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LRB-2301/1 RCT:kmg:jf

## 1999 ASSEMBLY JOINT RESOLUTION 34

March 16, 1999 – Introduced by Representatives Johnsrud, Albers, Bock, Freese, Goetsch, Gunderson, Hasenohrl, Hoven, Huber, Kelso, Klusman, Kestell, Ladwig, Lassa, Montgomery, Musser, Nass, Owens, Petrowski, Plouff, Reynolds, Skindrud, Spillner, Suder, Stone, Urban and Ward, cosponsored by Senators Wirch, Robson, Baumgart, Breske, Clausing, Cowles, Darling, Erpenbach, Farrow, Grobschmidt, Huelsman, Lazich, Moen and Schultz. Referred to Committee on Rules.

**Relating to:** requesting Congress to enact legislation to allow states to control the 1 2 interstate shipment of solid waste. 3 Whereas, the amount of solid waste generated in the United States more than 4 doubled from 1960 to 1990; and 5 Whereas, in the next 15 years, 80% of the landfills that were operating in 1989 6 will be filled; and 7 Whereas, Congress, to date, has refused to address nonhazardous solid waste 8 regulation on a national level; and 9 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 10 11 had an effective recycling program in place; and this applied to municipalities both 12 in Wisconsin and outside of Wisconsin; and Whereas, the recycling law also required states that ship waste to Wisconsin 13

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-stat
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 claus
alone does not give proper weight to environmental and land use considerations; an
Whereas, Wisconsin residents are required to recycle to conserve resources
energy and landfill space; now, therefore, be it
Resolved by the assembly, the senate concurring, That the members of the
Wisconsin legislature request Congress to pass legislation giving a state the right t
limit the importing of solid waste from outside of the state; and, be it further
Resolved, That the assembly chief clerk shall provide a copy of this join
resolution to all members of this state's congressional delegation.
resolution to all members of this state's congressional delegation.

(END)