



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1320/3  
RCT:kjf&cjs:jf

DOA:.....Steinmetz, BB0312 - Recycling fund modifications

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT ...; relating to:** the budget.

---

*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

**SOLID AND HAZARDOUS WASTE**

Under current law, the main sources of revenue for the recycling and renewable energy fund are the recycling tipping fee and the recycling surcharge. The recycling tipping fee is one of several fees, often called tipping fees, that are based on the weight of solid waste disposed of at a landfill or other waste disposal facility. Currently, the recycling tipping fee is \$7 per ton of solid waste disposed of, other than certain kinds of high-volume industrial waste. The recycling surcharge is imposed on businesses that have at least \$4,000,000 in gross receipts. The minimum annual surcharge is \$25 and the maximum annual surcharge is \$9,800.

This bill renames the recycling and renewable energy fund to be the economic development fund and renames the recycling surcharge to be the economic development surcharge. Under the bill, \$4 per ton of the recycling tipping fee is deposited in the economic development fund and \$3 per ton is deposited in the environmental fund. The bill also changes the current appropriations from the recycling and renewable energy fund that are for purposes related to the environment to be from the environmental fund.

---

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

**SECTION 1.** 20.115 (1) (u) of the statutes is amended to read:

20.115 (1) (u) *Recyclable and nonrecyclable products regulation.* From the ~~recycling and renewable energy~~ environmental fund, the amounts in the schedule for the implementation and enforcement of ss. 100.29, 100.295 and 100.33.

**SECTION 2.** 20.115 (4) (qm) of the statutes is amended to read:

20.115 (4) (qm) *Grants for agricultural facilities.* Biennially, from the ~~recycling~~ environmental fund, the amounts in the schedule for grants for agricultural facilities under [2007 Wisconsin Act 20](#), section [9103](#) (4u) and [2009 Wisconsin Act 28](#), section [9103](#) (3f).

**SECTION 3.** 20.115 (7) (va) of the statutes is amended to read:

20.115 (7) (va) *Clean sweep grants.* From the ~~recycling and renewable energy~~ environmental fund, the amounts in the schedule for chemical and container collection grants under s. 93.55 and for household hazardous waste grants under s. 93.57.

**SECTION 4.** 20.285 (1) (s) of the statutes is amended to read:

20.285 (1) (s) *Wisconsin Bioenergy Initiative.* From the ~~recycling and renewable energy~~ environmental fund, the amounts in the schedule to support research under the Wisconsin Bioenergy Initiative into improved plant biomass, improved biomass processing, conversion of biomass into energy products, development of a sustainable energy economy, and development of enabling technologies for bioenergy research.

**SECTION 5.** 20.285 (1) (tb) of the statutes is amended to read:

20.285 (1) (tb) *Extension recycling education.* From the ~~recycling and renewable energy~~ environmental fund, the amounts in the schedule for University

of Wisconsin-Extension educational and technical assistance programs in recycling and recycling market development.

**SECTION 6.** 20.285 (1) (tm) of the statutes is amended to read:

20.285 (1) (tm) *Solid waste research and experiments.* From the ~~recycling and renewable energy~~ environmental fund, the amounts in the schedule for research into alternative methods of solid waste management and for administering solid waste experiment centers.

**SECTION 7.** 20.370 (6) (ev) of the statutes is amended to read:

20.370 (6) (ev) *Reimbursement for disposal of contaminated sediment.* From the ~~recycling and renewable energy~~ environmental fund, the amounts in the schedule for reimbursement for out-of-state disposal of contaminated sediment under s. 292.68.

**SECTION 8.** 20.370 (8) (iw) of the statutes is amended to read:

20.370 (8) (iw) *Statewide recycling administration.* From the ~~recycling and renewable energy~~ environmental fund, the amounts in the schedule for administration of a statewide recycling program under ch. 287.

**SECTION 9.** 20.370 (9) (is) of the statutes is amended to read:

20.370 (9) (is) *Statewide recycling administration.* From the ~~recycling and renewable energy~~ environmental fund, the amounts in the schedule for the administration of recycling activities under ch. 287.

**SECTION 10.** 20.410 (1) (qm) of the statutes is amended to read:

20.410 (1) (qm) *Computer recycling.* From the ~~recycling and renewable energy~~ environmental fund, the amounts in the schedule for the department to recycle computers.

**SECTION 11.** 20.490 (5) (q) of the statutes is amended to read:

20.490 (5) (q) ~~Recycling and renewable energy~~ Environmental fund transfer to Wisconsin development reserve fund. From the ~~recycling and renewable energy environmental~~ fund, as a continuing appropriation, the amounts in the schedule to be transferred to the Wisconsin development reserve fund under s. 234.93.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 12.** 20.566 (1) (q) of the statutes is amended to read:

20.566 (1) (q) ~~Recycling~~ Economic development surcharge administration. From the ~~recycling and renewable energy economic development~~ fund, the amounts in the schedule for the costs, including data processing costs, incurred in administering the ~~recycling economic development~~ surcharge under subch. VII of ch. 77.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 13.** 25.17 (1) (nm) of the statutes is amended to read:

25.17 (1) (nm) ~~Recycling and renewable energy~~ Economic development fund (s. 25.49);

**SECTION 14.** 25.46 (6s) of the statutes is created to read:

25.46 (6s) The amounts required under s. 289.645 (6) to be deposited in the environmental fund.

**SECTION 15.** 25.49 (intro.) of the statutes is amended to read:

**25.49 ~~Recycling and renewable energy~~ Economic development fund.** (intro.) There is established a separate nonlapsible trust fund designated as the ~~recycling and renewable energy economic development~~ fund, to consist of:

**SECTION 16.** 25.49 (1m) of the statutes is renumbered 25.46 (5k).

**SECTION 17.** 25.49 (2) of the statutes is renumbered 25.46 (5L).

**SECTION 18.** 25.49 (3) of the statutes is amended to read:

25.49 (3) The fees imposed amounts required under s. 289.645 (6) to be deposited in the economic development fund.

**SECTION 19.** 73.03 (27) of the statutes is amended to read:

73.03 (27) To write off from the records of the department income, franchise, sales, use, withholding, motor fuel, gift, beverage and cigarette tax and ~~recycling~~ economic development surcharge liabilities, following a determination by the secretary of revenue that they are not collectible. Taxes written off under this subsection remain legal obligations.

**SECTION 20.** Chapter 77 (title) of the statutes is amended to read:

**CHAPTER 77**

**TAXATION OF FOREST CROPLANDS;**

**REAL ESTATE TRANSFER FEES;**

**SALES AND USE TAXES; COUNTY,**

**TRANSIT AUTHORITY, AND**

**SPECIAL DISTRICT SALES AND USE**

**TAXES; MANAGED FOREST LAND;**

**~~RECYCLING~~ ECONOMIC DEVELOPMENT**

**SURCHARGE; LOCAL FOOD**

**AND BEVERAGE TAX;**

**LOCAL RENTAL CAR TAX; PREMIER**

**RESORT AREA TAXES;**

**STATE RENTAL VEHICLE FEE;**

**DRY CLEANING FEES;**

**SOUTHEASTERN REGIONAL  
TRANSIT AUTHORITY FEE**

**SECTION 21.** Subchapter VII (title) of chapter 77 [precedes 77.92] of the statutes is amended to read:

**CHAPTER 77**

**SUBCHAPTER VII**

~~RECYCLING~~ ECONOMIC DEVELOPMENT SURCHARGE

**SECTION 22.** 77.93 (intro.) of the statutes is amended to read:

**77.93 Applicability.** (intro.) For the privilege of doing business in this state, there is imposed ~~a recycling~~ an economic development surcharge on the following entities:

**SECTION 23.** 77.96 (6) of the statutes is amended to read:

77.96 (6) The department of revenue shall refer to the surcharge under this subchapter as the ~~recycling~~ economic development surcharge.

**SECTION 24.** 77.97 of the statutes is amended to read:

**77.97 Use of revenue.** The department of revenue shall deposit the surcharge, interest and penalties collected under this subchapter in the ~~recycling and renewable energy~~ economic development fund under s. 25.49.

**SECTION 25.** 287.31 (6) of the statutes is amended to read:

287.31 (6) USE OF REVENUES. The newspaper recycling fees collected under sub. (5) shall be deposited in the ~~recycling and renewable energy~~ environmental fund under s. 25.49.

**SECTION 26.** 289.645 (6) of the statutes is amended to read:

289.645 (6) USE OF RECYCLING FEES. ~~The~~ Of the fees collected under sub. (2), ~~\$4~~ per ton shall be deposited in the recycling and renewable energy economic development fund and \$3 per ton shall be deposited in the environmental fund.

(END)