
Wisconsin Legislative Council

AMENDMENT MEMO



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2023 Senate Bill 866

Senate Amendment 1

2023 SENATE BILL 866

2023 Senate Bill 866 makes various changes to the electronic waste recycling program administered by the Department of Natural Resources (DNR). Among these changes, the bill modifies manufacturer reporting requirements, as well as the formula used to calculate a manufacturer's target recycling weight for each program year.

Under the bill, a manufacturer's target recycling weight is generally calculated by multiplying the manufacturer's market share of certain electronic devices sold in the state by the total weight of certain electronic devices collected in the state by recyclers. A manufacturer's target recycling weight for a given program year is calculated based upon the market share and total weight of devices collected in the program year that began two program years prior to the given program year. For example, a manufacturer's target recycling weight for 2027 would be based upon device sales and the total amount of devices collected by recyclers in 2025.

The bill also includes nonstatutory provisions that specify target recycling weights for program years 2024 and 2025. The target weight formulae under these nonstatutory provisions generally mirror the bill's modifications to the current formula. However, absent the nonstatutory provision, the bill would not provide manufacturers with targets for program year 2024 because the bill directs DNR to provide targets for each program year by August of the prior year (a date that has already passed). The nonstatutory provision establishing the 2025 target recycling weight formula includes a two-thirds multiplier, reflecting the fact that the formula relies upon the weight of devices collected during an 18-month period (the "transition year," which resulted from prior legislation that shifted program years from the state fiscal year to the calendar year).

SENATE AMENDMENT 1

Senate Amendment 1 makes changes to the bill's nonstatutory provisions relating to the target recycling weights for program years 2024 and 2025, as follows:

- For the recycling targets for 2024, the amendment modifies the formula to use a manufacturer's market share during calendar year 2022, rather than its market share during program year 2021-22. The amendment also directs DNR to calculate each manufacturer's target and report the target to each manufacturer no later than April 15, 2024.
- For the recycling targets for 2025, the amendment modifies the formula to use a manufacturer's market share during calendar year 2023, rather than its market share during the transition year (i.e., the period from July 1, 2022 to December 31, 2023).

The amendment also includes an additional nonstatutory provision to require a manufacturer's 2024 registration to separately report weights sold in calendar year 2022 and calendar year 2023. To accompany this change, the amendment repeals a provision under current law under which the

information regarding the weights sold in calendar years 2022 and 2023 would be submitted through manufacturer registrations in 2024 and 2025, respectively.¹

Finally, the amendment modifies language within certain provisions establishing target recycling weights to specify that the total weight of electronic devices used in the calculation is the weight that was “collected and received by recyclers for recycling,” rather than the weight “collected by” recyclers.

BILL HISTORY

Senate Amendment 1 was introduced by Senator Cowles on February 6, 2024. On February 8, 2024, the Senate Committee on Natural Resources and Energy recommended adoption of the amendment and passage of the bill, as amended, on votes of Ayes, 5; Noes, 0.

For a full history of the bill, visit the Legislature’s [bill history page](#).

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¹ In repealing this provision, the amendment also repeals an obsolete reporting requirement applicable only to manufacturer registrations submitted in 2022.