

State of Wisconsin



1999 Senate Joint Resolution 12

ENROLLED JOINT RESOLUTION

Relating to: requesting Congress to enact legislation to allow states to control the interstate shipment of solid waste.

Whereas, the amount of solid waste generated in the United States more than doubled from 1960 to 1990; and

Whereas, in the next 15 years, 80% of the landfills that were operating in 1989 will be filled; and

Whereas, Congress, to date, has refused to address nonhazardous solid waste regulation on a national level; and

Whereas, in 1990 this state passed a recycling law that prohibited the disposal of solid waste in Wisconsin landfills unless the municipality generating the waste had an effective recycling program in place; and this applied to municipalities both in Wisconsin and outside of Wisconsin; and

Whereas, the recycling law also required states that ship waste to Wisconsin to have effective landfill siting programs in place; and

Whereas, the U.S. district court for the western district of Wisconsin ruled that the landfill siting provision violated the U.S. Constitution's commerce clause; and

Whereas, the 7th circuit court of appeals ruled that requiring out-of-state communities to have effective recycling programs also violates the U.S. Constitution's commerce clause; and

Whereas, resolving solid waste management issues under the commerce clause alone does not give proper weight to environmental and land use considerations; and

Whereas, Wisconsin residents are required to recycle to conserve resources, energy and landfill space; now, therefore, be it

Resolved by the senate, the assembly concurring, That the members of the Wisconsin legislature request Congress to pass legislation giving a state the right to limit the importing of solid waste from outside of the state; and, be it further

Resolved, That the senate chief clerk shall provide a copy of this joint resolution to all members of this state's congressional delegation.

Representative Scott R. Jensen
Speaker of the Assembly

Senator Fred A. Risser
President of the Senate

Date

Donald J. Schneider
Senate Chief Clerk