

SUBSTITUTE FOR
SENATE BILL NO. 897

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11514 (MCL 324.11514), as amended by 2007 PA
212, and by adding part 173.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11514. (1) Optimizing recycling opportunities, **INCLUDING**
2 **ELECTRONICS RECYCLING OPPORTUNITIES**, and the reuse of materials
3 shall be a principal objective of the state's solid waste
4 management plan. Recycling and reuse of materials, **INCLUDING THE**
5 **REUSE OF MATERIALS FROM ELECTRONIC DEVICES**, are in the best
6 interest of promoting the public health and welfare. The state
7 shall develop policies and practices that promote recycling and
8 reuse of materials and, to the extent practical, minimize the use
9 of landfilling as a method for disposal of its waste. **POLICIES AND**

1 PRACTICES THAT PROMOTE RECYCLING AND REUSE OF MATERIALS, INCLUDING
2 MATERIALS FROM ELECTRONIC DEVICES, WILL CONSERVE RAW MATERIALS,
3 CONSERVE LANDFILL SPACE, AND AVOID THE CONTAMINATION OF SOIL AND
4 GROUNDWATER FROM HEAVY METALS AND OTHER POLLUTANTS.

5 (2) A person shall not knowingly deliver to a landfill for
6 disposal, or, if the person is an owner or operator of a landfill,
7 knowingly permit disposal in the landfill of, any of the following:

8 (a) Medical waste, unless that medical waste has been
9 decontaminated or is not required to be decontaminated but is
10 packaged in the manner required under part 138 of the public health
11 code, 1978 PA 368, MCL 333.13801 to 333.13831.

12 (b) More than a de minimis amount of open, empty, or otherwise
13 used beverage containers.

14 (c) More than a de minimis number of whole motor vehicle
15 tires.

16 (d) More than a de minimis amount of yard clippings, unless
17 they are diseased, infested, or composed of invasive species as
18 authorized by section 11521(1)(i).

19 (3) A person shall not deliver to a landfill for disposal, or,
20 if the person is an owner or operator of a landfill, permit
21 disposal in the landfill of, any of the following:

22 (a) Used oil as defined in section 16701.

23 (b) A lead acid battery as defined in section 17101.

24 (c) Low-level radioactive waste as defined in section 2 of the
25 low-level radioactive waste authority act, 1987 PA 204, MCL
26 333.26202.

27 (d) Regulated hazardous waste as defined in R 299.4104 of the

1 Michigan administrative code.

2 (e) Bulk or noncontainerized liquid waste or waste that
3 contains free liquids, unless the waste is 1 of the following:

4 (i) Household waste other than septage waste.

5 (ii) Leachate or gas condensate that is approved for
6 recirculation.

7 (iii) Septage waste or other liquids approved for beneficial
8 addition under section 11511b.

9 (f) Sewage.

10 (g) PCBs as defined in 40 CFR 761.3.

11 (h) Asbestos waste, unless the landfill complies with 40 CFR
12 61.154.

13 (4) A person shall not knowingly deliver to a municipal solid
14 waste incinerator for disposal, or, if the person is an owner or
15 operator of a municipal solid waste incinerator, knowingly permit
16 disposal in the incinerator of, more than a de minimis amount of
17 yard clippings, unless they are diseased, infested, or composed of
18 invasive species as authorized by section 11521(1)(i). The
19 department shall post, and a solid waste hauler that disposes of
20 solid waste in a municipal solid waste incinerator shall provide
21 its customers with, notice of the prohibitions of this subsection
22 in the same manner as provided in section 11527a.

23 (5) If the department determines that a safe, sanitary, and
24 feasible alternative does not exist for the disposal in a landfill
25 or municipal solid waste incinerator of any items described in
26 subsection (2) or (4), respectively, the department shall submit a
27 report setting forth that determination and the basis for the

1 determination to the standing committees of the senate and house of
2 representatives with primary responsibility for solid waste issues.

3 PART 173 ELECTRONICS

4 SEC. 17301. AS USED IN THIS PART:

5 (A) "COLLECTOR" MEANS A PERSON WHO RECEIVES COVERED ELECTRONIC
6 DEVICES FROM CONSUMERS AND ARRANGES FOR THE DELIVERY OF THE COVERED
7 ELECTRONIC DEVICES TO A RECYCLER.

8 (B) "COMPUTER" MEANS A DESKTOP PERSONAL COMPUTER OR LAPTOP
9 COMPUTER, A COMPUTER MONITOR, OR BEGINNING APRIL 1, 2011, A
10 PRINTER. COMPUTER DOES NOT INCLUDE ANY OF THE FOLLOWING:

11 (i) A PERSONAL DIGITAL ASSISTANT DEVICE OR MOBILE TELEPHONE.

12 (ii) A COMPUTER PERIPHERAL DEVICE, INCLUDING A MOUSE OR OTHER
13 SIMILAR POINTING DEVICE, OR A DETACHABLE OR WIRELESS KEYBOARD.

14 (C) "COMPUTER TAKEBACK PROGRAM" MEANS A PROGRAM REQUIRED UNDER
15 SECTION 17305 (C) .

16 (D) "CONSUMER" MEANS A PERSON WHO USED A COVERED ELECTRONIC
17 DEVICE PRIMARILY FOR PERSONAL OR SMALL BUSINESS PURPOSES IN THIS
18 STATE.

19 (E) "COVERED COMPUTER" MEANS A COMPUTER THAT WAS OR WILL BE
20 USED PRIMARILY FOR PERSONAL OR SMALL BUSINESS PURPOSES IN THIS
21 STATE. COVERED COMPUTER DOES NOT INCLUDE A DEVICE THAT IS
22 FUNCTIONALLY OR PHYSICALLY A PART OF, OR CONNECTED TO, OR
23 INTEGRATED WITHIN A LARGER PIECE OF EQUIPMENT OR SYSTEM DESIGNED
24 AND INTENDED FOR USE IN AN INDUSTRIAL, GOVERNMENTAL, COMMERCIAL,
25 RESEARCH AND DEVELOPMENT, OR MEDICAL SETTING, INCLUDING, BUT NOT
26 LIMITED TO, DIAGNOSTIC, MONITORING, OR CONTROL PRODUCTS, MEDICAL
27 PRODUCTS APPROVED UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT,

1 21 USC 301 TO 399, EQUIPMENT USED FOR SECURITY, SENSING,
2 MONITORING, ANTITERRORISM, OR EMERGENCY SERVICES PURPOSES, OR
3 EQUIPMENT DESIGNED AND INTENDED PRIMARILY FOR USE BY PROFESSIONAL
4 USERS.

5 (F) "COVERED ELECTRONIC DEVICE" MEANS A COVERED COMPUTER OR
6 COVERED VIDEO DISPLAY DEVICE.

7 (G) "COVERED VIDEO DISPLAY DEVICE" MEANS A VIDEO DISPLAY
8 DEVICE THAT WAS OR WILL BE USED PRIMARILY FOR PERSONAL OR SMALL
9 BUSINESS PURPOSES IN THIS STATE. COVERED VIDEO DISPLAY DEVICE DOES
10 NOT INCLUDE A DEVICE THAT IS FUNCTIONALLY OR PHYSICALLY A PART OF,
11 OR CONNECTED TO, OR INTEGRATED WITHIN A LARGER PIECE OF EQUIPMENT
12 OR SYSTEM DESIGNED AND INTENDED FOR USE IN AN INDUSTRIAL,
13 GOVERNMENTAL, COMMERCIAL, RESEARCH AND DEVELOPMENT, OR MEDICAL
14 SETTING, INCLUDING, BUT NOT LIMITED TO, DIAGNOSTIC, MONITORING, OR
15 CONTROL PRODUCTS, MEDICAL PRODUCTS APPROVED UNDER THE FEDERAL FOOD,
16 DRUG, AND COSMETIC ACT, 21 USC 301 TO 399, EQUIPMENT USED FOR
17 SECURITY, SENSING, MONITORING, ANTITERRORISM, OR EMERGENCY SERVICES
18 PURPOSES, OR EQUIPMENT DESIGNED AND INTENDED PRIMARILY FOR USE BY
19 PROFESSIONAL USERS.

20 (H) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
21 QUALITY.

22 (I) "ELECTRONIC DEVICE TAKEBACK PROGRAM" OR "TAKEBACK PROGRAM"
23 MEANS A COMPUTER TAKEBACK PROGRAM OR A VIDEO DISPLAY DEVICE
24 TAKEBACK PROGRAM.

25 (J) "MANUFACTURER", SUBJECT TO SUBDIVISION (K), MEANS ANY OF
26 THE FOLLOWING:

27 (i) THE PERSON WHO OWNS THE BRAND WITH WHICH A COVERED COMPUTER

1 IS LABELED.

2 (ii) THE PERSON WHO OWNS OR IS LICENSED TO USE THE BRAND WITH
3 WHICH A COVERED VIDEO DISPLAY DEVICE IS LABELED.

4 (iii) IF THE BRAND OWNER DOES NOT DO BUSINESS IN THE UNITED
5 STATES, THE PERSON ON WHOSE ACCOUNT A COVERED ELECTRONIC DEVICE WAS
6 IMPORTED INTO THE UNITED STATES.

7 (iv) A PERSON WHO CONTRACTUALLY ASSUMES THE RESPONSIBILITIES
8 AND OBLIGATIONS OF A PERSON DESCRIBED UNDER SUBPARAGRAPH (i), (ii),
9 OR (iii).

10 (K) MANUFACTURER DOES NOT INCLUDE A PERSON UNLESS THE PERSON
11 MANUFACTURED, SOLD, OR IMPORTED MORE THAN 50 COVERED VIDEO DISPLAY
12 DEVICES IN THE PREVIOUS CALENDAR YEAR OR MORE THAN 50 COVERED
13 COMPUTERS IN 2000 OR ANY SUBSEQUENT CALENDAR YEAR.

14 (l) "PRINTER" MEANS A PRINTER OR A MULTIFUNCTION OR "ALL-IN-
15 ONE" DEVICE THAT IN ADDITION TO PRINTING PERFORMS 1 OR MORE OTHER
16 OPERATIONS SUCH AS COPYING, SCANNING, OR FAXING, THAT IS DESIGNED
17 TO BE PLACED ON A DESK OR OTHER WORK SURFACE, AND THAT MAY USE ANY
18 OF VARIOUS PRINT TECHNOLOGIES, SUCH AS LASER AND LED
19 (ELECTROGRAPHIC), INK JET, DOT MATRIX, THERMAL, OR DIGITAL
20 SUBLIMATION. PRINTER DOES NOT INCLUDE A FLOOR-STANDING PRINTER, A
21 PRINTER WITH AN OPTIONAL FLOOR STAND, A POINT OF SALE (POS) RECEIPT
22 PRINTER, A HOUSEHOLD PRINTER SUCH AS A CALCULATOR WITH PRINTING
23 CAPABILITIES OR A LABEL MAKER, OR A NON-STAND-ALONE PRINTER THAT IS
24 EMBEDDED INTO A PRODUCT OTHER THAN A COVERED COMPUTER.

25 (M) "RECYCLER" MEANS A PERSON WHO AS A PRINCIPAL COMPONENT OF
26 BUSINESS OPERATIONS ACQUIRES COVERED ELECTRONIC DEVICES AND SORTS
27 AND PROCESSES THE COVERED ELECTRONIC DEVICES TO FACILITATE

1 RECYCLING OR RESOURCE RECOVERY TECHNIQUES. RECYCLER DOES NOT
2 INCLUDE A COLLECTOR, HAULER, OR ELECTRONICS SHOP.

3 (N) "RETAILER" MEANS A PERSON THAT SELLS A COVERED ELECTRONIC
4 DEVICE TO A CONSUMER BY ANY MEANS, INCLUDING TRANSACTIONS CONDUCTED
5 THROUGH SALES OUTLETS, CATALOGS, MAIL ORDER, OR THE INTERNET,
6 WHETHER OR NOT THE PERSON HAS A PHYSICAL PRESENCE IN THIS STATE.

7 (O) "SMALL BUSINESS" MEANS A BUSINESS WITH 10 OR FEWER
8 EMPLOYEES.

9 (P) "VIDEO DISPLAY DEVICE" MEANS AN ELECTRONIC DEVICE WITH A
10 VIEWABLE SCREEN OF 4 INCHES OR LARGER THAT CONTAINS A TUNER THAT
11 LOCKS ON TO A SELECTED CARRIER FREQUENCY AND IS CAPABLE OF
12 RECEIVING AND DISPLAYING TELEVISION OR VIDEO PROGRAMMING VIA
13 BROADCAST, CABLE, OR SATELLITE. VIDEO DISPLAY DEVICE INCLUDES, BUT
14 IS NOT LIMITED TO, A DIRECT VIEW OR PROJECTION TELEVISION WHOSE
15 DISPLAY TECHNOLOGY IS BASED ON CATHODE RAY TUBE (CRT), PLASMA,
16 LIQUID CRYSTAL (LCD), DIGITAL LIGHT PROCESSING (DLP), LIQUID
17 CRYSTAL ON SILICON (LCOS), SILICON CRYSTAL REFLECTIVE DISPLAY
18 (SXRD), LIGHT EMITTING DIODE (LED), OR SIMILAR TECHNOLOGY.

19 (Q) "VIDEO DISPLAY DEVICE TAKEBACK PROGRAM" MEANS A PROGRAM
20 REQUIRED UNDER SECTION 17305(D).

21 SEC. 17303. (1) BY 30 DAYS FOLLOWING THE END OF EACH STATE
22 FISCAL YEAR, A MANUFACTURER THAT SELLS OR OFFERS FOR SALE TO ANY
23 PERSON IN THIS STATE A NEW COVERED ELECTRONIC DEVICE SHALL REGISTER
24 WITH THE DEPARTMENT ON A FORM PROVIDED BY THE DEPARTMENT. AFTER
25 OCTOBER 30, 2009, A MANUFACTURER WHO HAS NOT ALREADY FILED A
26 REGISTRATION UNDER THIS PART SHALL SUBMIT A REGISTRATION WITHIN 10
27 BUSINESS DAYS AFTER THE MANUFACTURER BEGINS TO SELL OR OFFER FOR

1 SALE NEW COVERED ELECTRONIC DEVICES IN THIS STATE.

2 (2) A REGISTRATION UNDER SUBSECTION (1) SHALL INCLUDE ALL OF
3 THE FOLLOWING:

4 (A) THE MANUFACTURER'S NAME, ADDRESS, AND TELEPHONE NUMBER.

5 (B) EACH BRAND NAME UNDER WHICH THE MANUFACTURER SELLS OR
6 OFFERS FOR SALE COVERED ELECTRONIC DEVICES IN THIS STATE.

7 (C) INFORMATION ABOUT THE MANUFACTURER'S ELECTRONIC DEVICE
8 TAKEBACK PROGRAM, INCLUDING ALL OF THE FOLLOWING:

9 (i) INFORMATION PROVIDED TO CONSUMERS ON HOW AND WHERE TO
10 RETURN COVERED ELECTRONIC DEVICES LABELED WITH THE MANUFACTURER'S
11 NAME OR BRAND LABEL.

12 (ii) THE MEANS BY WHICH INFORMATION DESCRIBED IN SUBPARAGRAPH
13 (i) IS DISSEMINATED TO CONSUMERS, INCLUDING THE RELEVANT WEBSITE
14 ADDRESS IF THE INTERNET IS USED.

15 (iii) BEGINNING WITH THE FIRST REGISTRATION SUBMITTED AFTER THE
16 IMPLEMENTATION OF THE TAKEBACK PROGRAM, A REPORT ON THE
17 IMPLEMENTATION OF THE TAKEBACK PROGRAM DURING THE PRIOR STATE
18 FISCAL YEAR, INCLUDING ALL OF THE FOLLOWING:

19 (A) THE TOTAL WEIGHT OF THE COVERED ELECTRONIC DEVICES
20 RECEIVED BY THE TAKEBACK PROGRAM FROM CONSUMERS DURING THE PRIOR
21 YEAR.

22 (B) THE PROCESSES AND METHODS USED TO RECYCLE OR REUSE THE
23 COVERED ELECTRONIC DEVICES RECEIVED FROM CONSUMERS.

24 (C) THE IDENTITY OF ANY COLLECTOR OR RECYCLER WITH WHOM THE
25 MANUFACTURER CONTRACTS FOR THE COLLECTION OR RECYCLING OF COVERED
26 ELECTRONIC DEVICES RECEIVED FROM CONSUMERS. THE IDENTITY OF A
27 RECYCLER SHALL INCLUDE THE ADDRESSES OF THAT RECYCLER'S RECYCLING

Senate Bill No. 897 as amended November 13, 2008

1 FACILITIES IN THIS STATE, IF ANY. THE IDENTITY OF A COLLECTOR OR
2 RECYCLER REPORTED UNDER THIS SUBPARAGRAPH IS EXEMPT FROM DISCLOSURE
3 UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
4 15.246, AND SHALL NOT BE DISCLOSED BY THE DEPARTMENT UNLESS
5 REQUIRED BY COURT ORDER.

6 (3) A REGISTRATION IS EFFECTIVE UPON RECEIPT BY THE DEPARTMENT
7 IF THE REGISTRATION IS ADMINISTRATIVELY COMPLETE.

8 (4) IF A MANUFACTURER'S REGISTRATION DOES NOT MEET THE
9 REQUIREMENTS OF THIS SECTION AND ANY RULES PROMULGATED UNDER THIS
10 PART, THE DEPARTMENT SHALL NOTIFY THE MANUFACTURER OF THE
11 INSUFFICIENCY. WITHIN 60 DAYS AFTER RECEIPT OF A NOTICE OF
12 INSUFFICIENCY, THE MANUFACTURER SHALL SUBMIT A REVISED REGISTRATION
13 THAT ADDRESSES THE INSUFFICIENCIES IDENTIFIED BY THE DEPARTMENT.

14 (5) A REGISTRATION IS VALID UNTIL OCTOBER 30 OF EACH YEAR. A
15 MANUFACTURER OF COVERED VIDEO DISPLAY DEVICES SHALL UPDATE ITS
16 REGISTRATION WITHIN 10 BUSINESS DAYS AFTER A CHANGE IN THE BRANDS
17 OF COVERED VIDEO DISPLAY DEVICES FROM THAT MANUFACTURER SOLD OR
18 OFFERED FOR SALE IN THIS STATE.

19 (6) <<UNTIL OCTOBER 1, 2015,>> A MANUFACTURER'S REGISTRATION SHALL
20 BE ACCOMPANIED BY A
21 FEE AS FOLLOWS:

22 (A) \$2,000.00 IF THE MANUFACTURER'S TAKEBACK PROGRAM UTILIZES
23 RECYCLERS BASED IN THIS STATE.

24 (B) \$3,000.00, IF SUBDIVISION (A) DOES NOT APPLY.

25 (7) REVENUE FROM MANUFACTURERS' REGISTRATION FEES COLLECTED
26 UNDER THIS SECTION SHALL BE DEPOSITED IN THE ELECTRONICS RECYCLING
27 FUND CREATED IN SECTION 17325.

(8) THE DEPARTMENT SHALL MAINTAIN ON ITS WEBSITE A LIST OF

Senate Bill No. 897 as amended November 13, 2008

1 REGISTERED MANUFACTURERS OF COMPUTERS AND A LIST OF REGISTERED
2 MANUFACTURERS OF VIDEO DISPLAY DEVICES AND THE WEBSITE ADDRESSES AT
3 WHICH THEY PROVIDE INFORMATION ON RECYCLING COVERED ELECTRONIC
4 DEVICES.

<<(9) NOT LATER THAN OCTOBER 1, 2011 AND EVERY 2 YEARS AFTER THAT
DATE, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE SECRETARY OF THE SENATE
AND TO THE CLERK OF THE HOUSE OF REPRESENTATIVES THAT ASSESSES THE
ADEQUACY OF THE FEES UNDER THIS SECTION AND ANY DEPARTMENTAL
RECOMMENDATION TO MODIFY THOSE FEES.>>

5 SEC. 17305. BEGINNING APRIL 1, 2010, A MANUFACTURER SHALL NOT
6 SELL OR OFFER FOR SALE TO ANY PERSON IN THIS STATE A NEW COVERED
7 ELECTRONIC DEVICE, WHETHER THROUGH SALES OUTLETS, CATALOGS, MAIL
8 ORDER, THE INTERNET, OR ANY OTHER MEANS, UNLESS ALL OF THE
9 FOLLOWING REQUIREMENTS ARE MET:

10 (A) THE COVERED ELECTRONIC DEVICE IS LABELED WITH THE
11 MANUFACTURER'S NAME OR BRAND LABEL, OWNED BY OR LICENSED FOR USE BY
12 THE MANUFACTURER.

13 (B) THE MANUFACTURER'S NAME APPEARS ON THE APPLICABLE
14 REGISTRATION LIST MAINTAINED BY THE DEPARTMENT UNDER SECTION 17303.

15 (C) IF THE COVERED ELECTRONIC DEVICE IS A COVERED COMPUTER,
16 THE MANUFACTURER HAS A COMPUTER TAKEBACK PROGRAM AS DESCRIBED IN
17 SECTION 17309.

18 (D) IF THE COVERED ELECTRONIC DEVICE IS A COVERED VIDEO
19 DISPLAY DEVICE, THE MANUFACTURER HAS A VIDEO DISPLAY DEVICE
20 TAKEBACK PROGRAM AS DESCRIBED IN SECTION 17311.

21 SEC. 17307. A RETAILER SHALL NOT SELL OR OFFER FOR SALE TO ANY
22 PERSON IN THIS STATE A NEW COVERED ELECTRONIC DEVICE FROM A
23 MANUFACTURER, PURCHASED BY THE RETAILER ON OR AFTER APRIL 1, 2010
24 UNLESS THE MANUFACTURER APPEARS ON THE APPLICABLE REGISTRATION LIST
25 UNDER SECTION 17303.

26 SEC. 17309. (1) BEGINNING APRIL 1, 2010, EACH MANUFACTURER OF
27 COVERED COMPUTERS SHALL IMPLEMENT A COMPUTER TAKEBACK PROGRAM THAT

1 MEETS ALL OF THE FOLLOWING CRITERIA:

2 (A) THE MANUFACTURER OF A COVERED COMPUTER THAT HAS REACHED
3 THE END OF ITS USEFUL LIFE FOR THE CONSUMER OR THE MANUFACTURER'S
4 DESIGNEE ACCEPTS FROM THE CONSUMER THE COVERED COMPUTER. THIS PART
5 SHALL NOT BE CONSTRUED TO IMPAIR THE OBLIGATION OF A CONTRACT UNDER
6 WHICH A PERSON AGREES TO CONDUCT A COMPUTER TAKEBACK PROGRAM ON
7 BEHALF OF A MANUFACTURER.

8 (B) A CONSUMER IS NOT REQUIRED TO PAY A SEPARATE FEE WHEN THE
9 CONSUMER RETURNS THE COVERED COMPUTER TO THE MANUFACTURER OF THAT
10 COVERED COMPUTER OR THE MANUFACTURER'S DESIGNEE.

11 (C) THE COLLECTION OF COVERED COMPUTERS IS REASONABLY
12 CONVENIENT AND AVAILABLE TO AND OTHERWISE DESIGNED TO MEET THE
13 NEEDS OF CONSUMERS IN THIS STATE. EXAMPLES OF COLLECTION METHODS
14 THAT ALONE OR COMBINED MEET THE CONVENIENCE REQUIREMENTS OF THIS
15 SUBDIVISION INCLUDE SYSTEMS FOR A CONSUMER TO RETURN A COVERED
16 COMPUTER BY 1 OR MORE OF THE FOLLOWING MEANS:

17 (i) MAIL OR COMMON CARRIER SHIPPER.

18 (ii) DEPOSIT AT A LOCAL PHYSICAL COLLECTION SITE THAT IS KEPT
19 OPEN AND STAFFED ON A CONTINUING BASIS.

20 (iii) DEPOSIT DURING PERIODIC LOCAL COLLECTION EVENTS.

21 (iv) DEPOSIT WITH A RETAILER.

22 (D) THE MANUFACTURER OF A COVERED COMPUTER PROVIDES A CONSUMER
23 INFORMATION ON HOW AND WHERE TO RETURN THE COVERED COMPUTER,
24 INCLUDING, BUT NOT LIMITED TO, COLLECTION, RECYCLING, AND REUSE
25 INFORMATION ON THE MANUFACTURER'S PUBLICLY AVAILABLE WEBSITE. THE
26 MANUFACTURER MAY ALSO INCLUDE COLLECTION, RECYCLING, AND REUSE
27 INFORMATION IN THE PACKAGING FOR OR IN OTHER MATERIALS THAT

1 ACCOMPANY THE MANUFACTURER'S COVERED COMPUTERS WHEN THE COVERED
2 COMPUTERS ARE SOLD OR PROVIDE THAT INFORMATION VIA A TOLL-FREE
3 TELEPHONE NUMBER.

4 (E) THE MANUFACTURER RECYCLES OR ARRANGES FOR THE RECYCLING OF
5 ANY COVERED COMPUTERS COLLECTED UNDER SUBDIVISION (A).

6 (2) A MANUFACTURER'S COMPUTER TAKEBACK PROGRAM IS NOT REQUIRED
7 TO ACCEPT MORE THAN 7 COVERED COMPUTERS FROM A SINGLE CONSUMER ON A
8 SINGLE DAY.

9 SEC. 17311. (1) BEGINNING APRIL 1, 2010, EACH MANUFACTURER OF
10 COVERED VIDEO DISPLAY DEVICES SHALL IMPLEMENT A VIDEO DISPLAY
11 DEVICE TAKEBACK PROGRAM THAT MEETS ALL OF THE FOLLOWING CRITERIA:

12 (A) A MANUFACTURER OR THE MANUFACTURER'S DESIGNEE ACCEPTS FROM
13 A CONSUMER ANY COVERED VIDEO DISPLAY DEVICE THAT HAS REACHED THE
14 END OF ITS USEFUL LIFE FOR THE CONSUMER, REGARDLESS OF THE TYPE OR
15 BRAND OF COVERED VIDEO DISPLAY DEVICE.

16 (B) A CONSUMER IS NOT REQUIRED TO PAY A SEPARATE FEE WHEN THE
17 CONSUMER RETURNS A COVERED VIDEO DISPLAY DEVICE THROUGH THE
18 TAKEBACK PROGRAM OF ANY MANUFACTURER OF ANY COVERED VIDEO DISPLAY
19 DEVICE.

20 (C) THE REQUIREMENTS OF SECTION 17309(1)(C), AS APPLIED TO
21 COVERED VIDEO DISPLAY DEVICES.

22 (D) THE MANUFACTURER PROVIDES A CONSUMER INFORMATION ON HOW
23 AND WHERE TO RETURN A COVERED VIDEO DISPLAY DEVICE, INCLUDING, BUT
24 NOT LIMITED TO, COLLECTION, RECYCLING, AND REUSE INFORMATION ON THE
25 MANUFACTURER'S PUBLICLY AVAILABLE WEBSITE. THE MANUFACTURER MAY
26 ALSO INCLUDE COLLECTION, RECYCLING, AND REUSE INFORMATION IN THE
27 PACKAGING FOR OR IN OTHER MATERIALS THAT ACCOMPANY THE

1 MANUFACTURER'S COVERED VIDEO DISPLAY DEVICES WHEN THE COVERED VIDEO
2 DISPLAY DEVICES ARE SOLD OR PROVIDE THAT INFORMATION VIA A TOLL-
3 FREE TELEPHONE NUMBER.

4 (E) THE MANUFACTURER RECYCLES OR ARRANGES FOR THE RECYCLING OF
5 ANY COVERED VIDEO DISPLAY DEVICE COLLECTED UNDER SUBDIVISION (A).
6 AS A NONBINDING TARGET, EACH MANUFACTURER REQUIRED TO CONDUCT A
7 VIDEO DISPLAY DEVICE TAKEBACK PROGRAM SHOULD ANNUALLY RECYCLE 60%
8 OF THE TOTAL WEIGHT OF COVERED VIDEO DISPLAY DEVICES SOLD BY THE
9 MANUFACTURER IN THIS STATE DURING THE PRIOR STATE FISCAL YEAR.
10 SALES DATA UNDER THIS SUBDIVISION ARE EXEMPT FROM DISCLOSURE UNDER
11 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246,
12 AND SHALL NOT BE DISCLOSED BY THE DEPARTMENT UNLESS REQUIRED BY
13 COURT ORDER.

14 (2) A MANUFACTURER'S VIDEO DISPLAY DEVICE TAKEBACK PROGRAM IS
15 NOT REQUIRED TO ACCEPT MORE THAN 7 COVERED VIDEO DISPLAY DEVICES
16 FROM A SINGLE CONSUMER ON A SINGLE DAY.

17 (3) A MANUFACTURER MAY CONDUCT A VIDEO DISPLAY DEVICE TAKEBACK
18 PROGRAM ALONE OR IN CONJUNCTION WITH OTHER MANUFACTURERS. A
19 MANUFACTURER MAY ARRANGE FOR THE COLLECTION AND RECYCLING OF
20 COVERED VIDEO DISPLAY DEVICES BY ANOTHER PERSON TO FULFILL THE
21 MANUFACTURER'S OBLIGATIONS UNDER THIS SECTION.

22 SEC. 17313. (1) THE ELECTRONIC WASTE ADVISORY COUNCIL IS
23 CREATED WITHIN THE DEPARTMENT. THE COUNCIL SHALL CONSIST OF THE
24 FOLLOWING 8 MEMBERS:

25 (A) THREE INDIVIDUALS APPOINTED BY THE SENATE MAJORITY LEADER
26 AS FOLLOWS:

27 (i) ONE INDIVIDUAL REPRESENTING COVERED VIDEO DISPLAY DEVICE

1 MANUFACTURERS.

2 (ii) ONE INDIVIDUAL REPRESENTING RECYCLERS OF COVERED COMPUTERS
3 OR COVERED VIDEO DISPLAY DEVICES.

4 (iii) ONE INDIVIDUAL REPRESENTING A TRADE ASSOCIATION OF
5 COMPUTER MANUFACTURERS AND VIDEO DISPLAY DEVICE MANUFACTURERS.

6 (B) THREE INDIVIDUALS APPOINTED BY THE SPEAKER OF THE HOUSE OF
7 REPRESENTATIVES AS FOLLOWS:

8 (i) ONE INDIVIDUAL REPRESENTING COVERED COMPUTER MANUFACTURERS.

9 (ii) ONE INDIVIDUAL REPRESENTING RETAILERS OF COVERED COMPUTERS
10 OR COVERED VIDEO DISPLAY DEVICES.

11 (iii) ONE INDIVIDUAL REPRESENTING AN AGENCY RESPONSIBLE FOR A
12 COUNTYWIDE RECYCLING PROGRAM.

13 (C) TWO INDIVIDUALS APPOINTED BY THE GOVERNOR AS FOLLOWS:

14 (i) ONE INDIVIDUAL REPRESENTING A STATEWIDE CONSERVATION
15 ORGANIZATION.

16 (ii) ONE INDIVIDUAL REPRESENTING THE DEPARTMENT.

17 (2) THE APPOINTMENTS TO THE COUNCIL UNDER SUBSECTION (1) SHALL
18 BE MADE NOT LATER THAN 30 DAYS AFTER THE EFFECTIVE DATE OF THE
19 AMENDATORY ACT THAT ADDED THIS SECTION.

20 (3) A MEMBER OF THE COUNCIL SHALL SERVE FOR A TERM OF 4 YEARS.
21 IF A VACANCY OCCURS ON THE COUNCIL, THE VACANCY SHALL BE FILLED FOR
22 THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.
23 THE APPOINTING OFFICIAL MAY REMOVE A MEMBER OF THE COUNCIL FOR
24 INCOMPETENCE, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR
25 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

26 (4) THE FIRST MEETING OF THE COUNCIL SHALL BE CALLED BY THE
27 COUNCIL MEMBER REPRESENTING THE DEPARTMENT. AT THE FIRST MEETING,

1 THE COUNCIL SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND
2 OTHER OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE
3 FIRST MEETING, THE COUNCIL SHALL MEET AT LEAST QUARTERLY, OR MORE
4 FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 2 OR
5 MORE MEMBERS.

6 (5) A MAJORITY OF THE MEMBERS OF THE COUNCIL CONSTITUTE A
7 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE COUNCIL.
8 A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE REQUIRED FOR
9 OFFICIAL ACTION OF THE COUNCIL.

10 (6) THE BUSINESS THAT THE COUNCIL MAY PERFORM SHALL BE
11 CONDUCTED AT A PUBLIC MEETING OF THE COUNCIL HELD IN COMPLIANCE
12 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. A
13 WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY
14 THE COUNCIL IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT
15 TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
16 15.246.

17 (7) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION.
18 HOWEVER, THE MEMBER OF THE COUNCIL REPRESENTING THE DEPARTMENT
19 SHALL SERVE WITHOUT ADDITIONAL COMPENSATION.

20 (8) BY APRIL 1, 2012, THE COUNCIL SHALL SUBMIT A REPORT TO THE
21 GOVERNOR, THE DEPARTMENT, AND THE STANDING COMMITTEES OF THE
22 LEGISLATURE WITH JURISDICTION OVER ISSUES PRIMARILY PERTAINING TO
23 NATURAL RESOURCES AND THE ENVIRONMENT. THE REPORT SHALL EVALUATE
24 THE PROGRAM UNDER THIS PART AND MAKE RECOMMENDATIONS TO IMPROVE THE
25 RECYCLING OF COVERED ELECTRONIC DEVICES. THE REPORT SHALL EVALUATE
26 ALL OF THE FOLLOWING IN LIGHT OF THE POLICIES AND OBJECTIVES SET
27 FORTH IN SECTION 11514:

1 (A) WHETHER A MANUFACTURER'S MARKET SHARE SHOULD BE USED TO
2 DETERMINE THE AMOUNT OF VIDEO DISPLAY DEVICES REQUIRED TO BE
3 RECYCLED ANNUALLY BY THE MANUFACTURER.

4 (B) WHETHER A MANUFACTURER WITH A TAKEBACK PROGRAM THAT
5 RECYCLES ELECTRONIC WASTE AT A HIGHER RATE THAN PROVIDED FOR IN
6 THIS PART SHOULD BE GRANTED CREDITS AND, IF SO, THE LIFE OF THE
7 CREDITS, WHETHER THE CREDITS WOULD BE TRANSFERABLE, AND HOW THE
8 CREDIT SYSTEM SHOULD OTHERWISE OPERATE.

9 (C) WHETHER THE NONBINDING TARGET FOR MANUFACTURERS RECYCLING
10 COVERED VIDEO DISPLAY DEVICES UNDER SECTION 17311 SHOULD BE
11 INCREASED OR DECREASED AND WHETHER THE TARGET SHOULD BE MADE
12 MANDATORY.

13 (D) WHAT ITEMS SHOULD BE INCLUDED IN A MANDATORY TAKEBACK
14 PROGRAM AND, IF NEW ITEMS ARE RECOMMENDED, WHAT THE RECYCLING RATES
15 SHOULD BE FOR THOSE NEW ITEMS.

16 (E) WHETHER AND HOW A MANUFACTURER SHOULD BE SANCTIONED FOR
17 FAILING TO MEET THE REQUIREMENTS OF THIS PART.

18 (F) WHETHER FUNDING FOR THE ADMINISTRATION OF THIS PART IS
19 APPROPRIATE OR NEEDS TO BE INCREASED OR DECREASED.

20 (G) WHETHER A PROGRAM SHOULD BE DEVELOPED TO RECOGNIZE
21 MANUFACTURERS THAT IMPLEMENT AN EXPANDED RECYCLING PROGRAM FOR
22 ADDITIONAL PRODUCTS SUCH AS PRINTERS OR RECYCLES ELECTRONIC WASTE
23 AT A HIGHER RATE THAN PROVIDED FOR IN THIS PART.

24 (H) WHETHER A SYSTEM SHOULD BE DEVELOPED TO COLLECT COVERED
25 ELECTRONIC DEVICES THAT ARE OTHERWISE NOT COLLECTED BY A
26 MANUFACTURER.

27 (I) WHETHER ADDITIONAL RECYCLING DATA, SUCH AS THE AMOUNT OF

1 COVERED ELECTRONIC DEVICES COLLECTED BY COLLECTORS, SHOULD BE
2 COLLECTED AND, IF SO, HOW.

3 (J) WHETHER A PROGRAM SHOULD BE DEVELOPED AND FUNDING SHOULD
4 BE OBTAINED FOR GRANTS TO EXPAND RECYCLING AND RECOVERY PROGRAMS
5 FOR COVERED ELECTRONIC DEVICES AND TO PROVIDE CONSUMER EDUCATION
6 RELATED TO THE PROGRAMS.

7 (K) WHETHER A DISPOSAL BAN FOR COVERED ELECTRONIC DEVICES IS
8 APPROPRIATE.

9 SEC. 17315. (1) COVERED ELECTRONIC DEVICES COLLECTED UNDER
10 THIS PART SHALL BE RECYCLED IN A MANNER THAT COMPLIES WITH FEDERAL
11 AND STATE LAWS, INCLUDING RULES PROMULGATED BY THE DEPARTMENT, AND
12 LOCAL ORDINANCES.

13 (2) ANY RULES PROMULGATED BY THE DEPARTMENT UNDER SECTION
14 17321 REGULATING THE RECYCLING OF COVERED ELECTRONIC DEVICES
15 COLLECTED UNDER THIS PART SHALL BE CONSISTENT WITH BOTH OF THE
16 FOLLOWING:

17 (A) THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S "PLUG-
18 IN TO RECYCLING GUIDELINES FOR MATERIALS MANAGEMENT", AS IN EFFECT
19 ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
20 SECTION.

21 (B) THE INSTITUTE OF SCRAP RECYCLING INDUSTRIES, INC.
22 PUBLICATION "ELECTRONICS RECYCLING OPERATING PRACTICES", DATED
23 APRIL 25, 2006.

24 SEC. 17321. AFTER THE COUNCIL SUBMITS ITS REPORT REQUIRED
25 UNDER SECTION 17313, THE DEPARTMENT, PURSUANT TO THE ADMINISTRATIVE
26 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, MAY
27 PROMULGATE RULES FOR THE PURPOSES OF SECTIONS 17303 AND 17315.

1 SEC. 17325. (1) THE ELECTRONICS RECYCLING FUND IS CREATED
2 WITHIN THE STATE TREASURY.

3 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
4 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL
5 DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT
6 TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

7 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
8 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

9 (4) THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL BE THE
10 ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES.

11 (5) MONEY FROM THE FUND SHALL BE EXPENDED, UPON APPROPRIATION,
12 FOR THE ADMINISTRATIVE EXPENSES OF THE DEPARTMENT IN IMPLEMENTING
13 THIS PART.

14 SEC. 17331. IF FEDERAL LAW ESTABLISHES A NATIONAL PROGRAM FOR
15 THE COLLECTION AND RECYCLING OF COMPUTER EQUIPMENT, THE DEPARTMENT
16 SHALL, WITHIN 90 DAYS, SUBMIT A REPORT TO THE STANDING COMMITTEES
17 OF THE SENATE AND HOUSE OF REPRESENTATIVES WITH PRIMARY
18 RESPONSIBILITY FOR RECYCLING AND SOLID WASTE ISSUES. THE REPORT
19 SHALL DESCRIBE THE FEDERAL PROGRAM, DISCUSS WHETHER PROVISIONS OF
20 THIS PART HAVE BEEN PREEMPTED, AND RECOMMEND WHETHER THIS PART
21 SHOULD BE AMENDED OR REPEALED.

22 Enacting section 1. This amendatory act does not take effect
23 unless Senate Bill No. 898 of the 94th Legislature is enacted into
24 law.