

1       **AN ACT** *to amend* 20.370 (6) (bv) and (title), 287.235 (title) and 287.235 (1); and *to*  
 2           *create* 287.235 (1m) and 287.235 (3) of the statutes; **relating to:** recycling  
 3           enforcement and information grants, making an appropriation, and authorizing  
 4           rule-making.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the Joint Legislative Council’s Special Committee on Single-Use Plastics. It responds to the committee’s instruction to develop ideas for improving the effectiveness of local recycling programs other than those in Section IV of Memo No. 1 to the committee. It is based on conversations with committee members and Department of Natural Resources (DNR) staff.

The draft revises the recycling efficiency incentive grant program to focus on the use of education and enforcement to increase the diversion of recyclable materials from nonresidential, nonindustrial sources. It responds to concerns expressed by some committee members regarding the difficulty of capturing recyclable materials in the “away-from-home” context. It also restores funding for this program.

The draft also restores funding of the waste reduction and demonstration grant program at \$1.5 million per year, the level at which that program was funded in the 2005–07 biennial budget.

The appropriations that fund both of these programs are from the recycling and renewable energy fund, the fund to which landfill tipping fee revenues are credited.

5           **SECTION 1.** 20.370 (6) (bv) and (title) of the statutes are amended to read:  
 6           20.370 (6) (bv) (title) *Recycling ~~efficiency incentive~~ enforcement and information*  
 7           *grants.* From the recycling and renewable energy fund, the amounts in the schedule for  
 8           recycling ~~efficiency incentive~~ enforcement and information grants under s. 287.235.

9           **SECTION 2.** 287.235 (title) of the statutes is amended to read:

1           **287.235 Recycling Efficiency Incentive Enforcement and Information Grants.**

2           **SECTION 3.** 287.235 (1) of the statutes is amended to read:

3           287.235 (1) (title) ELIGIBILITY PROGRAM CREATION. ~~Beginning in fiscal year 2002-03 the~~  
4           The department shall make a recycling efficiency ~~incentive grant enforcement and~~  
5           information grants to a responsible ~~unit~~ units.

**NOTE:** Subsection (2) of s. 287.235, not shown here, limits the amount of grants by specifying that a grant under this section, plus a general recycling program grant to the same responsible unit, may not exceed the total amount that the responsible unit is authorized to receive in a general recycling grant.

**QUESTION:** Should the amount of these grants be limited as under current law, or should they be in addition to the total eligible costs under the general recycling grants?

6           **SECTION 4.** 287.235 (1m) of the statutes is created to read:

7           287.235 (1m) **DEFINITION.** In this section, “single-use plastic item” means an item that  
8           is composed primarily of plastic and is generally intended by its manufacturer to be disposed  
9           of after a single use. “Single-use plastic item” includes plastic beverage bottles, plastic food  
10          service items, and plastic packaging.

11          **SECTION 5.** 287.235 (3) of the statutes is created to read:

12          287.235 (3) **APPLICATION.** A responsible unit may apply to the department for a grant  
13          under this section in the manner specified by the department by rule. A grant application shall  
14          demonstrate how the responsible unit will use public education or enforcement of ordinances  
15          required under s. 287.11 (2) (c) to increase the diversion of [single-use plastic items]  
16          [materials listed in s. 287.07 (3)] from solid waste generated by individuals in nonresidential  
17          settings, including all of the following:

18           a. Commercial buildings, such as gas stations, convenience stores, shopping malls,  
19          office buildings, meeting or convention centers, and hotels.

1           b. Public facilities, such as highway rest areas, parks, schools, and government  
2 buildings.

3           c. Events, such as fairs, carnivals, concerts, sporting events, and private parties.

**NOTE:** Section 287.11 (2) (c) requires that a responsible unit adopt an ordinance that requires owners of commercial, retail, industrial, and governmental facilities in the region of the responsible unit do all of the following:

1. Provide adequate, separate containers for recycling.
2. Regularly notify all users and occupants of the facilities of the programs under this paragraph and par. (b).
3. Provide for the collection of recyclable materials separated from solid waste by the users and occupants and the delivery of the recyclable materials to a recycling facility.

**NOTE:** The materials listed in s. 287.07 (3) are those banned from landfills and subject to local recycling programs. They are aluminum containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, newspapers, office paper, plastic containers, steel containers, waste tires, and bi-metal beverage containers.

**QUESTION:** Should this grant program be targeted to single-use plastic items or to all materials that effective recycling programs must address? Note that “single-use plastic item”, as defined in this draft, also includes items not subject to effective recycling programs.

4           **SECTION 6. Appropriation changes. (1) RECYCLING ENFORCEMENT AND INFORMATION**  
5 GRANTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the  
6 department of natural resources under section 20.370 (6) (bv) of the statutes, as affected by  
7 the acts of 2011, the dollar amount is increased by [\$1,900,000] [other] for fiscal year 2011–12  
8 and the dollar amount is increased by [\$1,900,000] [other] for fiscal year 2012–13 to fund  
9 grants under section 287.235 of the statutes.

**NOTE:** The recycling efficiency incentive grant program was funded at \$1.9 million in each year of the 2007–09 fiscal biennium. The program received no funding in the 2009–11 fiscal biennium.

This appropriation is from the recycling and renewable energy fund, the fund in which landfill tipping fees are deposited.

1           **(2)** WASTE REDUCTION AND RECYCLING DEMONSTRATION GRANTS. The amount in the  
2 schedule under section 20.005 of the statutes for the appropriation under section 20.370 (6)  
3 (br) is increased by \$1,500,000 in fiscal year 2011–12 and by \$1,500,000 in fiscal year  
4 2012–13 for the purpose of making waste reduction and recycling demonstration grants under  
5 section 287.25 of the statutes.

**NOTE:** The waste reduction and recycling demonstration grant program was funded at \$1.5 million in each year of the 2007–09 fiscal biennium. The program received no funding in the 2009–11 fiscal biennium.

This appropriation is from the recycling and renewable energy fund, the fund in which landfill tipping fees are deposited.

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**(END)**