**SECTION 71.** 287.17 (8) (b) 1m., 2m., 3m., 4. and 5. of the statutes are created to read:

287.17 (8) (b) 1m. The total weight of eligible electronic devices collected in this state that the recycler received for recycling on behalf of a manufacturer registered under sub. (3) during the preceding program year and the name of the manufacturer.
2m. The weight of eligible electronic devices collected in this state that the recycler received for recycling on behalf of a manufacturer registered under sub. (3) during the preceding program year, separated into the following categories:

a. Televisions that contain a cathode-ray tube.
b. Televisions that do not contain a cathode-ray tube.
c. Computer monitors that contain a cathode-ray tube.
d. Computer monitors that do not contain a cathode-ray tube.
e. Consumer computers.
f. Consumer printers.
g. Other eligible electronic devices.

3m. The weight of materials derived from the devices described in subd. 1m. during the preceding program year, separated into the following categories:

a. Cathode-ray tube glass.
b. Glass, not including cathode-ray tube glass.
c. Metals.
d. Plastics.
e. Other materials.

4. The weight of materials derived from the devices described in subd. 1m. that the registered recycler sent to another person for use in a manufacturing process or for recovery of usable materials during the preceding program year, separated into the categories under subd. 3m. a. to e.

5. The weight of materials derived from the devices described in subd. 1m. that the registered recycler sent to be disposed of in a solid waste disposal facility or burned at a solid waste treatment facility during the preceding program year, separated into the categories under subds. 3m. a. to e.
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**SECTION 72.** 287.17 (8) (b) 2. of the statutes is renumbered 287.17 (8) (bm), and 287.17 (8) (bm) (intro.), as renumbered, is amended to read:

287.17 (8) (bm) **Mid-year reporting requirements.** (intro.) No later than February 1 the first day of the 8th month of each program year, beginning in 2011, a registered recycler shall report to the department all of the following:

**SECTION 73.** 287.17 (8) (c) 4. of the statutes is amended to read:

287.17 (8) (c) 4. A registered recycler shall maintain records that can be used to determine, for each program year, the total weight of eligible electronic devices recycled by the recycler on behalf of manufacturers under this section, the weight of materials derived from those eligible electronic devices that the registered recycler sends to another person for use in a manufacturing process or for recovery of usable materials, and the weight of materials derived from those eligible electronic devices that the registered recycler sends to be disposed of in a solid waste disposal facility or burned at a solid waste treatment facility weights described in par. (b) 1m. to 5.

**SECTION 74.** 287.17 (8) (e) of the statutes is amended to read:

287.17 (8) (e) **Modifying or adding requirements by rule.** The department shall review the requirements under par. (c) 1. to 7. to determine whether it is necessary to modify or add to those requirements so that the requirements applicable to registered recyclers are at least equivalent to nationally recognized standards for recycling eligible electronic devices. If the department determines that it is necessary to modify or add to the requirements under par. (c) 1. to 7., the department shall promulgate rules that modify or add to the requirements so that they are at least equivalent to nationally recognized standards for recycling eligible electronic devices. The department may not promulgate a rule under this paragraph that takes effect before October 1, 2011.
SECTION 75. 287.17 (9) of the statutes is amended to read:

287.17 (9) RETAILERS. Beginning on July 1, 2010, a retail who sells covered electronic devices for use by households or schools shall provide to purchasers information describing how eligible electronic devices can be collected and recycled and a description of the prohibitions in s. 287.07 (5) (a). A retailer may satisfy this requirement by providing a toll-free number for receiving the information and a description of how to access the department’s Internet site under sub. (10) (a). A retailer who sells through a catalog may provide the information in the catalog. A retailer who sells through the Internet may provide the information on its Internet site.

SECTION 76. 287.17 (9m) of the statutes is amended to read:

287.17 (9m) RECORD KEEPING AND INSPECTION. A person subject to sub. (3), (7), (8), or (9) shall maintain records related to the program under this section and reports required under this section for at least 3 program years. The department may inspect records of a person subject to sub. (3), (7), (8), or (9) that are related to the program under this section.

SECTION 77. 287.17 (10) (c) 1. a. of the statutes is amended to read:

287.17 (10) (c) 1. a. The number by which the weight of covered electronic devices sold a manufacturer’s total target recycling weight is multiplied under sub. (4) (d) 1m. and 2m.

SECTION 78. 287.17 (10) (c) 1. b. of the statutes is amended to read:

287.17 (10) (c) 1. b. The estimated cost of recycling under sub. (4) (d) 1m. and 2m.

SECTION 79. 287.17 (10) (c) 1. d. of the statutes is repealed.

SECTION 80. 287.17 (10) (c) 2. of the statutes is amended to read:
287.17 (10) (c) 2. If the department determines that any of the values under subd. 1. a. to d. c. should be changed in order to improve the effectiveness of the program under this section or to provide more recycling opportunities to rural areas of this state, the department shall report its recommendations for changes under s. 13.172 (3) to the committee of each house of the legislature with jurisdiction over solid waste policy.

SECTION 81. 287.17 (10) (cm) of the statutes is repealed.

SECTION 82. 287.17 (10) (d) (intro.) of the statutes is amended to read:

287.17 (10) (d) Annual report. (intro.) Before December 1 of each program year, beginning in 2012 prior to the transition year, and before June 1 of each program year beginning with the transition year, the department shall provide a report on the program under this section to the legislature under s. 13.172 (2) and to the governor. The department shall include all of the following in the report:

SECTION 83. 287.17 (10) (i) of the statutes is amended to read:

287.17 (10) (i) Addition or exemption of eligible electronic devices. If the department determines that the disposal or burning of a kind of electronic device that is not listed in sub. (1) (gs) in a solid waste facility may be harmful to human health or the environment, the department may promulgate a rule specifying that the kind of electronic device is an eligible electronic device, is subject to s. 287.07 (5) (a), or both. If the department determines that the disposal or burning of a kind of electronic device that is listed in sub. (1) (gs) or s. 287.07 (5) (a) in a solid waste facility is not harmful to human health and is not harmful to the environment or if the department determines that it is not feasible to require the recycling of a kind of electronic device that is listed in sub. (1) (gs) or s. 287.07 (5) (a), the department may promulgate a rule specifying that the kind of electronic device is not an eligible
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ECTION 83. The department may not promulgate a rule under this paragraph that takes effect before October 1, 2011.

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ECTION 84. 287.17 (10) (j) of the statutes is amended to read:

287.17 (10) (j) Audits. The department may perform or contract for the performance of an audit of the activities of a registered collector or registered recycler. If the department performs or contracts for the performance of an audit of a collector or recycler during the first 3 program years in which the collector or recycler is registered under sub. (7) or (8) (a), the collector or recycler shall pay 25 percent of the cost of the audit. If the department performs or contracts for the performance of an audit of a collector or recycler after the first 3 program years in which the collector or recycler is registered, the collector or recycler shall pay 50 percent of the cost of the audit.

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ECTION 85. 287.17 (10) (k) of the statutes is amended to read:

287.17 (10) (k) Modification of registration fee. The department may modify the registration fee fees under sub. (4) (b) 1. and (be) by rule. The department may not promulgate a rule under this paragraph that takes effect before October 1, 2011.

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ECTION 86. 287.17 (10) (L) of the statutes is created to read:

287.17 (10) (L) Modification of rural county shortfall exemption. The department may modify the percentage under sub. (4) (g) 3. by rule.

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ECTION 87. 287.17 (10) (m) of the statutes is created to read:

287.17 (10) (m) Modification of recycler reporting requirement. The department may modify the categories of devices under sub. (8) (b) 2m. by rule.

(END)