

HOUSE BILL No. 4821

May 15, 1989, Introduced by Reps. Profit, Kosteva, DeBeaussaert, Gubow and Hart and referred to the Committee on Appropriations.

A bill to amend section 261a of Act No. 431 of the Public Acts of 1984, entitled as amended
"The management and budget act,"
as added by Act No. 413 of the Public Acts of 1988, being section 18.1261a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 261a of Act No. 431 of the Public Acts
2 of 1984, as added by Act No. 413 of the Public Acts of 1988,
3 being section 18.1261a of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 261a. (1) In addition to the requirements of
6 section 261, the following percentages of all supplies, materi-
7 als, and equipment shall be made from recycled materials, if
8 there is a readily identifiable source or market as determined by
9 the director, and the cost does not exceed 110% of supplies,

1 materials, and equipment not containing recycled materials: for
2 1989, 10%; for 1990, 15%; and for 1991 and each year thereafter,
3 20%.

4 (2) If the department is unable to comply with the require-
5 ment of this section, the department shall do both of the
6 following:

7 (a) With the assistance of any state agency that utilizes
8 the supply, material, or equipment, seek a supply, material, or
9 equipment that fulfills the requirements of subsection (1).

10 (b) Report to the legislature and the affected state agency
11 that the department is unable to comply with subsection (1), the
12 reason for the inability to comply, and the efforts made by the
13 department to comply.

14 (3) If a state agency informs the department that it is
15 unable to utilize a recycled supply, material, or equipment, the
16 agency shall request and justify an exemption from subsection (1)
17 in writing. The department may grant an exemption from the
18 requirements of subsection (1) upon just cause.

19 (4) When the department fulfills its responsibilities under
20 this act to purchase and contract for supplies, materials, equip-
21 ment, and printing, it may consider the product longevity and the
22 annual maintenance costs of the product as well as the unit price
23 in determining whether the cost of the product with recycled
24 materials exceeds the cost of a product not containing recycled
25 materials by 110%.

1 (5) The department shall annually report to the governor and
2 the legislature on the quantities and types of recycled products
3 purchased by the department.

4 (6) ANY PERSON WHO SUBMITS A COMPETITIVE BID TO THE DEPART-
5 MENT FOR THE SALE OF MANUFACTURED PRODUCTS SHALL INCLUDE WITH THE
6 BID AN AFFIDAVIT CERTIFYING THE PERCENTAGE OF RECYCLED MATERIALS
7 THAT WILL BE USED IN THE PRODUCT OR PRODUCTS FOR WHICH A CONTRACT
8 IS SOUGHT. IF THE PRODUCT MEETS THE STANDARD SPECIFICATIONS AND
9 STANDARDS OF PERFORMANCE APPLICABLE TO THE PRODUCT FOR WHICH COM-
10 PETITIVE BIDS ARE TAKEN, THE DEPARTMENT SHALL GIVE PREFERENCE TO
11 BIDS THAT CERTIFY THE HIGHER PERCENTAGE OF USAGE OF RECYCLED
12 MATERIALS.

13 (7) ~~(6)~~ As used in this section, "recycled materials"
14 includes, but is not limited to, recycled paper products, struc-
15 tural materials made from recycled plastics, rerefined lubricat-
16 ing oils, reclaimed solvents, recycled asphalt and concrete,
17 recycled glass products, retreaded tires, and ferrous and nonfer-
18 rous metals containing recycled scrap metals, that contain 1 or
19 more of the following in a percentage as determined by the
20 department as provided by law:

- 21 (a) Waste materials generated by a business or a consumer.
22 (b) Materials that have served their intended purpose.
23 (c) Materials that have been separated from solid waste for
24 purposes of collection, recycling, and disposition.