

CITY OF FRANKLIN

ENVIRONMENTAL COMMISSION MEETING

Wednesday, April 28, 2021 – 7:00 P.M.

FRANKLIN CITY HALL

Common Council Chambers

9229 West Loomis Road, Franklin, Wisconsin

AGENDA

- I. **CALL TO ORDER AND ROLL CALL**
- II. **CITIZEN COMMENT**
- III. **APPROVAL OF MINUTES**
 - A. Minutes of the regular meeting of March 24, 2021
- IV. **UNFINISHED BUSINESS**
 - A. Arbor Day, May 1, 2021; involvement of Root-Pike WIN (Watershed Initiative Network), a 501(c)(3) non-profit organization founded in 2001, program in Arbor Day celebration; Arbor Day event(s) planning, update on trees order and educational flyer on Buckthorn (invasive species).
 - B. Review of articles for the City of Franklin Newsletter, from the Root-Pike WIN (Watershed Initiative Network), a 501(c)(3) non-profit organization founded in 2001, program [this item/event is in process due to COVID-19 related restrictions], including educational materials for Buckthorn (invasive species), that is, website information and QR (Quick Response) code (a two-dimensional barcode used to share website links).
 - C. Wisconsin Department of Natural Resources programs for presentation at the City of Franklin Library-dates/schedule [this item/event is in process due to COVID-19 related restrictions] update.
- V. **NEW BUSINESS**
 - A. New state policy currently being considered:
SB 248, **Modifications to the Electronic Recycling Program**. This bill makes changes to the electronic waste recycling program, known as “E-Cycle Wisconsin,” which is administered by the Department of Natural Resources. Specifically, SB 248 bill also requires DNR to create a new program to provide grants to expand electronics recycling and recovery programs in underserved areas of the state. Grants may be provided to local units of government, businesses, and nonprofit entities. *The League supports this bill.* Senator Cowles (R-Green Bay) and Representative Mursau (R-Crivitz).

B. City of Franklin street tree list update-best list reviews.

C. City of Franklin rain garden (2 at City Hall, 1 at City of Franklin public library) bed status.

VI. SCHEDULE NEXT MEETING

A. May 26, 2021

VII. DISCUSSION OF FUTURE AGENDA ITEMS

A. Environmental Commission involvement in the City of Franklin's National Night Out program 2021.

B. Buckthorn-addition to noxious weed list update.

C. Audubon Society new program on gardening for the birds, bees and butterflies update.

VIII. ADJOURNMENT

Notice is given that a majority of the Common Council may attend this meeting to gather information about an Agenda item over which they have decision making responsibility. This may constitute a meeting of the Council per *State ex rel. Badke v. Greendale Village Board*, even though the Common Council will not take formal action at this meeting.

Notice is given that upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, please contact the Franklin City Clerk's office at (414) 425-7500.

CITY OF FRANKLIN
ENVIRONMENTAL COMMISSION MEETING
MINUTES
March 24, 2021

unapproved

CALL TO ORDER & ROLL CALL

- I. Chairman Arthur Skowron called the March 24, 2021 regular meeting of the Environmental Commission to order at 7:01 p.m. in the Common Council Chambers, Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

On roll call, the following were in attendance: Chair Arthur Skowron, Vice Chair Linda Horn and Commissioners Jamie Groark, Sudarshan Sharma and James Cieslak. Also present were Associate Planner Marion Ecks and City of Franklin Forester Tom Riha. Alderman Dan Mayer participated remotely. Excused was Commissioner Patricia Pomahac.

CITIZEN COMMENT

- II. The citizen comment period opened at 7:02 p.m. and closed at 7:12 p.m.. 4 citizens were present.

APPROVAL OF MINUTES

Minutes of the special meeting of February 24, 2021.

- III.
 - A. Commissioner Cieslak moved and Commissioner Groark seconded approval of the minutes of the regular meeting held February 24, 2021 as presented. On roll call vote, all voted 'aye'. Motion carried (6-0-1).

UNFINISHED BUSINESS

Ways to improve and expand Arbor Day 2021; involvement of Root-Pike WIN (Watershed Initiative Network), a 501(c)(3) non-profit organization founded in 2001, program in Arbor Day celebration; Arbor Day event(s) planning, update on trees order and educational flyer on Buckthorn (invasive species).

- IV.
 - A. Arbor Day is scheduled for Saturday May 1, 2021 at the Franklin Public Library from 10:00 am to noon. Commissioner Pomahac has reserved the Fadrow room inside the library in case of inclement weather. Tom Riha, city Forester, reported trees are on order. Commissioner Cieslak noted that both the Audubon Society and Wild Ones will provide handouts pertinent to plantings for birds and butterflies. Discussion only. No action taken.

Review of articles for the City of Franklin Newsletter, from the Root-Pike WIN (Watershed Initiative Network), a 501(c)(3) non-profit organization founded in 2001, program [this item/event is in process due to COVID-19 related restrictions], including educational materials for Buckthorn (invasive

- B. Quick Response code provided by Commissioner Groark was given to Associate Planner Ecks. Discussion only. No action taken.

species), that is, website information and QR (Quick Response) code (a two-dimensional barcode used to share website links).

Wisconsin Department of Natural Resources programs for presentation at the City of Franklin Library-dates/schedule [this item/event is in process due to COVID-19 related restrictions].

NEW BUSINESS

Presentation by Andy Kaminski of Milwaukee Metropolitan Sewerage District (MMSD) on green infrastructure resources and information provided by MMSD to municipalities.
(<https://www.freshcoastguardians.com/take-action/municipal#>)

Natural Resource Features Special Exception application by WP Property Acquisitions LLC, (Wendt Family Trust, property owners) for the purpose of impacting one of the three wetlands on the property (2.167 acres), specifically, grading and filling 0.23 acres (9,784 square feet) of wetland, 0.60 acres (26,132 square feet) of wetland buffer and 0.79 acres (34,466 square feet) of wetland setback and the development will also remove 39% of young woodland on the site (the City of Franklin Unified Development Ordinance permits impacts up to 50% without requiring an exception), to construct a 200,000 square foot office/warehouse facility and a 300,000 square foot office/warehouse facility in the second phase, with potential for the second phase to increase up to 400,000 square feet, property located at 3617 West Oakwood Road, zoned Planned Development District No. 39 (Mixed Use Business Park) (Tax Key No. 950-9997-002).

City of Franklin street tree list update-best list reviews.

C. April 22nd room reservation can be cancelled. Future dates will be looked into as speakers become available and library restrictions, due to Covid, so allow. Discussion only. No action taken.

V.

A. Andy Kaminski, Milwaukee Metropolitan Sewerage District (MMSD) presented an overview of green infrastructure resources along with a Green Solutions funding template, <https://www.freshcoastguardians.com/take-action/municipal#>. Discussion only. No action taken.

B. Commissioner Cieslak moved and Commissioner Groark seconded a motion to accept staff recommendations to approve a Natural Resource Special Exception by WP Property Acquisitions LLC with exception of recommendation 3C, stream identifications. Motion to also include no planting of Norway Maple for landscaping. On roll call vote, all voted 'aye'. Motion carried (6-0-1).

C. To be reviewed at the next meeting. Tom Riha is still developing list. Discussion only. No action taken.

Audubon Society new program on gardening for the birds, bees and butterflies.

D. Commissioner Cieslak is working on handouts for Arbor Day and developing information for homeowners for 2022. Discussion only. No action taken.

SCHEDULE NEXT MEETING

April 28, 2021

VI.

A. April 28, 2021

DISCUSSION OF FUTURE AGENDA ITEMS

Environmental Commission involvement in the City of Franklin's National Night Out program 2021.

VII.

A. Inside table or outside table available. Associate Planner Ecks to request outdoor.

Buckthorn-addition to noxious weed list update.

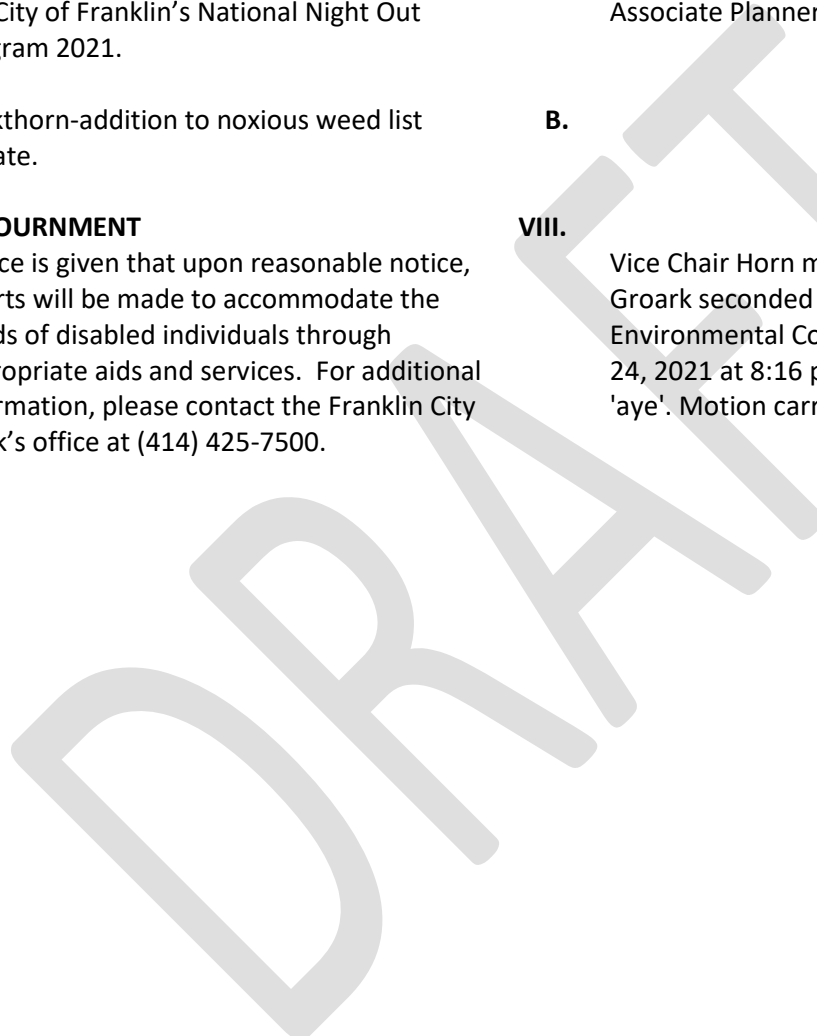
B.

ADJOURNMENT

Notice is given that upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, please contact the Franklin City Clerk's office at (414) 425-7500.

VIII.

Vice Chair Horn moved and Commissioner Groark seconded to adjourn the Environmental Commission meeting on March 24, 2021 at 8:16 p.m.. On voice vote, all voted 'aye'. Motion carried (6-0-1).





State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0222/1
MCP:ahe&emw

2021 SENATE BILL 248

March 25, 2021 - Introduced by Senators COWLES, SMITH, AGARD and L. TAYLOR, cosponsored by Representatives MURSAU, GUNDRUM, NOVAK, OLDENBURG, SKOWRONSKI, SUBECK, THIESFELDT, HEBL and SPREITZER. Referred to Committee on Natural Resources and Energy.

1 **AN ACT** *to renumber and amend* 287.17 (1) (k) and 287.17 (1) (np); *to amend*
2 287.13 (5) (i), 287.17 (1) (b), 287.17 (1) (c), 287.17 (1) (e), 287.17 (1) (eg) 1. (intro.),
3 287.17 (1) (eg) 1. b., 287.17 (1) (eg) 2., 287.17 (1) (em) (intro.), 287.17 (1) (gs)
4 (intro.), 287.17 (1) (L), 287.17 (1) (m), 287.17 (1) (n), 287.17 (2) (a) (intro.), 287.17
5 (2) (a) 4., 287.17 (2) (c) 1., 287.17 (2) (c) 2., 287.17 (3) (a) (intro.), 287.17 (3) (b)
6 (intro.), 287.17 (3) (e), 287.17 (4) (b) 1., 287.17 (4) (b) 2., 287.17 (4) (b) 3., 287.17
7 (4) (bm), 287.17 (4) (d) (intro.), 287.17 (4) (d) 1., 287.17 (4) (f) 1., 287.17 (4) (f)
8 2., 287.17 (5) (a) 1. (intro.), 287.17 (5) (a) 1. a., 287.17 (5) (a) 1. b., 287.17 (5) (a)
9 1. c., 287.17 (5) (a) 3., 287.17 (5) (b), 287.17 (7) (a) 1. (intro.), 287.17 (7) (a) 2.,
10 287.17 (7) (b), 287.17 (8) (a) 1. (intro.), 287.17 (8) (a) 2., 287.17 (8) (b) 1., 287.17
11 (8) (b) 2. (intro.), 287.17 (9), 287.17 (9m), 287.17 (10) (a), 287.17 (10) (c) 1. d.,
12 287.17 (10) (d) (intro.), 287.17 (10) (j) and 287.17 (10) (k); and **to create** 287.17
13 (1) (k) 1., 287.17 (1) (k) 2., 287.17 (1) (k) 3., 287.17 (1) (pg), 287.17 (4) (b) (intro.),
14 287.17 (4) (be), 287.17 (5) (a) 1m. and 287.17 (10) (fm) of the statutes; **relating**

SENATE BILL 248

1 **to:** changes to the electronic waste recycling program and granting
2 rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes changes to the electronic waste recycling program, known as “E-Cycle Wisconsin,” which is administered by the Department of Natural Resources.

Under the existing program, a manufacturer may not sell certain consumer electronic devices (electronics) to households or covered schools in this state, or deliver electronics to a retailer, unless the manufacturer registers with DNR each year, pays a registration fee, and either recycles a certain amount of electronics or pays a shortfall fee. A retailer may not sell electronics to households or covered schools in this state unless the product’s manufacturer is registered under the program. A recycler that receives electronics on behalf of a registered manufacturer must also register under the program and comply with certain reporting and record-keeping requirements.

The bill expands the definition of a covered school, for purposes of the program, to include all public elementary or secondary schools, including charter schools; all private elementary or secondary schools; and all tribal schools. The bill also narrows the types of consumer printers that are covered under the program.

Under current law, a manufacturer in the program must ordinarily pay a registration fee with its annual registration, based on the number of electronics it sold in the state during the previous year. The bill raises the threshold for requiring a manufacturer to pay a registration fee. Under the bill, a manufacturer’s registration fee is \$5,000 if it sold at least 500 electronics in this state during the previous program year, and \$1,250 if it sold at least 250 but fewer than 500 electronics. There is no registration fee if the manufacturer sold fewer than 250 electronics during the previous program year.

Also under current law, a manufacturer must report certain information to DNR when it submits its annual registration under the program. This bill requires manufacturers, when reporting the total weight of electronics recycled by or on behalf of the manufacturer each year, to also report the weight of electronics collected from rural counties separately from electronics collected from urban counties.

The bill also requires DNR to create a program to provide grants to expand electronics recycling and recovery programs in underserved areas of the state. Grants may be provided to local units of government, businesses, and nonprofit entities, including religious nonprofits, for hosting a collection site or collection event. The bill requires a grant recipient to provide matching funds equal to at least 20 percent of the cost of the project for which the grant is provided. The bill directs DNR to prioritize grants for projects that will take place in counties that do not have permanent electronics recycling collection sites.

Finally, under current law, a program year runs from July 1 to the following June 30. This bill creates an 18-month transition period (transition year) that runs

SENATE BILL 248

from July 1, 2022, to December 31, 2023. After the transition year, a program year runs from January 1 to December 31.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 287.13 (5) (i) of the statutes is amended to read:

2 287.13 (5) (i) Solid waste that consists of eligible electronic devices, as defined
3 in s. 287.17 (1) (gs), used by households or covered schools.

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

5 287.17 (1) (b) “Collection” means the act of receiving eligible electronic devices
6 from households or covered schools and delivering, or arranging for the delivery of,
7 the eligible electronic devices to a recycler.

8 **SECTION 3.** 287.17 (1) (c) of the statutes is amended to read:

9 287.17 (1) (c) “Collector” means a person who receives eligible electronic
10 devices from households or covered schools and delivers, or arranges for the delivery
11 of, the eligible electronic devices to a recycler.

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

13 287.17 (1) (e) “Consumer computer” means a high-speed data processing
14 device for performing logical, arithmetic, or storage functions that is marketed by the
15 manufacturer for use by households or covered schools, except that “consumer
16 computer” does not include an automated typewriter or typesetter, a portable
17 hand-held calculator or device, or other similar device.

18 **SECTION 5.** 287.17 (1) (eg) 1. (intro.) of the statutes is amended to read:

SENATE BILL 248**SECTION 5**

1 287.17 (1) (eg) 1. (intro.) “Consumer printer” means, except as provided in
2 subd. 2., one of the following that is marketed by the manufacturer for use by
3 households or covered schools:

4 **SECTION 6.** 287.17 (1) (eg) 1. b. of the statutes is amended to read:

5 287.17 (1) (eg) 1. b. A device listed under par. (gs) 1. to 6. or 7. that prints and
6 ~~has other functions, such as copying, scanning, or sending facsimiles,~~ and that is
7 designed to be placed on a desk or other work surface.

8 **SECTION 7.** 287.17 (1) (eg) 2. of the statutes is amended to read:

9 287.17 (1) (eg) 2. “Consumer printer” does not include a calculator with
10 printing capabilities ~~or a~~ label maker, or other similar household printing device;
11 a floor-standing printer; an automated teller machine, as defined in s. 134.85 (1) (a);
12 or a point-of-sale receipt printer.

13 **SECTION 8.** 287.17 (1) (em) (intro.) of the statutes is amended to read:

14 287.17 (1) (em) (intro.) “Consumer video display device” means a television or
15 computer monitor with a tube or screen that is at least 7 inches in its longest diagonal
16 measurement and that is marketed by the manufacturer for use by households or
17 covered schools, except that “consumer video display device” does not include any of
18 the following:

19 **SECTION 9.** 287.17 (1) (gs) (intro.) of the statutes is amended to read:

20 287.17 (1) (gs) (intro.) “Eligible electronic device” means a device that is one
21 of the following and that is used by a household primarily for personal use or by a
22 covered school, unless the device is of a kind exempted by a rule promulgated under
23 s. 287.17 (10) (i):

24 **SECTION 10.** 287.17 (1) (k) of the statutes is renumbered 287.17 (1) (k) (intro.)
25 and amended to read:

SENATE BILL 248

1 287.17 (1) (k) (intro.) “Program year” means ~~the period from July 1 to the~~
2 ~~following June 30.~~ one of the following:

3 **SECTION 11.** 287.17 (1) (k) 1. of the statutes is created to read:

4 287.17 (1) (k) 1. For any period before the beginning of the transition year, a
5 period that runs from July 1 to the following June 30.

6 **SECTION 12.** 287.17 (1) (k) 2. of the statutes is created to read:

7 287.17 (1) (k) 2. The transition year.

8 **SECTION 13.** 287.17 (1) (k) 3. of the statutes is created to read:

9 287.17 (1) (k) 3. For any period after the end of the transition year, a period that
10 runs from January 1 to the following December 31.

11 **SECTION 14.** 287.17 (1) (L) of the statutes is amended to read:

12 287.17 (1) (L) “Recycler” means a person who accepts eligible electronic devices
13 from households, covered schools, or collectors for the purpose of recycling.
14 “Recycler” does not include a manufacturer who accepts products exclusively for
15 refurbishing or repair.

16 **SECTION 15.** 287.17 (1) (m) of the statutes is amended to read:

17 287.17 (1) (m) “Recycling” means preparing eligible electronic devices for use
18 in manufacturing processes or for recovery of usable materials and delivering the
19 materials for use. “Recycling” does not include destruction by incineration or other
20 processes or land disposal of recyclable materials and does not include reuse, repair,
21 or any other process through which eligible electronic devices are returned for use
22 by households or covered schools in their original form.

23 **SECTION 16.** 287.17 (1) (n) of the statutes is amended to read:

SENATE BILL 248**SECTION 16**

1 287.17 (1) (n) “Retailer” means a person who sells a covered electronic device
2 to a household or covered school in this state, in person or by mail, telephone, or the
3 Internet, for use by the household or covered school.

4 **SECTION 17.** 287.17 (1) (np) of the statutes is renumbered 287.17 (1) (fm) and
5 amended to read:

6 287.17 (1) (fm) “School” “Covered school” means a public school, ~~as defined in~~
7 ~~s. 115.01 (1), a private school participating in the program under s. 118.60, or a~~
8 ~~private school participating in the program under s. 119.23~~ elementary or secondary
9 school, including a charter school, as defined in s. 115.001 (1), or a private elementary
10 or secondary school, or a tribal school, as defined in s. 115.001 (15m).

11 **SECTION 18.** 287.17 (1) (pg) of the statutes is created to read:

12 287.17 (1) (pg) “Transition year” means the 18-month period from July 1, 2022,
13 to December 31, 2023.

14 **SECTION 19.** 287.17 (2) (a) (intro.) of the statutes is amended to read:

15 287.17 (2) (a) *Manufacturers.* (intro.) Beginning on February 1, 2010, a
16 manufacturer may not sell to a household or covered school, offer to sell to a
17 household or covered school, or deliver to a retailer for subsequent sale to a household
18 or covered school a new covered electronic device unless all of the following apply:

19 **SECTION 20.** 287.17 (2) (a) 4. of the statutes is amended to read:

20 287.17 (2) (a) 4. The manufacturer recycles or arranges for the recycling, by a
21 registered recycler, of eligible electronic devices used by households or covered
22 schools in this state.

23 **SECTION 21.** 287.17 (2) (c) 1. of the statutes is amended to read:

24 287.17 (2) (c) 1. Beginning on July 1, 2010, a retailer may not sell or offer for
25 sale to a household or covered school a new covered electronic device unless, before

SENATE BILL 248

1 making the first offer for sale, the retailer has determined that the brand of the
2 covered electronic device is listed on the department's Internet site under sub. (10)
3 (a).

4 **SECTION 22.** 287.17 (2) (c) 2. of the statutes is amended to read:

5 287.17 (2) (c) 2. If a manufacturer's registration is revoked or expired and the
6 retailer took possession of a covered electronic device of the manufacturer before the
7 registration was revoked or expired, the retailer may sell the covered electronic
8 device to a household or covered school, but only if the sale takes place fewer than
9 180 days after the revocation or expiration.

10 **SECTION 23.** 287.17 (3) (a) (intro.) of the statutes is amended to read:

11 287.17 (3) (a) (intro.) To comply with sub. (2) (a) 2., a manufacturer shall, ~~no~~
12 ~~later than February 1, 2010, and annually, no later than September 1 beginning in~~
13 ~~2010~~ the first day of the 3rd month of each program year, submit to the department
14 a registration that includes all of the following:

15 **SECTION 24.** 287.17 (3) (b) (intro.) of the statutes is amended to read:

16 287.17 (3) (b) (intro.) ~~Beginning with the registration due by September 1,~~
17 ~~2010, a~~ A manufacturer shall indicate in its registration under par. (a) which of the
18 following applies:

19 **SECTION 25.** 287.17 (3) (e) of the statutes is amended to read:

20 287.17 (3) (e) A complete registration is effective on receipt by the department
21 and is valid until the first day of the 3rd month of the following September 1 program
22 year unless revoked before that date.

23 **SECTION 26.** 287.17 (4) (b) (intro.) of the statutes is created to read:

24 287.17 (4) (b) (intro.) In each program year other than the program year
25 immediately following the transition year:

SENATE BILL 248**SECTION 27**

1 **SECTION 27.** 287.17 (4) (b) 1. of the statutes is amended to read:

2 287.17 (4) (b) 1. If the manufacturer sold at least ~~250~~ 500 covered electronic
3 devices in this state during the previous program year, the manufacturer shall pay
4 a registration fee of \$5,000, except, as provided under sub. (10) (k).

5 **SECTION 28.** 287.17 (4) (b) 2. of the statutes is amended to read:

6 287.17 (4) (b) 2. If the manufacturer sold at least ~~25~~ 250 but fewer than ~~250~~ 500
7 covered electronic devices in this state during the previous program year, the
8 manufacturer shall pay a registration fee of \$1,250, except as provided under sub.
9 (10) (k).

10 **SECTION 29.** 287.17 (4) (b) 3. of the statutes is amended to read:

11 287.17 (4) (b) 3. If the manufacturer sold fewer than ~~25~~ 250 covered electronic
12 devices in this state during the previous program year, the manufacturer is not
13 required to pay a registration fee.

14 **SECTION 30.** 287.17 (4) (be) of the statutes is created to read:

15 287.17 (4) (be) *Registration fees immediately following the transition year.* In
16 the program year immediately following the transition year:

17 1. If the manufacturer sold at least 750 covered electronic devices in this state
18 during the transition year, the manufacturer shall pay a registration fee of \$7,500,
19 except as provided in sub. (10) (k).

20 2. If the manufacturer sold at least 375 but fewer than 750 covered electronic
21 devices in this state during the transition year, the manufacturer shall pay a
22 registration fee of \$1,875, except as provided in sub. (10) (k).

23 3. If the manufacturer sold fewer than 375 covered electronic devices in this
24 state during the transition year, the manufacturer is not required to pay a
25 registration fee.

SENATE BILL 248

1 **SECTION 31.** 287.17 (4) (bm) of the statutes is amended to read:

2 287.17 (4) (bm) *Shortfall fees.* In addition to the registration fee, beginning in
3 2011, a manufacturer shall pay shortfall fees under par. (d) if the amounts calculated
4 under that provision are positive numbers, except that a manufacturer is not
5 required to pay shortfall fees until its covered electronic devices have been sold or
6 offered for sale to households or covered schools in this state for 3 full program years
7 and except as provided under par. (g).

8 **SECTION 32.** 287.17 (4) (d) (intro.) of the statutes is amended to read:

9 287.17 (4) (d) *Annual shortfall fee after 2010.* (intro.) The annual shortfall fee
10 to be paid by a manufacturer in a program year ~~after 2010~~ is calculated as follows:

11 **SECTION 33.** 287.17 (4) (d) 1. of the statutes is amended to read:

12 287.17 (4) (d) 1. Determine the manufacturer's target recycling weight by
13 multiplying the number of pounds of the manufacturer's covered electronic devices
14 sold to households or covered schools in this state during the program year that
15 began ~~36 months~~ 3 program years before the beginning of the program year in which
16 the calculation is made, as reported under sub. (5) (a), by 0.8.

17 **SECTION 34.** 287.17 (4) (f) 1. of the statutes is amended to read:

18 287.17 (4) (f) 1. The weight of eligible electronic devices recycled by or on behalf
19 of a manufacturer for a program year is the weight reported under sub. (5) (b) for that
20 program year, except that if the manufacturer reports separately the weight of
21 eligible electronic devices used by households or covered schools in rural counties
22 and used by households or covered schools in urban counties for a program year, the
23 weight is determined by adding the weight used by households or covered schools in
24 urban counties in that program year and 1.25 times the weight used by households
25 or covered schools in rural counties in that program year.

SENATE BILL 248**SECTION 35**

1 **SECTION 35.** 287.17 (4) (f) 2. of the statutes is amended to read:

2 287.17 (4) (f) 2. The weight of eligible electronic devices recycled by or on behalf
3 of a manufacturer for the last 2 program quarters of program year 2009-10 is the
4 weight reported under sub. (5) (b) for that period, except that if the manufacturer
5 reports separately the weight of eligible electronic devices used by households or
6 covered schools in rural counties and used by households or covered schools in urban
7 counties for that period, the weight is determined by adding the weight used by
8 households or covered schools in urban counties in that period and 1.25 times the
9 weight used by households or covered schools in rural counties in that period.

10 **SECTION 36.** 287.17 (5) (a) 1. (intro.) of the statutes is amended to read:

11 287.17 (5) (a) 1. (intro.) Except as provided in subd. 3. and subject to subd. 1m.,
12 with each registration that it submits under sub. (3), a manufacturer shall report one
13 of the following to the department:

14 **SECTION 37.** 287.17 (5) (a) 1. a. of the statutes is amended to read:

15 287.17 (5) (a) 1. a. The total weight of each model of its covered electronic
16 devices sold to households or covered schools in this state during the program year
17 that began ~~24 months~~ 2 program years before the beginning of the program year in
18 which the report is made.

19 **SECTION 38.** 287.17 (5) (a) 1. b. of the statutes is amended to read:

20 287.17 (5) (a) 1. b. The total weight of all of its covered electronic devices sold
21 to households or covered schools in this state during the program year that began ~~24~~
22 ~~months~~ 2 program years before the beginning of the program year in which the report
23 is made.

24 **SECTION 39.** 287.17 (5) (a) 1. c. of the statutes is amended to read:

SENATE BILL 248

1 287.17 (5) (a) 1. c. An estimate, based on national sales data, of the total weight
2 of its covered electronic devices sold to households or covered schools in this state
3 during the program year that began ~~24 months~~ 2 program years before the beginning
4 of the program year in which the report is made.

5 **SECTION 40.** 287.17 (5) (a) 1m. of the statutes is created to read:

6 287.17 (5) (a) 1m. For a registration required to be submitted in 2022, the
7 weights reported under subd. 1. a. to. c. shall be the weights sold from July 1, 2020,
8 to December 31, 2021. For a registration required to be submitted in 2024, the
9 weights reported under subd. 1. a. to. c. shall be the weights sold from January 1,
10 2022, to December 31, 2022. For a registration required to be submitted in 2025, the
11 weights reported under subd. 1. a. to. c. shall be the weights sold from January 1,
12 2023, to December 31, 2023.

13 **SECTION 41.** 287.17 (5) (a) 3. of the statutes is amended to read:

14 287.17 (5) (a) 3. A manufacturer is not required to report under subd. 1. until
15 its covered electronic devices have been sold or offered for sale to households or
16 covered schools in this state for one full program year.

17 **SECTION 42.** 287.17 (5) (b) of the statutes is amended to read:

18 287.17 (5) (b) *Weight of eligible electronic devices recycled.* With the
19 ~~registration that it submits under sub. (3) that is due by September 1, 2010, a~~
20 ~~manufacturer shall report to the department the total weight of eligible electronic~~
21 ~~devices used by households or schools in this state that were collected by or delivered~~
22 ~~to the manufacturer for recycling by the manufacturer or that were collected by or~~
23 ~~delivered to a registered recycler for recycling on behalf of the manufacturer during~~
24 ~~the last 2 program quarters of the preceding program year. Beginning in 2011, with~~
25 the registration that it submits under sub. (3), a manufacturer shall report to the

SENATE BILL 248**SECTION 42**

1 department the total weight of eligible electronic devices used by households or
2 covered schools in this state that were collected by or delivered to the manufacturer
3 for recycling by the manufacturer or that were collected by or delivered to a
4 registered recycler for recycling on behalf of the manufacturer during the preceding
5 program year. A manufacturer ~~may~~ shall also report separately the weight of eligible
6 electronic devices used by households or covered schools in rural counties and used
7 by households or covered schools in urban counties for the purpose of obtaining the
8 weight adjustment under sub. (4) (f) for eligible electronic devices received from
9 households or covered schools in rural counties.

10 **SECTION 43.** 287.17 (7) (a) 1. (intro.) of the statutes is amended to read:

11 287.17 (7) (a) 1. (intro.) ~~Beginning on January 1, 2010, no~~ No person may
12 operate as a collector delivering or arranging for the delivery of eligible electronic
13 devices to a registered recycler for recycling on behalf of a manufacturer who is
14 registered under sub. (3) unless the person is registered under this paragraph. A
15 person shall register by submitting, ~~no later than January 1, 2010, and annually, no~~
16 ~~later than August 1 beginning in 2010~~ the first day of the 2nd month of each program
17 year, to the department a registration, using a form prescribed by the department,
18 that includes all of the following:

19 **SECTION 44.** 287.17 (7) (a) 2. of the statutes is amended to read:

20 287.17 (7) (a) 2. A complete registration is effective on receipt by the
21 department and is valid until the first day of the 2nd month of the following August
22 ~~1- program year~~ unless suspended or revoked before that date.

23 **SECTION 45.** 287.17 (7) (b) of the statutes is amended to read:

24 287.17 (7) (b) *Reports and records.* No later than ~~August 1-~~ the first day of the
25 2nd month of each program year, ~~beginning August 1, 2010,~~ a registered collector

SENATE BILL 248

1 shall report to the department the total weight of eligible electronic devices collected
2 in this state during the preceding program year and the names of all registered
3 recyclers to whom the collector delivered eligible electronic devices. A registered
4 collector shall maintain records of the sources of eligible electronic devices it collects
5 and of the registered recyclers to whom the collector delivers eligible electronic
6 devices.

7 **SECTION 46.** 287.17 (8) (a) 1. (intro.) of the statutes is amended to read:

8 287.17 (8) (a) 1. (intro.) ~~Beginning on January 1, 2010, no~~ No person may
9 operate as a recycler receiving eligible electronic devices on behalf of a manufacturer
10 who is registered under sub. (3) unless the person is registered under this paragraph.
11 A person shall register by submitting, ~~no later than January 1, 2010, and annually,~~
12 ~~no later than August 1 beginning in 2010~~ the first day of the 2nd month of each
13 program year, to the department a registration, using a form prescribed by the
14 department, that includes all of the following:

15 **SECTION 47.** 287.17 (8) (a) 2. of the statutes is amended to read:

16 287.17 (8) (a) 2. A complete registration is effective on receipt by the
17 department and is valid until the first day of the 2nd month of the following August
18 ~~1- program year~~ unless suspended or revoked before that date.

19 **SECTION 48.** 287.17 (8) (b) 1. of the statutes is amended to read:

20 287.17 (8) (b) 1. ~~No later than August 1~~ the first day of the 2nd month of each
21 ~~program year, beginning with August 1, 2010,~~ a registered recycler shall report to the
22 department the total weight of eligible electronic devices collected in this state that
23 the recycler received for recycling on behalf of a manufacturer registered under sub.
24 (3) during the preceding program year and the name of the manufacturer.

25 **SECTION 49.** 287.17 (8) (b) 2. (intro.) of the statutes is amended to read:

SENATE BILL 248**SECTION 49**

1 287.17 (8) (b) 2. (intro.) No later than ~~February 1~~ the first day of the 8th month
2 of each program year, ~~beginning in 2011~~, a registered recycler shall report to the
3 department all of the following:

4 **SECTION 50.** 287.17 (9) of the statutes is amended to read:

5 287.17 (9) RETAILERS. Beginning on July 1, 2010, a retailer who sells covered
6 electronic devices for use by households or covered schools shall provide to
7 purchasers information describing how eligible electronic devices can be collected
8 and recycled and a description of the prohibitions in s. 287.07 (5) (a). A retailer may
9 satisfy this requirement by providing a toll-free number for receiving the
10 information and a description of how to access the department's Internet site under
11 sub. (10) (a). A retailer who sells through a catalog may provide the information in
12 the catalog. A retailer who sells through the Internet may provide the information
13 on its Internet site.

14 **SECTION 51.** 287.17 (9m) of the statutes is amended to read:

15 287.17 (9m) RECORD KEEPING AND INSPECTION. A person subject to sub. (3), (7),
16 (8), or (9) shall maintain records related to the program under this section and
17 reports required under this section for at least 3 program years. The department
18 may inspect records of a person subject to sub. (3), (7), (8), or (9) that are related to
19 the program under this section.

20 **SECTION 52.** 287.17 (10) (a) of the statutes is amended to read:

21 287.17 (10) (a) *Internet site; manufacturers.* The department shall maintain
22 an Internet site on which the department lists the names of manufacturers who are
23 registered under sub. (3) and the names of the brands listed in the manufacturers'
24 registrations. The department shall update the information on the Internet site
25 promptly upon receipt of a new or revised registration. The department shall include

SENATE BILL 248

1 on the Internet site a statement that this section applies only to covered electronic
2 devices sold for household or covered school use and that the list of manufacturers
3 is not a list of manufacturers qualified to sell video display devices, computers, or
4 printers for industrial, commercial, or other nonhousehold or nonschool uses. The
5 department shall also include on the Internet site the contact information provided
6 by manufacturers under sub. (3) (a) 2.

7 **SECTION 53.** 287.17 (10) (c) 1. d. of the statutes is amended to read:

8 287.17 (10) (c) 1. d. The multiplier for the weight of eligible electronic devices
9 collected from households or covered schools in rural counties under sub. (4) (f).

10 **SECTION 54.** 287.17 (10) (d) (intro.) of the statutes is amended to read:

11 287.17 (10) (d) *Annual report.* (intro.) Before December 1 of each program year,
12 beginning in 2012 prior to the transition year, and before June 1 of each program year
13 beginning with the transition year, the department shall provide a report on the
14 program under this section to the legislature under s. 13.172 (2) and to the governor.
15 The department shall include all of the following in the report:

16 **SECTION 55.** 287.17 (10) (fm) of the statutes is created to read:

17 287.17 (10) (fm) *Rural electronics recycling grants.* The department shall
18 create and administer a program to provide grants from the appropriation under s.
19 20.370 (4) (hr), if sufficient program revenue is available, to expand electronics
20 recycling and recovery programs in underserved areas of the state. Grants under
21 this paragraph may be provided to local units of government, businesses, and
22 nonprofit entities, including religious nonprofit entities, for the purpose of hosting
23 a collection site or collection event or series of collection sites or collection events.
24 Grants provided under this paragraph may be used to rent space or acquire materials
25 necessary to host the collection site or collection event, advertise for the site or event,

SENATE BILL 248**SECTION 55**

1 cover staff expenses for the site or event, including administrative costs, provide for
2 the transportation of collected devices to a registered recycler, and cover other
3 expenses allowed by the department. A recipient of a grant under this paragraph
4 shall provide matching funds equal to at least 20 percent of the cost of the project for
5 which the grant is provided. The department shall award grants under this
6 paragraph in the following order of priority:

7 1. Projects that will take place in a county that has no permanent collection site
8 registered under s. 287.17 (7) (a) and did not have a collection event registered under
9 s. 287.17 (7) (a) during the previous program year.

10 2. Projects that will take place in a county that has no permanent collection site
11 registered under s. 287.17 (7) (a) that is open to all residents.

12 3. Projects that will take place in a municipality with a population of 5,000 or
13 more that does not have a permanent collection site registered under s. 287.17 (7) (a).

14 4. Projects that do not meet the requirements under subds. 1. to 3., at the
15 determination of the department.

16 **SECTION 56.** 287.17 (10) (j) of the statutes is amended to read:

17 287.17 (10) (j) *Audits.* The department may perform or contract for the
18 performance of an audit of the activities of a registered collector or registered
19 recycler. If the department performs or contracts for the performance of an audit of
20 a collector or recycler during the first 3 program years in which the collector or
21 recycler is registered under sub. (7) or (8) (a), the collector or recycler shall pay 25
22 percent of the cost of the audit. If the department performs or contracts for the
23 performance of an audit of a collector or recycler after the first 3 program years in
24 which the collector or recycler is registered, the collector or recycler shall pay 50
25 percent of the cost of the audit.

