

SENATE BILL No. 889

November 8, 2007, Introduced by Senators BROWN, RICHARDVILLE, GILBERT, KAHN, BIRKHOLZ, GLEASON, PAPPAGEORGE, JANSEN, VAN WOERKOM and HARDIMAN and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 174.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 174. RECYCLING ADVISORY COUNCIL AND COORDINATOR

2 SEC. 17401. AS USED IN THIS PART:

3 (A) "BOTTLE DEPOSIT FUND" MEANS THE BOTTLE DEPOSIT FUND
4 CREATED IN SECTION 3C OF 1976 IL 1, MCL 445.573C.

5 (B) "COUNCIL" MEANS THE RECYCLING ADVISORY COUNCIL CREATED IN
6 SECTION 17403.

7 (C) "DEALER" MEANS THAT TERM AS DEFINED IN SECTION 1 OF 1976
8 IL 1, MCL 445.571.

9 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
10 QUALITY.

11 (E) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS OR

1 HER DESIGNEE.

2 (F) "DISTRIBUTOR" MEANS THAT TERM AS DEFINED IN SECTION 1 OF
3 1976 IL 1, MCL 445.571.

4 (G) "ELECTRONIC GOODS" MEANS ANY OF THE FOLLOWING:

5 (i) AN ELECTRONIC DEVICE, AS DEFINED IN SECTION 17301.

6 (ii) A PERSONAL DIGITAL ASSISTANT DEVICE.

7 (iii) A COMPUTER PERIPHERAL DEVICE, INCLUDING A MOUSE OR OTHER
8 SIMILAR POINTING DEVICE, A PRINTER, OR A DETACHABLE KEYBOARD.

9 (iv) AUDIO EQUIPMENT.

10 (v) A VIDEOCASSETTE RECORDER.

11 (vi) A DIGITAL VIDEO DISC PLAYER.

12 (vii) A VIDEO CAMERA.

13 (viii) A TELEPHONE.

14 (vix) A FACSIMILE OR COPYING MACHINE.

15 (x) A CELLULAR TELEPHONE.

16 (xi) A VIDEO GAME CONSOLE.

17 (xii) AN ELECTRONIC WIRELESS DEVICE NOT INCLUDED IN
18 SUBPARAGRAPHS (i) TO (x).

19 SEC. 17402. AS USED IN THIS PART:

20 (A) "LOCAL UNIT OF GOVERNMENT" MEANS A CITY, VILLAGE, OR
21 TOWNSHIP.

22 (B) "MICHIGAN ECONOMIC DEVELOPMENT CORPORATION" MEANS THAT
23 TERM AS DEFINED IN SECTION 2 OF THE LOCAL DEVELOPMENT FINANCING
24 ACT, 1986 PA 281, MCL 125.2152.

25 (C) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
26 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

27 (D) "RECYCLING" MEANS THE ACT OF TREATING OR PROCESSING AN

1 ITEM SO THAT THE ITEM OR THE MATERIALS FROM WHICH IT IS MADE MAY BE
2 USED AGAIN.

3 (E) "RECYCLING FUND" MEANS THE RECYCLING TRUST FUND CREATED IN
4 SECTION 17503.

5 (F) "STATE RECYCLING COORDINATOR" MEANS THE STATE RECYCLING
6 COORDINATOR APPOINTED UNDER SECTION 17408.

7 SEC. 17403. (1) THE RECYCLING ADVISORY COUNCIL IS CREATED
8 WITHIN THE DEPARTMENT.

9 (2) THE COUNCIL SHALL CONSIST OF THE FOLLOWING MEMBERS:

10 (A) THE DIRECTOR.

11 (B) THE FOLLOWING MEMBERS APPOINTED BY THE SENATE MAJORITY
12 LEADER:

13 (i) A REPRESENTATIVE OF A DEALERS' ORGANIZATION.

14 (ii) A REPRESENTATIVE OF A STATE BUSINESS ORGANIZATION.

15 (iii) A REPRESENTATIVE OF A RECYCLING BUSINESS.

16 (iv) A REPRESENTATIVE OF A STATE BOTTLERS' ORGANIZATION.

17 (v) A REPRESENTATIVE OF A STATE CONSERVATION ORGANIZATION.

18 (C) THE FOLLOWING MEMBERS APPOINTED BY THE SPEAKER OF THE
19 HOUSE OF REPRESENTATIVES:

20 (i) A REPRESENTATIVE OF A DISTRIBUTORS' ORGANIZATION.

21 (ii) A REPRESENTATIVE OF A MANUFACTURER THAT USES RAW MATERIAL
22 CONSISTING PRIMARILY OF RECYCLED MATERIAL.

23 (iii) A REPRESENTATIVE OF AN ORGANIZATION OF TOWNSHIPS.

24 (iv) A REPRESENTATIVE OF AN ORGANIZATION OF CITIES AND
25 VILLAGES.

26 (v) A REPRESENTATIVE OF THE WASTE MANAGEMENT INDUSTRY.

27 (D) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

1 (i) A REPRESENTATIVE OF A STATE ENVIRONMENTAL ORGANIZATION.

2 (ii) A REPRESENTATIVE OF AN ORGANIZATION OF COUNTIES.

3 (iii) AN OFFICER OR EMPLOYEE OF A LOCAL UNIT OF GOVERNMENT
4 RESPONSIBLE FOR RECYCLING IN THAT LOCAL UNIT OF GOVERNMENT.

5 (iv) A REPRESENTATIVE OF THE PUBLIC AT LARGE.

6 (v) A REPRESENTATIVE OF A COLLEGE OR UNIVERSITY THAT OPERATES
7 A COMPREHENSIVE, INSTITUTION-WIDE RECYCLING PROGRAM.

8 (vi) AN ADMINISTRATOR OF A MUNICIPALLY OWNED LANDFILL.

9 (3) THE MEMBERS FIRST APPOINTED TO THE COUNCIL SHALL BE
10 APPOINTED WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

11 (4) MEMBERS OF THE COUNCIL SHALL SERVE FOR TERMS OF 2 YEARS OR
12 UNTIL A SUCCESSOR IS APPOINTED, WHICHEVER IS LATER.

13 (5) IF A VACANCY OCCURS ON THE COUNCIL, THE VACANCY SHALL BE
14 FILLED FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL
15 APPOINTMENT.

16 (6) A MEMBER OF THE COUNCIL MAY BE REMOVED FOR INCOMPETENCY,
17 DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN
18 OFFICE, OR ANY OTHER GOOD CAUSE. THE SENATE MAJORITY LEADER MAY
19 REMOVE A MEMBER OF THE COUNCIL DESCRIBED IN SUBSECTION (2) (B), THE
20 SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY REMOVE A MEMBER
21 DESCRIBED IN SUBSECTION (2) (C), AND THE GOVERNOR MAY REMOVE A
22 MEMBER DESCRIBED IN SUBSECTION (2) (D).

23 SEC. 17404. (1) THE FIRST MEETING OF THE COUNCIL SHALL BE
24 CALLED BY THE DIRECTOR. AT THE FIRST MEETING, THE COUNCIL SHALL
25 ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT
26 CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST MEETING, THE
27 COUNCIL SHALL MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE

1 CALL OF THE CHAIRPERSON OR IF REQUESTED BY 3 OR MORE MEMBERS.

2 (2) A MAJORITY OF THE MEMBERS OF THE COUNCIL CONSTITUTE A
3 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE COUNCIL.
4 A MAJORITY OF THE MEMBERS APPOINTED AND SERVING ARE REQUIRED FOR
5 OFFICIAL ACTION OF THE COUNCIL.

6 (3) THE BUSINESS THAT THE COUNCIL MAY PERFORM SHALL BE
7 CONDUCTED AT A PUBLIC MEETING OF THE COUNCIL HELD IN COMPLIANCE
8 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

9 (4) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
10 RETAINED BY THE COUNCIL IN THE PERFORMANCE OF AN OFFICIAL FUNCTION
11 IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
12 15.231 TO 15.246.

13 (5) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION.

14 (6) THE DEPARTMENT MAY PROVIDE STAFF TO THE COUNCIL.

15 (7) THE DEPARTMENTS AND AGENCIES OF STATE GOVERNMENT SHALL
16 COOPERATE WITH THE COUNCIL BY PROVIDING INFORMATION REQUESTED BY
17 THE COUNCIL FOR THE PURPOSES OF DISCHARGING ITS RESPONSIBILITIES
18 UNDER THIS PART.

19 SEC. 17405. (1) UNLESS OTHERWISE SPECIFIED, IF THE COUNCIL IS
20 REQUIRED TO MAKE A REPORT OR RECOMMENDATIONS UNDER THIS ACT, THE
21 COUNCIL SHALL PROVIDE THE REPORT OR RECOMMENDATIONS TO THE SENATE
22 MAJORITY LEADER, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND
23 THE STANDING COMMITTEES OF BOTH HOUSES OF THE LEGISLATURE WITH
24 PRIMARY JURISDICTION OVER NATURAL RESOURCES AND ENVIRONMENTAL
25 MATTERS.

26 (2) BY SEPTEMBER 1, 2008, THE COUNCIL SHALL REPORT AND MAKE
27 RECOMMENDATIONS ON ALL OF THE FOLLOWING:

1 (A) PROHIBITING OR AUTHORIZING THE DISPOSAL OF SPECIFIC ITEMS
2 OR MATERIALS IN LANDFILLS OR INCINERATORS.

3 (B) PROGRAMS FOR RECYCLING ELECTRONIC GOODS.

4 (C) THE EFFECTIVENESS OF THIS STATE'S CURRENT RECYCLING
5 PROGRAM AND OPPORTUNITIES TO IMPROVE RECYCLING IN THIS STATE.

6 (D) THE CURRENT AMOUNT OF PUBLIC AND PRIVATE FUNDING FOR
7 RECYCLING BY LOCAL UNITS OF GOVERNMENT AND NONPROFIT ORGANIZATIONS
8 AND THE RELATIONSHIP OF THE CURRENT FUNDING LEVELS TO THE
9 EFFICIENCY AND EFFECTIVENESS OF THE RECYCLING PROGRAM.

10 (E) THE AMOUNT OF PUBLIC AND PRIVATE FUNDING REQUIRED TO
11 IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF RECYCLING IN RURAL
12 AREAS TO RECOMMENDED LEVELS.

13 (F) THE AMOUNT OF PUBLIC AND PRIVATE FUNDING REQUIRED TO
14 IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF RECYCLING IN URBAN
15 AREAS TO RECOMMENDED LEVELS.

16 (G) AFTER THOROUGHLY EVALUATING THE SUSTAINABILITY,
17 EFFICIENCY, AND EFFECTIVENESS OF ALL FUNDING OPTIONS THAT PRODUCE
18 AN INCREASE IN RECYCLING LEVELS, ALL KNOWN SOURCES OF POTENTIAL
19 FUNDING FOR RECYCLING OTHER THAN THE RECYCLING FUND.

20 (H) AN INITIAL METHOD FOR DISTRIBUTION OF MONEY THAT MAY BE
21 REALIZED FROM SOURCES IDENTIFIED UNDER SUBDIVISION (G).

22 (I) CRITERIA FOR RECYCLING AND OTHER WASTE DIVERSION PROGRAMS
23 TO QUALIFY FOR FUNDING FROM SOURCES IDENTIFIED UNDER SUBDIVISION
24 (G) AND FOR GRANTS UNDER SECTION 17503(6)(B).

25 (3) AFTER COMPLYING WITH SUBSECTION (1), THE COUNCIL SHALL DO
26 ALL OF THE FOLLOWING ON AN ONGOING BASIS:

27 (A) RECOMMEND CHANGES TO THE STATE'S COMPREHENSIVE RECYCLING

1 PLAN.

2 (B) ESTABLISH A METHOD FOR REGULAR REVIEW OF LOCAL RECYCLING
3 PROGRAMS TO GATHER INFORMATION ABOUT PROCESSES, MARKETS, AND
4 RECYCLING RATES.

5 (C) ADVISE THE DEPARTMENT CONCERNING PROPOSED FORMS AND
6 REQUIREMENTS FOR REPORTING EXPENDITURES FOR RECYCLING AND OTHER
7 WASTE DIVERSION, INCLUDING EXPENDITURE OF MONEY RECEIVED FROM THE
8 DEPARTMENT FOR WASTE DIVERSION, AND FOR REPORTING WASTE DIVERSION
9 AND RECYCLING ACCOMPLISHED BY COUNTIES, BY SOLID WASTE MANAGEMENT
10 PLANNING AGENCIES, AND BY ENTITIES THAT RECEIVE MONEY FROM THE
11 DEPARTMENT FOR WASTE DIVERSION.

12 (D) REVIEW DATA REGARDING RECYCLING AND OTHER WASTE DIVERSION
13 AND USE THE DATA MAKE RECOMMENDATIONS TO THE DEPARTMENT AND, AS
14 DESCRIBED IN SUBSECTION (1), THE LEGISLATURE ON THE EXPENDITURE OF
15 MONEY FOR WASTE DIVERSION FROM SOURCES IDENTIFIED UNDER SUBSECTION
16 (1) (G).

17 (E) ESTABLISH REASONABLE QUANTIFIABLE OBJECTIVES FOR THE
18 DIVERSION OF WASTE FROM LANDFILLS IN THIS STATE.

19 (F) MAKE RECOMMENDATIONS ON TAX INCENTIVES TO FOSTER THE
20 DEVELOPMENT OF CURRENTLY LIMITED MARKETS FOR RECYCLABLE MATERIALS
21 SUCH AS ELECTRONIC GOODS, BATTERIES, AND COLORED GLASS.

22 (G) RECOMMEND ALL OF THE FOLLOWING FOR ENACTMENT INTO LAW:

23 (i) REASONABLE, QUANTIFIABLE SHORT-TERM AND LONG-TERM
24 OBJECTIVES FOR RECYCLING AND OTHER WASTE DIVERSION.

25 (ii) MEASURES TO FOSTER THE DEVELOPMENT OF MARKETS FOR RECYCLED
26 MATERIALS.

27 (iii) CHANGES TO THE RECYCLING FUND DISTRIBUTION FORMULA IN

1 SECTION 17503, INCLUDING ANY CHANGES THAT WOULD HELP ENSURE THAT
2 DISTRIBUTIONS OF REVENUE UNDER SECTION 17503(6) ARE GEOGRAPHICALLY
3 BALANCED CONSIDERING THE PROPORTION OF THAT REVENUE IN THE
4 RECYCLING FUND GENERATED FROM SALES TRANSACTIONS IN THE VARIOUS
5 GEOGRAPHIC AREAS OF THIS STATE.

6 (H) REVIEW WITH LOCAL RECYCLING OFFICIALS CURRENT LOCAL
7 RECYCLING FUNDING PROGRAMS TO DETERMINE IF ANY CHANGES SHOULD BE
8 MADE IN THESE PROGRAMS.

9 (I) BASED ON THE STATE RECYCLING COORDINATOR'S STUDY AND THE
10 DEPARTMENT'S REPORT UNDER SECTION 502 OF 2003 PA 171, RECOMMEND A
11 STRATEGY FOR THE IMPLEMENTATION OF BANS OF ADDITIONAL MATERIALS
12 FROM LANDFILLS.

13 (J) IN COOPERATION WITH THE DEPARTMENT'S OFFICE OF
14 ENVIRONMENTAL ASSISTANCE AND THE MICHIGAN ECONOMIC DEVELOPMENT
15 CORPORATION, ENCOURAGE FIRMS THAT SPECIALIZE IN PRODUCTION OF
16 PRODUCTS FROM RECYCLED MATERIALS TO ESTABLISH BUSINESS OPERATIONS
17 IN THIS STATE.

18 (K) EXAMINE MANUFACTURING PROCESSES THAT INCORPORATE EQUIPMENT
19 OR OTHER TECHNOLOGY TO UTILIZE RECYCLED MATERIALS OR TO ALLOW FOR
20 THE RECYCLING OF WASTE PRODUCTS. BASED ON INFORMATION GATHERED
21 UNDER THIS SUBDIVISION, THE COUNCIL MAY DEVELOP A VOLUNTARY "BEST
22 RECYCLING PRACTICES" STANDARD FOR BUSINESSES IN MICHIGAN.

23 (L) REVIEW ALL OF THIS STATE'S RELEVANT SOLID WASTE MANAGEMENT
24 LAWS AND ADMINISTRATIVE RULES RELATED TO RECYCLING AND RECOMMEND TO
25 THE LEGISLATURE OR STATE AGENCIES CHANGES TO PROMOTE RECYCLING AND
26 OTHER WASTE DIVERSION.

27 (M) CONDUCT A COST-BENEFIT ANALYSIS OF EXPANDING THE SCOPE OF

1 1976 IL 1, MCL 445.571 TO 445.576, COMPARED TO ALTERNATIVE WAYS TO
2 INCREASE RECYCLING.

3 (N) ASSESS AND REPORT ON HEALTH AND SAFETY CONCERNS ARISING
4 FROM THE STORAGE AND HANDLING BY DEALERS AND DISTRIBUTORS OF
5 BEVERAGE CONTAINERS RETURNED UNDER 1976 IL 1, MCL 445.571 TO
6 445.576.

7 (O) REVIEW THE APPORTIONMENT OF THE BOTTLE DEPOSIT FUND AND
8 RECOMMEND REVISIONS TO MORE FULLY COMPENSATE DISTRIBUTORS AND
9 DEALERS FOR COSTS INCURRED UNDER 1976 IL 1, MCL 445.571 TO 445.576.

10 (P) MAKE OTHER RECOMMENDATIONS ON CHANGES TO 1976 IL 1, MCL
11 445.571 TO 445.576.

12 (Q) CREATE A COMMITTEE TO MONITOR IMPLEMENTATION OF THE PILOT
13 PROGRAM FOR REGIONAL BEVERAGE CONTAINER REDEMPTION CENTERS AND TO
14 MONITOR THE SUCCESS OF 1976 IL 1, MCL 445.571 TO 445.576. THE
15 COMMITTEE SHALL INCLUDE DEALERS, DISTRIBUTORS, PERSONS REPRESENTING
16 REDEMPTION CENTERS, AND REPRESENTATIVES OF ENVIRONMENTAL
17 ORGANIZATIONS.

18 (R) EVALUATE THE SUSTAINABILITY, EFFECTIVENESS, AND EFFICIENCY
19 OF PAY-AS-YOU-THROW PROGRAMS THAT HAVE BEEN IMPLEMENTED AND
20 DETERMINE WHETHER INCENTIVES SHOULD BE ESTABLISHED TO ENCOURAGE THE
21 PROGRAMS.

22 (4) THE COUNCIL SHALL RECOMMEND TO THE DEPARTMENT CRITERIA TO
23 USE IN DISTRIBUTING MONEY UNDER SECTION 17503(6)(B) AND SHALL
24 REVIEW GRANTS MADE UNDER SECTION 17503(6)(B) FOR COMPLIANCE WITH
25 THE RECOMMENDED CRITERIA.

26 (5) AS USED IN THIS SECTION:

27 (A) "EFFECTIVENESS" MEANS THE MEASURABLE ABILITY OF A PROGRAM

1 TO MAXIMIZE RECYCLING PARTICIPATION BY THE CITIZENS OF THIS STATE.

2 (B) "EFFICIENCY" MEANS THE ABILITY OF A RECYCLING PROGRAM TO
3 BE EFFECTIVE AT THE LOWEST POSSIBLE COST TO CITIZENS OF THIS STATE.

4 (C) "SUSTAINABILITY" MEANS THE ADJUSTABILITY OF A FUNDING
5 MECHANISM TO ENSURE THE CONTINUED SUCCESS OF A PROGRAM'S
6 EFFECTIVENESS AND EFFICIENCY.

7 Enacting section 1. This amendatory act does not take effect
8 unless all of the following bills of the 94th Legislature are
9 enacted into law:

10 (a) Senate Bill No. 893.

11

12 (b) Senate Bill No. 895.

13

14 (c) Senate Bill No. 897.

15

16 (d) Senate Bill No. 890.

17