

HOUSE BILL No. 5966

June 25, 1992, Introduced by Rep. Nye and referred to the Committee on Conservation, Recreation and Environment.

A bill to provide for a surcharge on certain paper products that consist of high gloss paper unless a recycling system of a certain magnitude exists to prescribe the powers and duties of certain state agencies and officials; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Catalog" means printed materials, that in whole or in
3 part consist of high gloss paper, and are designed to depict,
4 advertise, and sell products.

5 (b) "High gloss" means a coated paper finish that has been
6 super calendered by treating the coated paper with pressure to
7 burnish or polish the coated paper to reduce the absorbency of
8 the paper and to increase its gloss and smoothness.

1 (c) "Manufacturer" means a person who produces high gloss
2 paper that is sold or distributed in the form of catalogs or
3 pamphlets in this state.

4 (d) "Pamphlet" means printed materials, that in whole or in
5 part consist of high gloss paper, and advertise a service or oth-
6 erwise convey information. Pamphlet includes magazines.

7 (e) "Person" means an individual, partnership, corporation,
8 association, governmental entity, or other legal entity.

9 Sec. 2. Beginning January 1, 1998, except as otherwise pro-
10 vided in section 3, a manufacturer of high gloss paper used in
11 catalogs or pamphlets in this state shall pay an annual surcharge
12 of \$5.00 per ton of high gloss paper manufactured for use in cat-
13 alogs or pamphlets or 5 cents surcharge per catalog or pamphlet
14 shall be paid at the retail level, as determined to be appropri-
15 ate by the director of the department of natural resources and
16 the director of commerce. The director of the department of nat-
17 ural resources and the director of commerce shall jointly deter-
18 mine which payment option provided in this section has the great-
19 est potential to reduce the amount of high gloss paper that is
20 disposed of in solid waste landfills and incinerators in this
21 state and shall provide for the implementation and collection of
22 the annual surcharge according to that fee schedule. A surcharge
23 required under this section shall be annually paid to the state
24 treasury and upon receipt shall be deposited in a separate
25 account in the state treasury to be known as the Michigan envi-
26 ronmental protection and waste reduction fund.

1 Sec. 3. The surcharge under section 2 shall not be assessed
2 if it is established to the satisfaction of the department of
3 natural resources that a postconsumer market, collection, and a
4 recycling system for the high gloss paper utilized in the cata-
5 logs and pamphlets exists that is able to recycle 90% or more of
6 the manufacturer's high gloss paper product sold in this state.

7 Sec. 4. The director of the department of natural resources
8 may promulgate rules pursuant to the administrative procedures
9 act of 1969, Act No. 306 of the Public Acts of 1969, being
10 sections 24.201 to 24.328 of the Michigan Compiled Laws, as
11 determined necessary by the director to implement this act.

12 Sec. 5. A person who violates this act after receiving
13 written notice from the attorney general that the person is in
14 violation of this act is responsible for a civil fine of
15 \$1,000.00 per day of violation. In addition, the attorney gen-
16 eral may seek injunctive relief to prevent the distribution in
17 this state of catalogs and pamphlets that are in violation of
18 this act.