

SENATE BILL No. 586

July 10, 2001, Introduced by Senator GARCIA and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 16901 and 40103 (MCL 324.16901 and
324.40103), section 16901 as amended by 1997 PA 17 and section
40103 as amended by 2000 PA 191.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16901. As used in this part:

2 (a) "Abandoned scrap tires" means an accumulation of scrap
3 tires on property where the property owner is not, as determined
4 by the department, responsible in whole or in part for the accu-
5 mulation of the scrap tires. For the purposes of this subdivi-
6 sion, an owner who purchased or willingly took possession of an
7 existing scrap tire collection site shall be considered by the
8 department to be responsible in whole or in part for the
9 accumulation of the scrap tires.

1 (b) "Bond" means a performance bond from a surety company
2 authorized to transact business in this state, a certificate of
3 deposit, a cash bond, or an irrevocable letter of credit, in
4 favor of the department.

5 (c) "Collection site" means a site, other than a landfill, a
6 racecourse, or a feed storage location, that contains either of
7 the following:

8 (i) One or more pieces of adjacent real property where 500
9 or more scrap tires are accumulated and that is not associated
10 with a retail operation as provided in subparagraph (ii) or with
11 an automotive recycler as provided in subparagraph (iii).

12 (ii) One or more pieces of adjacent real property where
13 1,500 or more scrap tires are accumulated if that property is
14 owned or leased by a person who is a retailer and is not associ-
15 ated with an automotive recycler as provided in
16 subparagraph (iii).

17 (iii) One or more pieces of adjacent real property where
18 2,500 or more scrap tires are accumulated if that property is
19 owned or leased by a person who is an automotive recycler as
20 defined in section 2a of the Michigan vehicle code, 1949 PA 300,
21 MCL 257.2a.

22 (d) "Department" means the department of environmental
23 quality.

24 (e) "Feed storage location" means a location on 1 or more
25 pieces of adjacent real property containing a commercially oper-
26 ated farming operation where not more than 3,000 scrap tires are
27 used for the purpose of securing stored feed.

1 (f) "Fund" means the scrap tire regulatory fund created in
2 section 16908.

3 (g) "Landfill" means that term as it is defined in
4 section 11504.

5 (h) "Racecourse" means a commercially operated track for
6 go-carts, vehicles, off-road recreational vehicles, or motorcy-
7 cles that uses not more than 3,000 scrap tires for bumpers along
8 the track for safety purposes.

9 (i) "Retailer" means a person who sells or offers for sale
10 new, retreaded, or remanufactured tires to consumers in this
11 state.

12 (j) "Scrap tire" means a tire that is no longer being used
13 for its original intended purpose. Scrap tire does not include a
14 vehicle support stand.

15 (k) "Scrap tire hauler" means a person who, as part of a
16 commercial business, transports scrap tires, other than a solid
17 waste hauler as defined in part 115 who transports 7 or fewer
18 scrap tires along with other solid waste in ~~any~~ A truckload.

19 (l) "Scrap tire processor" means a person engaged in the
20 business of storing, buying, or otherwise acquiring scrap tires,
21 and reducing their volume by shredding or otherwise facilitating
22 recycling or resource recovery techniques for scrap tires. A
23 scrap tire processor includes a person who, in addition to pro-
24 cessing the scrap tires, incinerates the tires or converts the
25 tires into a product or another end use.

1 (m) "Tire" means a continuous solid or pneumatic rubber
2 covering encircling the wheel of a tractor or other farm
3 machinery or of a vehicle.

4 (n) "Tire storage area" means a location within a collection
5 site where tires are accumulated.

6 (o) "Vehicle" means every device in, upon, or by which ~~any~~
7 A person or property is or may be transported or drawn upon a
8 highway, excepting devices exclusively moved by human power or
9 used exclusively upon stationary rails or tracks and excepting a
10 ~~mobile~~ MANUFACTURED home as defined in section 2 of the ~~mobile~~
11 ~~home~~ MANUFACTURED HOUSING commission act, 1987 PA 96, MCL
12 125.2302.

13 (p) "Vehicle support stand" means equipment used to support
14 a stationary vehicle consisting of an inflated tire and wheel
15 that is attached to another wheel.

16 Sec. 40103. (1) "Game" means any of the following animals:

- 17 (a) Badger.
- 18 (b) Bear.
- 19 (c) Beaver.
- 20 (d) Bobcat.
- 21 (e) Brant.
- 22 (f) Coot.
- 23 (g) Coyote.
- 24 (h) Crow.
- 25 (i) Deer.
- 26 (j) Duck.

- 1 (k) Elk.
- 2 (l) Fisher.
- 3 (m) Florida gallinule.
- 4 (n) Fox.
- 5 (o) Geese.
- 6 (p) Hare.
- 7 (q) Hungarian partridge.
- 8 (r) Marten.
- 9 (s) Mink.
- 10 (t) Moose.
- 11 (u) Muskrat.
- 12 (v) Opossum.
- 13 (w) Otter.
- 14 (x) Pheasant.
- 15 (y) Quail.
- 16 (z) Rabbit.
- 17 (aa) Raccoon.
- 18 (bb) Ruffed grouse.
- 19 (cc) Sharptailed grouse.
- 20 (dd) Skunk.
- 21 (ee) Snipe.
- 22 (ff) Sora rail.
- 23 (gg) Squirrel.
- 24 (hh) Weasel.
- 25 (ii) Wild turkey.
- 26 (jj) Woodchuck.

1 (kk) Woodcock.

2 (ll) Virginia rail.

3 (2) "Interim order of the department" means an order of the
4 department issued under section 40108.

5 (3) "Kind" means an animal's sex, age, or physical
6 characteristics.

7 (4) "Normal agricultural practices" means generally accepted
8 agricultural and management practices as defined by the commis-
9 sion of agriculture.

10 (5) "Open season" means the dates during which game may be
11 legally taken.

12 (6) "Parts" means any or all portions of an animal, includ-
13 ing the skin, plumage, hide, fur, entire body, or egg of an
14 animal.

15 (7) "Protected" or "protected animal" means an animal or
16 kind of animal that is designated by the department as an animal
17 that shall not be taken.

18 (8) "Residence" means a permanent building serving as a tem-
19 porary or permanent home. Residence may include a cottage,
20 cabin, or ~~mobile~~ MANUFACTURED home, but does not include a
21 structure designed primarily for taking game, a tree blind, a
22 tent, a recreational or other vehicle, or a camper.

23 Enacting section 1. This amendatory act does not take
24 effect unless Senate Bill No. _____ or House Bill No. _____
25 (request no. 00205'01) of the 91st Legislature is enacted into
26 law.