

SENATE BILL No. 676

June 30, 2005, Introduced by Senators BROWN, BIRKHOLZ, ALLEN, VAN WOERKOM, GILBERT, PATTERSON, CROUSEY, KUIPERS, BISHOP, HARDIMAN and GEORGE 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 173.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 173. RECYCLING ADVISORY COUNCIL

SEC. 17301. AS USED IN THIS PART:

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

(B) "COUNCIL" MEANS THE RECYCLING ADVISORY COUNCIL CREATED IN
SECTION 17302.

1 (C) "DEALER" MEANS THAT TERM AS DEFINED IN SECTION 1 OF THE
2 INITIATED LAW OF 1976, MCL 445.571.

3 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
4 QUALITY.

5 (E) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS OR
6 HER DESIGNEE.

7 (F) "DISTRIBUTOR" MEANS THAT TERM AS DEFINED IN SECTION 1 OF
8 THE INITIATED LAW OF 1976, MCL 445.571.

9 (G) "MICHIGAN ECONOMIC DEVELOPMENT CORPORATION" MEANS THAT
10 TERM AS DEFINED IN SECTION 2 OF THE LOCAL DEVELOPMENT FINANCING
11 ACT, 1986 PA 281, MCL 125.2152.

12 SEC. 17302. (1) THE RECYCLING ADVISORY COUNCIL IS CREATED
13 WITHIN THE DEPARTMENT.

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

15 (A) THE DIRECTOR.

16 (B) THE FOLLOWING MEMBERS APPOINTED BY THE DIRECTOR:

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

18 (ii) A REPRESENTATIVE OF A STATEWIDE BUSINESS ORGANIZATION.

19 (iii) A REPRESENTATIVE OF A RECYCLING BUSINESS.

20 (iv) A REPRESENTATIVE OF A STATEWIDE BOTTLERS' ORGANIZATION.

21 (v) A REPRESENTATIVE OF A STATEWIDE CONSERVATION ORGANIZATION.

22 (vi) A REPRESENTATIVE OF A DISTRIBUTORS' ORGANIZATION.

23 (vii) A REPRESENTATIVE OF A MANUFACTURER THAT USES RAW MATERIAL
24 CONSISTING PRIMARILY OF RECYCLED MATERIAL.

25 (viii) A REPRESENTATIVE OF AN ORGANIZATION OF TOWNSHIPS.

26 (ix) A REPRESENTATIVE OF AN ORGANIZATION OF CITIES AND
27 VILLAGES.

1 (x) A REPRESENTATIVE OF THE WASTE MANAGEMENT INDUSTRY.

2 (xi) A REPRESENTATIVE OF A STATEWIDE ENVIRONMENTAL
3 ORGANIZATION.

4 (xii) A REPRESENTATIVE OF AN ORGANIZATION OF COUNTIES.

5 (xiii) AN OFFICER OR EMPLOYEE OF A LOCAL UNIT OF GOVERNMENT
6 RESPONSIBLE FOR RECYCLING IN THAT LOCAL UNIT.

7 (xiv) A REPRESENTATIVE OF THE PUBLIC AT LARGE.

8 (xv) A REPRESENTATIVE OF A COLLEGE OR UNIVERSITY THAT OPERATES
9 A COMPREHENSIVE, INSTITUTION-WIDE RECYCLING PROGRAM.

10 (xvi) AN ADMINISTRATOR OF A MUNICIPALLY OWNED LANDFILL.

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

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

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

18 (6) A MEMBER OF THE COUNCIL MAY BE REMOVED BY THE DIRECTOR FOR
19 INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR
20 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

21 SEC. 17303. (1) THE FIRST MEETING OF THE COUNCIL SHALL BE
22 CALLED BY THE DIRECTOR. AT THE FIRST MEETING, THE COUNCIL SHALL
23 ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT
24 CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST MEETING, THE
25 COUNCIL SHALL MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE
26 CALL OF THE CHAIRPERSON OR IF REQUESTED BY 3 OR MORE MEMBERS.

27 (2) A MAJORITY OF THE MEMBERS OF THE COUNCIL CONSTITUTE A

1 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE COUNCIL.
2 A MAJORITY OF THE MEMBERS APPOINTED AND SERVING ARE REQUIRED FOR
3 OFFICIAL ACTION OF THE COUNCIL.

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

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

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

12 (6) THE DEPARTMENT MAY PROVIDE STAFF TO THE COUNCIL THROUGH
13 THE OFFICE OF THE STATEWIDE RECYCLING COORDINATOR CREATED IN
14 SECTION 17402.

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 (8) A REPORT OR RECOMMENDATIONS REQUIRED UNDER THIS ACT FROM
20 THE COUNCIL SHALL BE PROVIDED TO THE SENATE MAJORITY LEADER, THE
21 SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE STANDING
22 COMMITTEES OF BOTH HOUSES OF THE LEGISLATURE WITH PRIMARY
23 JURISDICTION OVER NATURAL RESOURCES AND ENVIRONMENTAL MATTERS.

24 SEC. 17304. (1) THE COUNCIL SHALL STUDY AND, BY 1 YEAR AFTER
25 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION,
26 MAKE RECOMMENDATIONS TO THE LEGISLATURE ON ALL OF THE FOLLOWING:

27 (A) THE EFFECTIVENESS OF THIS STATE'S CURRENT RECYCLING

1 PROGRAM AND WHAT OPPORTUNITIES EXIST TO IMPROVE RECYCLING IN THIS
2 STATE.

3 (B) THE CURRENT AMOUNT OF PUBLIC AND PRIVATE FUNDING FOR
4 RECYCLING BY LOCAL GOVERNMENT AND NONPROFIT ORGANIZATIONS AND THE
5 RELATIONSHIP OF THE CURRENT FUNDING LEVELS TO THE EFFICIENCY AND
6 EFFECTIVENESS OF THE RECYCLING PROGRAM.

7 (C) THE AMOUNT OF PUBLIC AND PRIVATE FUNDING REQUIRED TO
8 IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF RECYCLING IN RURAL
9 AREAS.

10 (D) THE AMOUNT OF PUBLIC AND PRIVATE FUNDING REQUIRED TO
11 IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF RECYCLING IN URBAN
12 AREAS.

13 (E) AFTER THOROUGHLY EVALUATING THE SUSTAINABILITY,
14 EFFICIENCY, AND EFFECTIVENESS OF ALL FUNDING OPTIONS THAT PRODUCE
15 AN INCREASE IN RECYCLING LEVELS, ALL KNOWN SOURCES OF POTENTIAL
16 FUNDING FOR RECYCLING.

17 (F) AN INITIAL METHOD FOR DISTRIBUTION OF MONEY TO BE REALIZED
18 FROM SOURCES IDENTIFIED UNDER SUBDIVISION (E).

19 (G) CRITERIA FOR LOCAL RECYCLING PROGRAMS TO QUALIFY FOR
20 FUNDING OF RECYCLING AND WASTE DIVERSION FROM SOURCES IDENTIFIED
21 UNDER SUBDIVISION (E).

22 (2) AFTER MAKING ITS RECOMMENDATIONS UNDER SUBSECTION (1), THE
23 COUNCIL SHALL DO ALL OF THE FOLLOWING ON AN ONGOING BASIS:

24 (A) RECOMMEND TO THE LEGISLATURE CHANGES TO THE STATE'S
25 COMPREHENSIVE RECYCLING PLAN.

26 (B) IN CONJUNCTION WITH THE STATEWIDE RECYCLING COORDINATOR,
27 ESTABLISH A METHOD FOR REGULAR REVIEW OF LOCAL RECYCLING PROGRAMS

1 TO GATHER INFORMATION ABOUT PROCESSES, MARKETS, AND RECYCLING
2 RATES.

3 (C) IN CONJUNCTION WITH THE DEPARTMENT, DEVELOP FORMS AND
4 REQUIREMENTS FOR REPORTING EXPENDITURES FOR WASTE DIVERSION,
5 INCLUDING EXPENDITURE OF MONEY RECEIVED FROM THE DEPARTMENT FOR
6 RECYCLING AND WASTE DIVERSION, AND WASTE DIVERSION AND RECYCLING
7 ACCOMPLISHED BY COUNTIES, SOLID WASTE MANAGEMENT PLANNING AGENCIES,
8 AND ENTITIES THAT RECEIVE MONEY FROM THE DEPARTMENT FOR RECYCLING
9 AND WASTE DIVERSION.

10 (D) REVIEW DATA REGARDING WASTE DIVERSION AND RECYCLING,
11 INCLUDING DATA REPORTED UNDER SUBDIVISION (C), AND USE THE DATA TO
12 ESTABLISH CRITERIA FOR AND MAKE RECOMMENDATIONS TO THE DEPARTMENT
13 AND THE LEGISLATURE ON CHANGES TO THE EXPENDITURE OF MONEY FOR
14 RECYCLING AND WASTE DIVERSION FROM SOURCES IDENTIFIED UNDER
15 SUBSECTION (1).

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

18 (F) MAKE RECOMMENDATIONS TO THE LEGISLATURE ON TAX INCENTIVES
19 TO BE PROVIDED UNDER THE SINGLE BUSINESS TAX ACT, 1975 PA 228, MCL
20 208.1 TO 208.145, TO ENCOURAGE THE DEVELOPMENT OF MARKETS FOR
21 RECYCLING MATERIALS THAT FACE OBSTACLES OR CHALLENGES TO
22 DEVELOPMENT, INCLUDING, BUT NOT LIMITED TO, ELECTRONIC GOODS,
23 BATTERIES, AND COLORED GLASS.

24 (G) RECOMMEND TO THE LEGISLATURE ALL OF THE FOLLOWING FOR
25 ENACTMENT INTO LAW:

26 (i) REASONABLE, QUANTIFIABLE SHORT-TERM AND LONG-TERM RECYCLING
27 RECOVERY AND WASTE DIVERSION OBJECTIVES.

1 (ii) MEASURES TO DEVELOP OR FOSTER THE DEVELOPMENT OF MARKETS
2 FOR RECYCLED MATERIALS.

3 (H) REVIEW WITH LOCAL RECYCLING OFFICIALS CURRENT LOCAL
4 RECYCLING FUNDING PROGRAMS TO DETERMINE IF ANY CHANGES SHOULD BE
5 MADE IN THESE PROGRAMS.

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

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

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

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

24 (M) CONDUCT A COST-BENEFIT ANALYSIS OF EXPANDING THE SCOPE OF
25 THE INITIATED LAW OF 1976, MCL 445.571 TO 445.576, COMPARED TO
26 ALTERNATIVE WAYS TO INCREASE RECYCLING.

27 (N) REPORT TO THE LEGISLATURE THE COUNCIL'S RECOMMENDATIONS ON

1 CHANGES TO THE INITIATED LAW OF 1976, MCL 445.571 TO 445.576.

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

6 (P) REVIEW THE APPORTIONMENT OF THE BOTTLE DEPOSIT FUND AND
7 RECOMMEND TO THE LEGISLATURE REVISIONS TO MORE FULLY COMPENSATE
8 DISTRIBUTORS AND DEALERS FOR COSTS INCURRED UNDER THE INITIATED LAW
9 OF 1976, MCL 445.571 TO 445.576.

10 (Q) CREATE A SUBCOUNCIL TO MONITOR IMPLEMENTATION OF THE PILOT
11 PROGRAM FOR REGIONAL BEVERAGE CONTAINER REDEMPTION CENTERS AND TO
12 MONITOR THE SUCCESS OF THE INITIATED LAW OF 1976, MCL 445.571 TO
13 445.576. THE SUBCOUNCIL SHALL INCLUDE DEALERS, DISTRIBUTORS,
14 PERSONS REPRESENTING REDEMPTION CENTERS, AND REPRESENTATIVES OF
15 ENVIRONMENTAL ORGANIZATIONS.

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

20 (3) AS USED IN THIS SECTION:

21 (A) "EFFECTIVENESS" MEANS THE MEASURABLE ABILITY OF A PROGRAM
22 TO MAXIMIZE RECYCLING PARTICIPATION BY THE CITIZENS OF THIS STATE.

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

25 (C) "SUSTAINABILITY" MEANS THE ADJUSTABILITY OF A FUNDING
26 MECHANISM TO ENSURE THE CONTINUED SUCCESS OF A PROGRAM'S
27 EFFECTIVENESS AND EFFICIENCY.

1 Enacting section 1. This amendatory act does not take effect
2 unless Senate Bill No. 677
3 of the 93rd Legislature is enacted into law.