

1993 Senate Bill 513

Date of enactment: November 18, 1993  
Date of publication: December 2, 1993

## 1993 Wisconsin Act 75 (Vetoed in Part)

AN ACT to repeal 20.143 (1) (ig), 20.143 (1) (ip), 20.143 (1) (q), 20.143 (1) (s), 20.143 (1) (t), 20.143 (1) (u), 159.03 (1) (b), 159.19 (3), ~~159.21 (3) and (4)~~, 159.22 (2) (e) and (f), 159.25 (4m), 560.08 (2) (k) and (km) and 560.12 (4) (c); to renumber 159.19 (intro.), (1) and (2), subch. III of ch. 159 and subch. IV of ch. 159; to renumber and amend 560.65 (4); to amend 15.07 (1) (b) (intro.), 20.143 (1) (r), 20.370 (2) (hq), 20.370 (4) (cw) 3 to 8, 159.22 (2) (c), 159.23 (4) (intro.), 159.23 (5) (intro.), 159.23 (6), 159.25 (4s), 159.91, 234.67 (2) (intro.), 560.09 (5), 560.12 (1) (ag) and (am), 560.12 (3) (intro.), 560.12 (3) (b) and (c), 560.12 (4) (intro.), 560.12 (4) (b), 560.12 (5) (a) and (b), 560.12 (5), 560.12 (6) (a) to (c), 560.12 (6) (a) and (b), 560.12 (6) (d), 560.12 (6) (d), 560.12 (7), 560.605 (2) (intro.), 560.605 (2m) (intro.), 560.61 (1), 560.65 (2) (a), 560.65 (3) (a), 560.65 (4) (a), 560.835 (4), 560.835 (6) and 560.85 (2); to repeal and recreate 20.143 (1) (r) and 560.12 (3) (a); and to create 15.07 (1) (b) 19, 15.105 (20), 20.505 (4) (L), 20.505 (4) (s), 20.505 (4) (t), 20.923 (4) (a) 4q, 159.03 (3), 159.19 (1) (title), 159.19 (2), 159.23 (5p), subch. III of ch. 159, 159.91 (2), 560.031, 560.12 (1) (ae), 560.12 (5) (c), 560.12 (6) (e), 560.65 (1m) (a) 3, 560.65 (3m), 560.65 (4) (b), 560.65 (4) (c), 560.65 (4m), 560.65 (5), 560.835 (1m) and 560.835 (7) of the statutes; and to affect 1993 Wisconsin Act 16, section 9115 (3j), relating to creating a recycling market development board, the marketing of materials recovered from waste, the recycling rebate program, recycling loans and grants, the waste reduction and recycling demonstration grant program, the date for submitting applications for recycling financial assistance and the amount and disbursement of that assistance, enforcement of restrictions on landfilling and incinerating certain materials, cooperation concerning recycling market development activities, granting rule-making authority, providing an exemption from and extending the time limit for emergency rule procedures and making appropriations.

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

SECTION 1. 15.07 (1) (b) (intro.) of the statutes is amended to read:

15.07 (1) (b) (intro.) For each board not covered under par. (a), the governor shall appoint the members of the board, other than the members serving on the board because of holding another office or position and except as otherwise provided, for terms prescribed by law except that the members of the following boards, other than the members serving on a board because of holding another office or position, shall be nominated by the governor, and with the advice and consent of the senate appointed, for terms provided by law:

SECTION 1g. 15.07 (1) (b) 19 of the statutes is created to read:

15.07 (1) (b) 19. The recycling market development board.

SECTION 1m. 15.105 (20) of the statutes is created to read:

15.105 (20) RECYCLING MARKET DEVELOPMENT BOARD. (a) *Definition*. In this subsection, "responsible unit" has the meaning given in s. 159.01 (9).

(b) *Creation*. There is created a recycling market development board which is attached to the department of administration under s. 15.03.

(c) *Membership*. The board consists of the following members:

1. The secretary of natural resources or his or her designee.
2. The secretary of development or his or her designee.
3. Six members representing responsible units.
4. Three members with expertise concerning the marketing of materials recovered from solid waste or the development of markets for these materials.

~~(d) *Appointment of representatives of responsible units*. 1. Any responsible unit may submit to the governor the names of one or more candidates for the board, if each candidate is one of the following:~~

- ~~a. An elected official of a responsible unit.~~
  - ~~b. An employe of a responsible unit.~~
  - ~~c. An employe of a statewide association representing one or more types of responsible units.~~
- ~~2. The governor shall nominate each member under par. (c) 3 from among the candidates under subd. 1 and shall nominate members so that all regions of the state and all sizes of responsible units are represented~~

Vetoed  
in Part

Vetoed  
in Part

Vetoed  
in Part

on the board and so that at least one member represents a responsible unit with a population of 100,000 or more.

tions under par. (d) 1. a. to c., for each position on the board under par. (c) 4.

(e) *Appointment of other members.* 1. The council on recycling shall submit to the governor the names of 3 candidates, none of whom has any of the qualifica-

2. The governor shall nominate each member under par. (c) 4 from among the candidates under subd. 1.

(f) *Terms.* The members appointed under par. (c) 3 and 4 shall serve 3-year terms.

SECTION 4m. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

**20.505 Administration, department of**

(4) ATTACHED DIVISIONS, BOARDS, COUNCILS AND COMMISSIONS

(s) Recycling market development board; operations

(t) Recycling market development board; assistance

	<u>1993-94</u>	<u>1994-95</u>
SEG A	54,000	108,000
SEG B	946,000	2,892,000

SECTION 5. 20.143 (1) (ig) of the statutes is repealed.

SECTION 6. 20.143 (1) (ip) of the statutes is repealed.

SECTION 7. 20.143 (1) (q) of the statutes is repealed.

SECTION 8. 20.143 (1) (r) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

20.143 (1) (r) *Recycling rebates, grants and loans — administration.* From the recycling fund, the amounts in the schedule for the administration of recycling grants and loans under s. 560.65, minority business recycling development grants and loans under s. 560.835 and recycling rebates under s. 560.12 and to provide staff support for the recycling market development board under s. 159.48 (3).

SECTION 9. 20.143 (1) (r) of the statutes, as affected by 1993 Wisconsin Acts 16 and .... (this act), is repealed and recreated to read:

20.143 (1) (r) *Recycling market board assistance.* From the recycling fund, the amounts in the schedule to provide staff support for the recycling market development board under s. 159.48 (3).

SECTION 10. 20.143 (1) (s) of the statutes, as affected by 1993 Wisconsin Act 16, is repealed.

SECTION 11. 20.143 (1) (t) of the statutes is repealed.

SECTION 12. 20.143 (1) (u) of the statutes is repealed.

SECTION 12m. 20.370 (2) (hq) of the statutes is amended to read:

20.370 (2) (hq) *Recycling; administration.* From the recycling fund, the amounts in the schedule for the administration of subch. II of ch. 159, other than ss. 159.17, 159.21, 159.23 and 159.25, and to provide staff support for the recycling market development board under s. 159.48 (2).

SECTION 13c. 20.370 (4) (cw) 3 to 8 of the statutes are amended to read:

20.370 (4) (cw) 3. In fiscal year 1993-94, ~~\$71,500,000~~ \$72,149,200 less the amount encumbered under subsds. 1 and 2.

4. In fiscal year 1994-95, ~~\$100,700,000~~ \$101,349,200 less the amount encumbered under subsds. 1 to 3.

5. In fiscal year 1995-96, ~~\$129,900,000~~ \$130,549,200 less the amount encumbered under subsds. 1 to 4.

6. In fiscal year 1996-97, ~~\$159,100,000~~ \$159,749,200 less the amount encumbered under subsds. 1 to 5.

7. In fiscal year 1997-98, ~~\$183,100,000~~ \$183,749,200 less the amount encumbered under subsds. 1 to 6.

8. In fiscal year 1998-99, ~~\$200,100,000~~ \$200,749,200 less the amount encumbered under subsds. 1 to 7.

SECTION 13e. 20.505 (4) (L) of the statutes is created to read:

20.505 (4) (L) *Recycling market development; repayments.* All moneys received in repayment of loans made by the recycling market development board under s. 159.46 (1) and received under s. 159.46 (3) in repayment of loans made by recipients of financial assistance from the recycling market development board, to be used to provide financial assistance under s. 159.46 (1).

SECTION 13g. 20.505 (4) (s) of the statutes is created to read:

20.505 (4) (s) *Recycling market development board; operations.* From the recycling fund, the amounts in the schedule for staff, permanent property, supplies and services for the recycling market development board.

SECTION 13i. 20.505 (4) (t) of the statutes is created to read:

20.505 (4) (t) *Recycling market development board; assistance.* Biennially, from the recycling fund, the amounts in the schedule for recycling market develop-

ment board contracts under s. 159.42 (3) and financial assistance under s. 159.46.

SECTION 13L. 20.923 (4) (a) 4q of the statutes is created to read:

20.923 (4) (a) 4q. Recycling market development board: executive director.

SECTION 17. 159.03 (1) (b) of the statutes is repealed.

SECTION 17m. 159.03 (3) of the statutes is created to read:

159.03 (3) MEMORANDUM OF UNDERSTANDING. (a) No later than the 60th day after the effective date of this paragraph .... [revisor inserts date], the department, the department of development and the university of Wisconsin-extension shall enter into a memorandum of understanding setting forth each of their responsibilities in carrying out this state's activities relating to the marketing of materials recovered in recycling programs and the development of markets for these materials and the methods that they will use to cooperate in carrying out those activities. This memorandum shall remain in effect until the memorandum under par. (b) is entered into.

(b) After the first meeting of the recycling market development board, the board, the department, the department of development and the university of Wisconsin-extension shall enter into a memorandum of understanding setting forth each of their responsibilities in carrying out this state's activities relating to the marketing of materials recovered in recycling programs and the development of markets for these materials and the methods that they will use to cooperate in carrying out those activities.

SECTION 17q. 159.19 (intro.), (1) and (2) of the statutes are renumbered 159.19 (1) (intro.), (a) and (b).

SECTION 17s. 159.19 (1) (title) of the statutes is created to read:

159.19 (1) (title) DUTIES.

SECTION 17u. 159.19 (2) of the statutes is created to read:

159.19 (2) POWERS. In providing assistance under sub. (1), the department may provide assistance relating to the marketing of materials recovered from solid waste, if the provision of that assistance is a responsibility assigned to the department in a memorandum of understanding under s. 159.03 (3) (b).

SECTION 18. 159.19 (3) of the statutes is repealed.

**Vetoed in Part** SECTION 19. 159.21 (3) and (4) of the statutes are repealed.

SECTION 19m. 159.22 (2) (c) of the statutes is amended to read:

159.22 (2) (c) Advise state agencies concerning the promulgation of rules under ss. 100.29, 100.295, 101.126, 560.12, 560.65 and 560.835 and the establishment of priorities under s. 159.03 (1) (b) and 560.031.

SECTION 20. 159.22 (2) (e) and (f) of the statutes are repealed.

SECTION 20c. 159.23 (4) (intro.) of the statutes is amended to read:

159.23 (4) APPLICATION. (intro.) A responsible unit that seeks assistance under the program shall submit an application to the department ~~by September~~. To qualify for a full grant, the responsible unit must submit the application no later than October 1 in the year preceding the year for which the assistance is sought. For the purpose of this subsection and sub. (5p), if an application is postmarked, it is considered to be submitted on the date that it is postmarked. An application shall include all of the following:

SECTION 20e. 159.23 (5) (intro.) of the statutes is amended to read:

159.23 (5) GRANT AWARD. (intro.) The department shall award a grant to each eligible responsible unit that submits a complete grant application under sub. (4) for expenses allowable under sub. (3) (b). Except as provided under sub. (5m) or (5p), the amount of the grant shall be determined as follows:

SECTION 20g. 159.23 (5p) of the statutes is created to read:

159.23 (5p) LATE APPLICATIONS. (a) If a responsible unit submits its application under sub. (4) after October 1 but no later than October 10, the amount of the responsible unit's grant is 95% of the amount determined under sub. (5) or (5m).

(b) If a responsible unit submits its application under sub. (4) after October 10 but no later than October 20, the amount of the responsible unit's grant is 90% of the amount determined under sub. (5) or (5m).

(c) If a responsible unit submits its application under sub. (4) after October 20 but no later than October 30, the amount of the responsible unit's grant is 75% of the amount determined under sub. (5) or (5m).

(d) If a responsible unit submits its application under sub. (4) after October 30, the responsible unit is not eligible for the grant.

SECTION 20i. 159.23 (6) of the statutes is amended to read:

159.23 (6) DISBURSEMENT. The department shall disburse 50% of a grant to the applicant upon approval, but no later than ~~January~~ February 1 of the year for which the grant is made.

SECTION 21. 159.25 (4m) of the statutes is repealed.

SECTION 22. 159.25 (4s) of the statutes, as created by 1993 Wisconsin Act 16, is amended to read:

159.25 (4s) REQUESTS FOR PROPOSALS. The department may request proposals for ~~projects that will develop or expand the market for a specified type of material if the department determines that such projects are needed to facilitate waste reduction or recycling of that type of material~~ a waste reduction and recycling activity eligible for funding under this section. Notwithstanding sub. (4) (f) and (g), the department may award a demonstration grant for a project proposed in response to a request under this

subsection that does not implement innovative technology. The amount awarded for demonstration grants under this subsection in a fiscal year may not exceed 50% of the total amount awarded for demonstration grants under this section in that fiscal year.

SECTION 22e. Subchapter III of chapter 159 of the statutes is renumbered subchapter IV of chapter 159.

SECTION 22g. Subchapter III of chapter 159 of the statutes is created to read:

CHAPTER 159

SUBCHAPTER III

RECYCLING MARKET DEVELOPMENT

**159.40 Definitions.** In this subchapter:

(1) "Board" means the recycling market development board.

(2) "Business entity" means any organization or enterprise operated for profit or that is nonprofit and nongovernmental, including a proprietorship, partnership, business trust, joint venture, syndicate, corporation or association.

(3) "Recovered material" means a material specified in s. 159.07 (3) that is recovered from solid waste in a recycling program established under subch. II.

**159.42 Duties of the board.** The board shall do all of the following:

(1) Promote the development of markets for recovered materials and the orderly and efficient marketing of recovered materials by responsible units to do all of the following:

(a) Maximize the marketability of these recovered materials on a statewide basis.

(b) Minimize the number of variances granted under s. 159.11 (2m) (b) and (c).

(c) In furtherance of the efforts of responsible units under s. 159.11 (2) (i), minimize the amounts of these recovered materials disposed of in landfills or burned without energy recovery in incinerators.

(2) Encourage cooperation among responsible units and other appropriate persons, in furtherance of the duty specified in sub. (1), to:

(a) Develop solutions to product and technical problems.

(b) Acquire and disseminate information.

(c) Promote and market recovered materials.

(d) Improve the quality of recovered materials.

(e) Address other common problems faced by responsible units in marketing these recovered materials.

(3) Contract, whenever feasible, with other persons to accomplish the powers and duties of the board.

(4) Conduct a study of the feasibility and desirability of transferring the powers and duties of the board to a business entity and, no later than May 30, 1996, submit a report on the results of the study to the governor, and to the legislature under s. 13.172 (2).

**159.44 Powers of the board.** The board may do any of the following:

(1) Provide financial assistance under s. 159.46.

(2) Fund research concerning markets for recovered materials and the development of markets for recovered materials to maintain present markets or to create new or expanded markets.

(3) Fund research to improve the recovery, processing or distribution of a recovered material.

(4) Establish appropriate technical assistance and educational programs for responsible units and other governmental entities; solid waste scrap brokers, dealers and processors; business entities that use or could use recovered materials or that produce or could produce products from recovered materials and persons who provide support services to those business entities; and the general public.

(5) As appropriate and necessary, charge fees for its services.

**159.46 Financial assistance.** (1) The board may provide financial assistance, directly or in cooperation with another person, to a governmental entity or a business entity to assist responsible units in the marketing of recovered materials or to develop markets for recovered materials. Forms of financial assistance provided by the board, and by a recipient of financial assistance from the board, may include grants, loans and manufacturing rebates.

(2) If the board determines that financial assistance is required to stimulate an activity that it determines is needed to assist responsible units in the marketing of recovered materials or to develop markets for recovered materials, the board shall request proposals for that activity, unless the board determines that a request for proposals is not an effective means for distributing the financial assistance for that activity.

(3) If the board awards assistance under sub. (1) that results in a loan being made by the recipient to another person, the board may direct that the repayments of the loan's principal and any interest either be repaid to the recipient for use in a revolving loan fund or returned to the board. The board shall credit any funds received under this subsection to the appropriation under s. 20.505 (4) (L).

(4) In any biennium, the board may not expend more than 10% of the amount appropriated under s. 20.505 (4) (t) for that biennium for contracts with and financial assistance to responsible units.

**159.48 Executive director and other staff for the board.** (1) The governor shall nominate, and with the advice and consent of the senate appoint, an executive director of the board outside of the classified service, to serve at the pleasure of the governor.

(2) The secretary of natural resources shall designate 2 employes of the department to staff the board.

(3) The secretary of development shall designate 2 employes of the department of development to staff the board.

SECTION 22m. Subchapter IV of chapter 159 of the statutes is renumbered subchapter V of chapter 159.

SECTION 22p. 159.91 of the statutes is amended to read:

159.91 (1) The attorney general shall enforce this chapter except for ss. 159.07, 159.08 and 159.81 and all rules promulgated under this chapter except under those sections.

(3) The circuit court for Dane county or for any other county where a violation occurred in whole or in part has jurisdiction to enforce this chapter or related rules by injunctive and other relief appropriate for enforcement.

(4) The department of natural resources shall reimburse the department of justice for the expenses incurred in enforcing this chapter from the appropriation under s. 20.370 (2) (ma).

SECTION 22r. 159.91 (2) of the statutes is created to read:

159.91 (2) Notwithstanding sub. (1) and s. 159.95 (3) (a), the attorney general may enforce s. 159.07 (3) and (4) by seeking injunctive relief against any person violating those provisions.

SECTION 23. 234.67 (2) (intro.) of the statutes is amended to read:

234.67 (2) (intro.) A loan made by a participating lender ~~before the effective date of this subsection ... [revisor inserts date]~~, is eligible for guarantee of collection from the Wisconsin development reserve fund under s. 234.93 if all of the following apply:

SECTION 23m. 560.031 of the statutes is created to read:

**560.031 Recycling market development.** In carrying out its responsibilities under ss. 560.03 and 560.07, the department may promulgate rules for the provision of financial assistance for the development of markets for materials recovered from solid waste if the provision of that financial assistance is a responsibility assigned to the department in a memorandum of understanding under s. 159.03 (3) (b). The financial assistance may be in the form of grants, loans or manufacturing rebates.

SECTION 24. 560.08 (2) (k) and (km) of the statutes are repealed.

SECTION 25. 560.09 (5) of the statutes is amended to read:

560.09 (5) CONSULTATION. The department shall consult with the council on recycling in developing any proposed rules under s. ~~560.12, 560.65 or 560.835~~ 560.031.

SECTION 25b. 560.12 (1) (ae) of the statutes is created to read:

560.12 (1) (ae) "Recyclable material" means a material identified in s. 159.07 (3) or (4) that is recovered from solid waste.

SECTION 25d. 560.12 (1) (ag) and (am) of the statutes are amended to read:

560.12 (1) (ag) "Recycling" means the ~~recovery of useful materials~~ processing of recyclable material or the manufacture of products from waste recyclable

material with or without treatment and excludes any form of energy recovery or composting.

(am) "Recycling enterprise" means a person who engages in recycling ~~or who uses materials recovered from waste~~.

SECTION 25f. 560.12 (3) (intro.) of the statutes is amended to read:

560.12 (3) PURPOSES OF RECYCLING REBATE PROGRAM. (intro.) The department shall develop the recycling rebate program to increase the recycling of waste recyclable material that is generated in this state by providing incentives to do all of the following:

SECTION 25h. 560.12 (3) (a) of the statutes is repealed and recreated to read:

560.12 (3) (a) Use recyclable material generated in this state as a raw material.

SECTION 25j. 560.12 (3) (b) and (c) of the statutes are amended to read:

560.12 (3) (b) ~~The establishment and expansion in this state of~~ Establish and expand viable recycling enterprises, ~~with emphasis on provision of support to recycling enterprises during start-up and expansion phases in this state.~~

(c) ~~The creation of stable, long-term~~ Create new markets and expand or maintain existing markets for waste recyclable materials generated in this state.

SECTION 25L. 560.12 (4) (intro.) of the statutes is amended to read:

560.12 (4) ELIGIBILITY. (intro.) A municipality or other public entity, sole proprietorship, association, partnership ~~or~~, corporation ~~or nonprofit organization~~ may apply for a recycling rebate if all of the following apply:

SECTION 25n. 560.12 (4) (b) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

560.12 (4) (b) It makes products or components using waste recyclable material generated in this state as a raw material ~~or components made from solid waste and establishes and maintains policies and procedures that give preference to using solid waste~~ processes recyclable material generated in this state into a marketable form.

SECTION 25p. 560.12 (4) (c) of the statutes is repealed.

SECTION 25r. 560.12 (5) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

560.12 (5) REBATES FOR QUALIFIED PROPERTY. (a) ~~Before January 1, 1996, July 1, 1995,~~ the department shall pay recycling rebates to recycling enterprises for qualified property to be purchased by the recycling enterprise or, if already purchased, for which the recycling enterprise has executed a purchase order not more than 90 days before applying for the recycling rebate. The department shall pay recycling rebates for qualified property used to process types of recyclable materials selected by the department based on the

state priorities established under s. 159.03 (1) (b) in effect on January 1 of the year in which the department pays the rebate. The department may not pay recycling rebates under this subsection for qualified property used to process a recyclable material unless there is a market for the processed recyclable material.

(b) The department shall make a rebate under par. (a) from the appropriation under s. 20.143 (1) (t) as a one-time payment in an amount established by the department that is not less than 5% nor more than 25% of the cost of the qualified property and that is based in part on the amount of solid waste used by the recycling enterprise that is generated in this state and, if the qualified property replaces equipment or machinery used to make products from solid waste, in part on the increase in the amount of solid waste used by the recycling enterprise. ~~A rebate~~ The total amount of rebates awarded to any one facility under this subsection may not exceed \$250,000 for any one facility.

SECTION 26. 560.12 (5) (a) and (b) of the statutes, as affected by 1993 Wisconsin Acts 16 and .... (this act), are amended to read:

560.12 (5) (a) Before July 1, 1995, the department shall pay recycling rebates to recycling enterprises for qualified property to be purchased by the recycling enterprise or, if already purchased, for which the recycling enterprise has executed a purchase order not more than 90 days before applying for the recycling rebate. The department shall pay recycling rebates for qualified property used to process types of recyclable materials selected by the department based on the state priorities established under s. 159.03 (1) (b), 1991 stats., in effect on January 1 of the year in which the department pays the rebate. The department may not pay recycling rebates under this subsection for qualified property used to process a recyclable material unless there is a market for the processed recyclable material.

(b) The department shall make a rebate under par. (a) ~~from the appropriation under s. 20.143 (1) (t)~~ as a one-time payment in an amount established by the department that is not less than 5% nor more than 25% of the cost of the qualified property and that is based in part on the amount of solid waste used by the recycling enterprise that is generated in this state and, if the qualified property replaces equipment or machinery used to make products from solid waste, in part on the increase in the amount of solid waste used by the recycling enterprise. The total amount of rebates awarded to any one facility under this subsection may not exceed \$250,000.

SECTION 26e. 560.12 (5) (c) of the statutes is created to read:

560.12 (5) (c) In the period beginning on the effective date of this paragraph .... [revisor inserts date], and ending on June 30, 1995, the department may not award more than \$5,000,000 for rebates under this subsection.

SECTION 26m. 560.12 (6) (a) to (c) of the statutes are amended to read:

560.12 (6) (a) The department shall ~~pay recycling rebates for~~ identify types of activities selected by the department ~~recyclable materials for which it will pay recycling rebates based on the potential for meeting the goals of the recycling rebate program and the state priorities established under s. 159.03 (1) (b) in effect on January 1 of the year in which the department makes the selection. The department may provide that recycling rebates will be available for a recyclable material only in specified areas of this state. The department may not pay recycling rebates under this subsection for the processing of a recyclable material unless there is a market for the processed recyclable material.~~

(b) For each type of activity recyclable material identified under par. (a), the department shall establish the rate of payment and the total amount of recycling rebates to be paid. The department shall base the rate of payment and the total amounts of recycling rebates for each type of activity recyclable material on the amount of money available to pay rebates and the determination by the department of the amount of rebates necessary to accomplish the purposes of the recycling rebate program and the state priorities established under s. 159.03 (1) (b) in effect on January 1 of the year in which the department makes the determination.

(c) The department shall make a commitment to ~~pay recycling rebates under this subsection for a period of up to 5 years~~ subject to the availability of funds. The department shall develop criteria for selecting the applicants to receive recycling rebates if eligible applications for any type of activity recyclable material exceed the total amount set aside for that type of activity recyclable material under par. (b). An applicant may be selected more than once to receive recycling rebates under this subsection. The department may establish a maximum payment to any applicant for a year.

Vetoed  
in Part

SECTION 27. 560.12 (6) (a) and (b) of the statutes, as affected by 1993 Wisconsin Act .... (this act), are amended to read:

560.12 (6) (a) The department shall identify types of recyclable materials for which it will pay recycling rebates based on the goals of the recycling rebate program and the state priorities established under s. 159.03 (1) (b), 1991 stats., in effect on January 1 of the year in which the department makes the selection. The department may provide that recycling rebates will be available for a recyclable material only in specified areas of this state. The department may not pay recycling rebates under this subsection for the processing of a recyclable material unless there is a market for the processed recyclable material.

(b) For each type of recyclable material identified under par. (a), the department shall establish the rate of payment and the total amount of recycling rebates

to be paid. The department shall base the rate of payment and the total amounts of recycling rebates for each type of recyclable material on the amount of money available to pay rebates and the determination by the department of the amount of rebates necessary to accomplish the purposes of the recycling rebate program and the state priorities established under s. 159.03 (1) (b), 1991 stats., in effect on January 1 of the year in which the department makes the determination.

SECTION 27m. 560.12 (6) (d) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

560.12 (6) (d) The department shall pay recycling rebates to each applicant selected to receive recycling rebates under this subsection ~~after the end of each year from the appropriation under s. 20.143 (1) (t) in an amount that is based on the rate established under par. (b), the actual amount of increased use of waste by the applicant during the year and the amount of solid waste used by the applicant that is generated in this state.~~

SECTION 28. 560.12 (6) (d) of the statutes, as affected by 1993 Wisconsin Acts 16 and .... (this act), is amended to read:

560.12 (6) (d) The department shall pay recycling rebates to each applicant selected to receive recycling rebates under this subsection ~~from the appropriation under s. 20.143 (1) (t).~~

SECTION 29. 560.12 (6) (e) of the statutes is created to read:

560.12 (6) (e) The department may not pay a recycling rebate under this subsection on or after the effective date of this paragraph .... [revisor inserts date], unless the department made a commitment to an applicant before the effective date of this paragraph .... [revisor inserts date], to pay the recycling rebate.

SECTION 29e. 560.12 (7) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

560.12 (7) APPLICATION. The department shall, by rule, develop application procedures for the recycling rebate program. The application for a rebate shall show that the applicant satisfies the requirements of sub. (4). The application for a rebate under sub. (5) shall identify the qualified property and the facility in which it is or will be used, state the cost of the qualified property and include an estimate of the amount of solid waste recyclable material that is used or that will be used by the applicant and that is generated in this state and documentation to support the estimate. The application for a rebate under sub. (6) shall include an estimate of the amount of solid waste recyclable material generated in this state that will be used by the applicant in the year ~~in~~ for which the application is submitted, ~~an estimate of the increased amount of solid waste that will be used by the applicant in the period for which the application is submitted, docu-~~

~~mentation to support the estimated increase in waste used, an estimate of the amount of solid waste generated in this state that is used by the applicant in the year in which the application is submitted, an estimate of the amount of solid waste generated in this state that will be used by the applicant in the period for which the application is submitted and documentation to support these estimates.~~

SECTION 29m. 560.605 (2) (intro.) of the statutes is amended to read:

560.605 (2) (intro.) The board shall consider all of the following before awarding a grant or loan to an eligible recipient for a project under ss. 560.62 ~~to~~, 560.625, 560.63 or 560.66:

SECTION 29t. 560.605 (2m) (intro.) of the statutes is amended to read:

560.605 (2m) (intro.) When considering whether a project under ss. 560.62 ~~to~~, 560.625, 560.63 or 560.66 will be located in a targeted area, the board shall consider all of the following:

SECTION 30. 560.61 (1) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

560.61 (1) Make a grant or loan to an eligible recipient for a project that meets the criteria for funding under s. 560.605 (1) and (2) and under s. 560.62, 560.625, 560.63, 560.65 or 560.66, whichever is appropriate, from the appropriations under s. 20.143 (1) (c), ~~(ie), (ig) and (s) and (ie).~~

SECTION 30d. 560.65 (1m) (a) 3 of the statutes is created to read:

560.65 (1m) (a) 3. The development or operation of a facility to process one or more materials recovered from postconsumer waste that will be used in the production of a product or the development and operation of a business to haul postconsumer waste that will be used in the production of a product.

SECTION 30f. 560.65 (2) (a) of the statutes, as created by 1993 Wisconsin Act 16, is amended to read:

560.65 (2) (a) Subject to sub. (4), the board may award a grant or loan not exceeding \$100,000 under s. 560.61 to a new or expanding business for any of the activities under sub. (1m) (a) 1 ~~and 2~~ to 3.

SECTION 30g. 560.65 (3) (a) of the statutes, as created by 1993 Wisconsin Act 16, is amended to read:

560.65 (3) (a) Subject to sub. (4), the board may award a grant or loan not exceeding \$25,000 under s. 560.61 to a new or expanding business for investigating the feasibility of any of the activities under sub. (1m) (a) 1 ~~and 2~~ to 3.

SECTION 30h. 560.65 (3m) of the statutes is created to read:

560.65 (3m) Subject to sub. (4), the board may award a grant not exceeding \$100,000 in any fiscal year to a municipality or other public entity, a business, a nonprofit organization or an entity organized by a group of any of those entities to provide services, including the training of brokers of one or more materials recovered from postconsumer waste, to develop

markets for materials recovered from postconsumer waste in a defined area of the state.

SECTION 30p. 560.65 (4) of the statutes, as affected by 1993 Wisconsin Act 16, is renumbered 560.65 (4) (intro.) and amended to read:

560.65 (4) (intro.) Before making a grant or loan under this section ~~for the production or for investigating the feasibility of the production of a product made from one or more materials recovered from postconsumer waste or of equipment necessary to make the product~~, the board shall consider all of the following:

(a) Except for awards made under sub. (1m) (a) 2, whether the production is consistent with the priorities established under s. 159.03 (1) (b) for the development of markets for materials recovered from solid waste that are in effect on January 1 of the year in which the business applicant submits a complete application for a grant or loan under this section to the department.

SECTION 31. 560.65 (4) (a) of the statutes, as affected by 1993 Wisconsin Acts 16 and .... (this act), is amended to read:

560.65 (4) (a) Except for awards made under sub. (1m) (a) 2, whether the production is consistent with the priorities established under s. 159.03 (1) (b), 1991 stats., for the development of markets for materials recovered from solid waste that are in effect on January 1 of the year in which the applicant submits a complete application for a grant or loan under this section to the department.

SECTION 31d. 560.65 (4) (b) of the statutes is created to read:

560.65 (4) (b) The likelihood that the project will be completed.

SECTION 31f. 560.65 (4) (c) of the statutes is created to read:

560.65 (4) (c) If the grant or loan is for a project relating to the processing of one or more materials recovered from postconsumer waste, whether there is or is likely to be a market for the processed materials.

SECTION 31m. 560.65 (4m) of the statutes is created to read:

560.65 (4m) The board may request proposals for projects that do one or more of the activities specified in subs. (1m) to (3) if the board determines that such projects are needed to develop or expand the market for one or more materials recovered from postconsumer waste.

SECTION 32. 560.65 (5) of the statutes is created to read:

560.65 (5) (a) The board may not award a grant or loan under this section after the effective date of this paragraph .... [revisor inserts date].

(b) The department shall deposit in the recycling fund all moneys received after the effective date of this paragraph .... [revisor inserts date], in repayment of loans made under this section.

SECTION 32m. 560.835 (1m) of the statutes is created to read:

560.835 (1m) The board may request proposals for projects that do one or more of the activities specified in sub. (1) (a) to (d) if the board determines that such projects are needed to develop or expand the market for one or more materials recovered from postconsumer waste.

SECTION 33. 560.835 (4) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

560.835 (4) Before making a grant or loan under sub. (1), the board shall consider whether the recycling development project is consistent with the priorities established under s. 159.03 (1) (b), 1991 stats., that are in effect on January 1 of the year in which the eligible recipient submits a complete application for a grant or loan under sub. (1).

SECTION 34. 560.835 (6) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

560.835 (6) Subject to ss. 560.82 (2), (3), (4) (b) and (5) and 560.84, the department may award a grant ~~from the appropriation under s. 20.143 (1) (u)~~ to an eligible recipient for an early planning project for an activity described in sub. (1) (a) to (d). The total amount of grants for early planning projects awarded under this subsection may not exceed \$50,000 during a fiscal biennium.

SECTION 35. 560.835 (7) of the statutes is created to read:

560.835 (7) (a) The board may not award a grant or loan under sub. (1) and the department may not award a grant under sub. (6) after the effective date of this paragraph .... [revisor inserts date].

(b) The department shall deposit in the recycling fund all moneys received after the effective date of this paragraph .... [revisor inserts date], in repayment of loans made under this section.

SECTION 36. 560.85 (2) of the statutes is amended to read:

560.85 (2) The board shall develop a policy governing the repayment of grants and loans made under s. 560.83 or 560.835. The board or department shall deposit moneys received in repayment of grants and loans under s. 560.83 in the appropriation under s. 20.143 (1) (im) ~~and shall deposit money received in repayment of grants and loans under s. 560.835 in the appropriation under s. 20.143 (1) (ip)~~.

SECTION 38. 1993 Wisconsin Act 16, section 9115 (3j) is repealed.

SECTION 38m. **Nonstatutory provisions; administration.** (1) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for the purposes of the 1995-97 biennial budget bill, the department of administration shall submit information concerning the appropriation under section 20.505 (4) (t) of the statutes, as created by this act, as though the total amount



appropriated under that appropriation in fiscal year 1994-95 was \$6,108,000 higher than the amount that was appropriated under that appropriation.

(2) Notwithstanding the length of terms specified in section 15.105 (20) (f) of the statutes, as created by this act, the initial members of the recycling market development board appointed under section 15.105 (20) (c) 3 and 4 of the statutes, as created by this act, shall be appointed for the following terms:

(a) Two members appointed under section 15.105 (20) (c) 3 of the statutes and one member appointed under section 15.105 (20) (c) 4 of the statutes for terms expiring on May 1, 1995.

(b) Two members appointed under section 15.105 (20) (c) 3 of the statutes and one member appointed under section 15.105 (20) (c) 4 of the statutes for terms expiring on May 1, 1996.

(c) Two members appointed under section 15.105 (20) (c) 3 of the statutes and one member appointed under section 15.105 (20) (c) 4 of the statutes for terms expiring on May 1, 1997.

(3) The authorized FTE positions for the department of administration funded from the appropriation under section 20.505 (4) (s) of the statutes, as created by this act, are increased by 1.0 SEG position for the executive director of the recycling market development board.

**SECTION 39. Nonstatutory provisions; development.** (1) The authorized FTE positions for the department of development, funded from the appropriation under section 20.143 (1) (q), 1991 stats., are decreased by 1.0 SEG position to reflect the termination of recycling market development functions.

(2) The authorized FTE positions for the department of development, funded from the appropriation under section 20.143 (1) (r) of the statutes, are decreased by 1.0 SEG position to reflect the termination of recycling market development financial assistance functions.

(3) Using the procedure under section 227.24 of the statutes, the department of development shall promulgate rules necessary for the administration of the recycling rebate program under section 560.12 of the statutes, as affected by this act, and for the administration of the recycling grant and loan program under section 560.65 of the statutes, as affected by this act, for the period before the effective date of permanent rules. The department shall file the emergency rules in the office of the revisor of statutes no later than the 30th day after the effective date of this subsection. Notwithstanding section 227.24 (1) (c) of the statutes, a rule promulgated under this subsection remains in effect for 12 months, except that the rule may be extended by the joint committee for review of administrative rules. Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the department need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating a rule under this subsection.

**SECTION 40. Nonstatutory provisions; housing and economic development authority.** (1) Notwithstanding section 234.93 (4) (a) of the statutes, on the effective date of this subsection, the Wisconsin housing and economic development authority shall transfer from the Wisconsin development reserve fund under section 234.93 of the statutes to the department of administration to be deposited in the recycling fund an amount equal to \$1,500,000 less an amount sufficient for all of the following:

(a) To pay all outstanding claims arising from any loan guaranteed under section 234.67 of the statutes before the effective date of this paragraph.

(b) To fund guarantees for loans guaranteed under section 234.67 of the statutes before the effective date of this paragraph.

**SECTION 40m. Nonstatutory provisions; natural resources.** (1) ~~The authorized FTE positions for the department of natural resources, funded from the appropriation under section 20.370 (2) (hq) of the statutes, are decreased by 1.0 SEG position to reflect the termination of recycling market development functions.~~

~~(2) The authorized FTE positions for the department of natural resources, funded from the appropriation under section 20.370 (8) (iw) of the statutes, are decreased by 1.0 SEG position to reflect the termination of technical assistance related to recycling market development functions.~~

(3) Notwithstanding section 159.23 (4) (intro.), 1991 stats., if a responsible unit, as defined in section 159.01 (9) of the statutes, submits an application for financial assistance for 1994 under section 159.23 of the statutes by October 31, 1993, the department of natural resources shall consider the application to be timely submitted and shall pay to the responsible unit the full amount of financial assistance for 1994 as determined under section 159.23 (5) or (5m) of the statutes.

**SECTION 41. Appropriation changes; development.** (2) On the effective date of this subsection, there is transferred to the recycling fund the unencumbered balances of the appropriations to the department of development under section 20.143 (1) (ig) and (ip) of the statutes, as affected by the acts of 1993.

(3) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of development under section 20.143 (1) (s) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$1,100,000 for fiscal year 1993-94 and the dollar amount is increased by \$600,000 for fiscal year 1994-95.

(4) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of development under section 20.143 (1) (t) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$3,660,000 for fiscal year 1993-94 and the dollar amount is increased by \$3,160,000 for fiscal year 1994-95.

Vetoed  
in Part

**SECTION 42. Appropriation changes; natural resources.** (5) On the effective date of this subsection, there is lapsed to the recycling fund from the appropriation to the department of natural resources under section 20.370 (4) (ct) of the statutes, as affected by the acts of 1993, 75% of the unencumbered balance of that appropriation.

**SECTION 42m. Initial applicability.** (1) The treatment of section 159.23 (4) (intro.), (5) (intro.), (5p) and (6) of the statutes first applies to applications for and disbursement of financial assistance for 1995.

**SECTION 43. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 20.143 (1) (ig), (ip), (q), (r) (by SECTION 9), (s), (t) and (u), 159.03 (1) (b), 159.19 (3), ~~159.21 (3) and (4)~~, 159.22 (2) (c), 560.031, 560.08 (2) (k) and (km), 560.09 (5), 560.12 (5) (a) (by SECTION 26) and (b) (by SECTION 26) and (6) (a) (by SECTION 27), (b) (by SECTION 27), (d) (by SECTION 28) and (e), 560.61 (1), 560.65 (4) (a) (by SECTION 31) and (5), 560.835 (4), (6) and (7) and 560.85 (2) of the statutes, the renumbering of section 159.19 (intro.), (1) and (2) of the statutes, the creation of 159.19 (1) (title) and (2) of the statutes and SECTIONS 39 (1) and (2), ~~40 (1) and (2)~~, 41 (2) and 42 (5) of this act take effect on July 1, 1995. **Vetoed in Part**

1993 Senate Bill 533

Date of enactment: **November 24, 1993**  
Date of publication: **December 8, 1993**

## 1993 Wisconsin Act 76

(Vetoed in Part)

AN ACT to create 20.435 (6) (ed) of the statutes, relating to administration of the state supplement to the federal supplemental security income program and making an appropriation.

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

**SECTION 1.** 20.435 (6) (ed) of the statutes is created to read:

20.435 (6) (ed) *Administrative expenses for state supplement to federal supplemental security income program.* A sum sufficient to pay for administrative fees charged by the federal government for federal administration of state supplemental grants to supplemental security income recipients under s. 49.177.

**SECTION 2. Nonstatutory provisions; study.** The department of health and social services shall prepare a study of the feasibility of having the state assume responsibility for the administration of the state supplement grant program under section 49.177 of the

statutes. This study shall evaluate the costs and benefits of administering the program directly or by contracting with an outside vendor. The results of the study shall be submitted to the joint committee on finance no later than March 1, 1994. If the results of the study indicate that it would be cost-effective for the state to assume responsibility for the administration of the state supplement grant program under section 49.177 of the statutes, the department of health and social services shall submit, with the results of the study, proposed legislation for the state to assume responsibility for administration of the state supplement grant program under section 49.177 of the statutes. **Vetoed in Part**

1993 Assembly Bill 141

Date of enactment: **November 24, 1993**  
Date of publication: **December 8, 1993**

## 1993 Wisconsin Act 77

AN ACT to create 61.65 (2) (a) 4 of the statutes, relating to the methods by which villages may provide for fire protection.

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

**SECTION 1.** 61.65 (2) (a) 4 of the statutes is created to read: