

# State of Wisconsin



2023 Senate Bill 866

Date of enactment: **March 14, 2024**

Date of publication\*: **March 15, 2024**

## 2023 WISCONSIN ACT 108

AN ACT *to repeal* 287.17 (5) (a) 1m. and 287.17 (10) (c) 1. a.; *to renumber and amend* 287.17 (4) (d) 1.; *to amend* 287.17 (1) (j), 287.17 (4) (b) 1., 287.17 (4) (b) 2., 287.17 (5) (a) 1. (intro.), 287.17 (5) (a) 1. a., 287.17 (5) (a) 1. b., 287.17 (5) (a) 1. c. and 287.17 (10) (c) 2.; and *to create* 287.17 (4) (d) 1. b. and 287.17 (4) (g) 3. of the statutes; **relating to:** changes to the electronic waste recycling program and granting rule-making authority.

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

**SECTION 1.** 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 2.** 287.17 (4) (b) 1. of the statutes is amended to read:

287.17 (4) (b) 1. If the manufacturer sold at least ~~500~~ 550 covered electronic devices in this state during the previous program year, the manufacturer shall pay a registration fee of ~~\$5,000~~ \$5,500, except as provided under sub. (10) (k).

**SECTION 3.** 287.17 (4) (b) 2. of the statutes is amended to read:

287.17 (4) (b) 2. If the manufacturer sold at least 250 but fewer than ~~500~~ 550 covered electronic devices in this state during the previous program year, the manufacturer shall pay a registration fee of ~~\$1,250~~ \$2,500, except as provided under sub. (10) (k).

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

287.17 (4) (d) 1. (intro.) Determine the manufacturer's target recycling weight ~~by multiplying~~. The department shall calculate the target recycling weight for each manufacturer for the upcoming program year and shall report a manufacturer's target recycling weight to the manufacturer no later than the August 1 preceding the program year in which the target recycling weight will apply. The department shall calculate a manufacturer's target recycling weight as follows:

a. Divide the number of pounds of the manufacturer's covered electronic devices sold to households or covered schools in this state during the program year that began 3-2 program years before the beginning of the program year in which the calculation is made target recycling weight will apply, as reported under sub. (5) (a), by 0.8 the total weight of all manufacturers' covered electronic devices sold to households or covered schools in this state during the same program year. The quotient, rounded to the nearest one-hundredth, shall be the manufacturer's market share percentage.

**SECTION 5.** 287.17 (4) (d) 1. b. of the statutes is created to read:

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

287.17 (4) (d) 1. b. Multiply the manufacturer's market share percentage, as calculated under subd. 1. a., by the total weight of eligible electronic devices collected in this state that recyclers received for recycling during the program year that began 2 program years before the beginning of the program year in which the target recycling weight will apply, as reported under sub. (8) (b) 1. The product, rounded to the nearest whole number, shall be the manufacturer's target recycling weight for the upcoming program year.

**SECTION 6.** 287.17 (4) (g) 3. of the statutes is created to read:

287.17 (4) (g) 3. The department shall establish by rule what may constitute good faith progress toward meeting a target recycling weight under this paragraph. The rule shall provide flexibility in staff determination of good faith progress, but shall establish means by which good faith progress may be demonstrated, and shall account for circumstances beyond a manufacturer's control such as a reduction in collection sites or events due to a local or statewide declared emergency.

**SECTION 6m.** 287.17 (5) (a) 1. (intro.) of the statutes is amended to read:

287.17 (5) (a) 1. (intro.) Except as provided in subd. 3. ~~and subject to subd. 1m.,~~ with each registration that it submits under sub. (3), a manufacturer shall report one of the following to the department:

**SECTION 7.** 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 covered schools in this state during the previous program year ~~that began 2 program years before the beginning of the program year in which the report is made.~~

**SECTION 8.** 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 covered schools in this state during the previous program year ~~that began 2 program years before the beginning of the program year in which the report is made.~~

**SECTION 9.** 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 covered schools in this state during the previous program year ~~that began 2 program years before the beginning of the program year in which the report is made.~~

**SECTION 9m.** 287.17 (5) (a) 1m. of the statutes is repealed.

**SECTION 10.** 287.17 (10) (c) 1. a. of the statutes is repealed.

**SECTION 11.** 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- b. to d. 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 12. Nonstatutory provisions.**

(1) RECYCLING TARGETS FOR PROGRAM YEAR 2024. Notwithstanding s. 287.17 (4) (d) 1., the department shall calculate the target recycling weight for each manufacturer for program year 2024 and shall report a manufacturer's target recycling weight to the manufacturer no later than April 15, 2024. Notwithstanding s. 287.17 (4) (d) 1., the department shall calculate a manufacturer's target recycling weight for program year 2024 as follows:

(a) Divide the number of pounds of the manufacturer's covered electronic devices sold to households or covered schools in this state from January 1, 2022, to December 31, 2022, as reported under s. 287.17 (5) (a), by the total weight of all manufacturers' covered electronic devices sold to households or covered schools in this state during the same period. The quotient, rounded to the nearest one-hundredth, shall be the manufacturer's market share percentage.

(b) Multiply the manufacturer's market share percentage, as calculated under par. (a), by the total weight of eligible electronic devices collected in this state that recyclers received for recycling during program year 2021-22, as reported under s. 287.17 (8) (b) 1. The product, rounded to the nearest whole number, shall be the manufacturer's target recycling weight for program year 2024.

(2) RECYCLING TARGETS FOR PROGRAM YEAR 2025.

(a) In this subsection, "transition year" has the meaning given in s. 287.17 (1) (pg).

(b) Notwithstanding s. 287.17 (4) (d) 1., a manufacturer's target recycling weight for program year 2025 shall be determined as follows:

1. Divide the number of pounds of the manufacturer's covered electronic devices sold to households or covered schools in this state during 2023, as reported under s. 287.17 (5) (a), by the total weight of all manufacturers' covered electronic devices sold to households or covered schools in this state during 2023. The quotient, rounded to the nearest one-hundredth, shall be the manufacturer's market share percentage.

2. Multiply the total weight of eligible electronic devices collected in this state by recyclers during the transition year, as reported under s. 287.17 (8) (b) 1., by two-thirds.

3. Multiply the product under subd. 2. by the manufacturer's market share percentage, as calculated under subd. 1. The product, rounded to the nearest whole num-

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ber, shall be the manufacturer's target recycling weight for program year 2025.

(2m) MANUFACTURER REPORTING IN 2024. Notwithstanding s. 287.17 (5) (a), for a registration required to be submitted in 2024, the weights reported under s. 287.17

(5) (a) 1. a. to c. shall be the weights sold from January 1, 2022, to December 31, 2022, and, separately reported, the weights sold from January 1, 2023, to December 31, 2023.

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