



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0779/P2
ZDW:cdc

DOA:.....Potts, BB0240 - Exemption from the prohibition on banning auxiliary containers

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

Local regulation of certain containers

Current law limits the ability of political subdivisions (cities, villages, towns, and counties) to regulate auxiliary containers. "Auxiliary container" is defined as "a bag, cup, bottle, can, or other packaging that is designed to be reusable or single-use; that is made of cloth, paper, plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or similar material or substrates, including coated, laminated, or multi-layer substrates; and that is designed for transporting or protecting merchandise, food, or beverages from a food service or retail facility." In general, a political subdivision may not 1) enact or enforce an ordinance regulating the use, disposition, or sale of auxiliary containers, 2) prohibit or restrict auxiliary containers, or 3) impose a fee, charge, or surcharge on auxiliary containers.

This bill provides that DNR may grant a political subdivision an exemption from these prohibitions as they apply to a specific type of container. A political subdivision seeking an exemption must make an application to DNR that describes the type of container to which the exemption would apply and demonstrate that the political subdivision cannot sell the type of container at a price that exceeds the recycling processing costs of the container. If DNR grants the exemption, DNR must specify the period of the exemption, which may not exceed two years.

For further information see the state and local 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:

SECTION 1. 287.16 of the statutes is created to read:

287.16 Auxiliary containers. (1) The department may grant a political subdivision, as defined in s. 66.0419 (1) (b), upon application, an exemption from the requirements of s. 66.0419 (2) with regard to a specific type of container if all of the following apply:

(a) The political subdivision describes in the application the type of container to which the proposed exemption would apply.

(b) The political subdivision demonstrates that it cannot sell the type of container at a price that exceeds the recycling processing costs of the container.

(2) The department shall specify the period of an exemption under this section. The period may not exceed 2 years.

SECTION 2. 66.0419 (4) of the statutes is created to read:

66.0419 (4) If a political subdivision has been granted an exemption under s. 287.16, the political subdivision is exempt from the prohibition under sub. (2) to the extent authorized by the exemption.

(END)