

HOUSE BILL No. 4152

February 5, 2003, Introduced by Reps. Kooiman, Newell, Richardville, Huizenga, Brandenburg, Vander Veen and Voorhees and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding sections 11532a, 11532b,
11532c, and 11532d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11532a. (1) A solid waste disposal surcharge of \$3.00
2 is assessed for each ton of municipal and commercially generated
3 solid waste that is disposed of in a landfill.

4 (2) The owner or operator of a landfill shall forward solid
5 waste disposal surcharges under this section to the state
6 treasurer for deposit into the waste diversion fund created in
7 section 11532b.

8 (3) As used in this section, "municipal and commercially
9 generated solid waste" means solid waste generated by residents
10 and by businesses but does not include any of the following:

1 (a) Construction and demolition waste or debris.

2 (b) Industrial waste.

3 (c) Sludge.

4 (d) Ash.

5 (e) Manufacturing process waste.

6 Sec. 11532b. (1) The waste diversion fund is created within
7 the state treasury.

8 (2) The state treasurer may receive money or other assets
9 from any source for deposit into the waste diversion fund. The
10 state treasurer shall direct the investment of the waste
11 diversion fund. The state treasurer shall credit to the waste
12 diversion fund interest and earnings from fund investments.

13 (3) Money in the waste diversion fund at the close of the
14 fiscal year shall remain in the fund and shall not lapse to the
15 general fund.

16 (4) The department, upon appropriation, shall annually expend
17 money in the waste diversion fund as follows:

18 (a) One-third for recycling formula grants to counties for
19 new programs or enhancements to existing programs that increase
20 recycling participation. Money that is allocated under this
21 subdivision shall be distributed as follows:

22 (i) Fifty percent of the money shall be distributed in equal
23 amounts to each of the counties in the state.

24 (ii) Fifty percent of the money shall be distributed to
25 counties based on the population of the counties using the 2000
26 federal decennial census.

27 (b) One-third shall be transferred to the general fund

1 pursuant to section 39f of the single business tax act, 1975 PA
2 228, MCL 208.39f.

3 (c) One-third for recycling innovation grants for projects
4 recommended by the innovative recycling technologies board
5 created in section 11532c that expand markets for recyclable
6 materials and lead to the transfer of technology for converting
7 recyclable materials into marketable products.

8 (5) The department shall provide for the distribution of
9 grants under subsection (4).

10 Sec. 11532c. (1) The innovative recycling technologies
11 board is created within the department.

12 (2) The board shall consist of the following members,
13 appointed by the governor:

14 (a) Two individuals representing the recycling industry.

15 (b) Two individuals from colleges or universities in this
16 state with knowledge or expertise in recycling technology.

17 (c) One individual representing the department.

18 (3) The members first appointed to the board shall be
19 appointed within 90 days after the effective date of the
20 amendatory act that added this section.

21 (4) Members of the board shall serve for terms of 3 years or
22 until a successor is appointed, whichever is later, except that
23 of the members first appointed 1 shall serve for 1 year, 2 shall
24 serve for 2 years, and 2 shall serve for 3 years.

25 (5) If a vacancy occurs on the board, the governor shall make
26 an appointment for the unexpired term in the same manner as the
27 original appointment.

1 (6) The governor may remove a member of the board for
2 incompetency, dereliction of duty, malfeasance, misfeasance, or
3 nonfeasance in office, or any other good cause.

4 (7) The first meeting of the board shall be called by the
5 department. At the first meeting, the board shall elect from
6 among its members a chairperson and other officers as it
7 considers necessary or appropriate. After the first meeting, the
8 board shall meet at least quarterly, or more frequently at the
9 call of the chairperson or if requested by 3 or more members.

10 (8) A majority of the members of the board constitute a
11 quorum for the transaction of business at a meeting of the
12 board. A majority of the members present and serving are
13 required for official action of the board.

14 (9) The business that the board may perform shall be
15 conducted at a public meeting of the board held in compliance
16 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

17 (10) A writing prepared, owned, used, in the possession of,
18 or retained by the board in the performance of an official
19 function is subject to the freedom of information act, 1976 PA
20 442, MCL 15.231 to 15.246.

21 (11) Members of the board shall serve without compensation.
22 However, members of the board may be reimbursed for their actual
23 and necessary expenses incurred in the performance of their
24 official duties as members of the board.

25 (12) The board shall review applications for grants under
26 section 11532b(4)(c) and shall make recommendations to the
27 department on which grants should be awarded.

1 Sec. 11532d. (1) The department and the department of
2 management and budget shall jointly establish a recycled products
3 procurement advisory committee. The committee shall consist of
4 members from business and industry, members from environmental
5 organizations, and members from the department and the department
6 of management and budget.

7 (2) The advisory committee established under subsection (1)
8 shall review the state's procurement policies for recycled
9 products and materials. The committee shall identify whether
10 state procurement policies prevent or discourage the procurement
11 of recycled products and materials. The committee shall submit a
12 report to the legislature and the governor on its review and
13 shall make recommendations on changes in procurement policies
14 that would encourage the use of recycled products and materials
15 by the state.