

HOUSE BILL No. 5744

February 14, 2008, Introduced by Rep. Gaffney and referred to the Committee on Great Lakes and Environment.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 11532A. (1) BEGINNING OCTOBER 1, 2008, A SURCHARGE OF
2 \$7.50 IS ASSESSED ON EACH TON OF SOLID WASTE THAT IS DISPOSED OF IN
3 A LANDFILL. HOWEVER, A SURCHARGE UNDER THIS SUBSECTION SHALL NOT BE
4 ASSESSED ON ANY OF THE FOLLOWING:

5 (A) MUNICIPAL SOLID WASTE INCINERATOR ASH DISPOSED OF IN A
6 LANDFILL.

7 (B) SOLID WASTE GENERATED IN THE COUNTY WHERE THE LANDFILL IS
8 LOCATED OR A COUNTY, IN THIS OR ANOTHER STATE, THAT SHARES A BORDER
9 WITH THE COUNTY WHERE THE LANDFILL IS LOCATED, OTHER THAN A BORDER

1 LOCATED ENTIRELY IN A BODY OF WATER.

2 (C) SOLID WASTE DISPOSED OF UNDER A CONTRACT ENTERED INTO BY
3 THE LANDFILL BEFORE THE DATE THE AMENDATORY ACT THAT ADDED THIS
4 SECTION WAS ENACTED INTO LAW.

5 (2) THE OWNER OR OPERATOR OF A LANDFILL SHALL PAY SURCHARGE
6 REVENUE COLLECTED UNDER SUBSECTION (1) TO THE DEPARTMENT OF
7 TREASURY WITHIN 30 DAYS AFTER THE END OF EACH QUARTER OF THE STATE
8 FISCAL YEAR. THE STATE TREASURER SHALL DEPOSIT THE SURCHARGE
9 REVENUE INTO THE GENERAL FUND.

10 (3) THE OWNER OR OPERATOR OF A LANDFILL WHO IS REQUIRED TO PAY
11 THE RECYCLING AND WASTE DIVERSION SURCHARGE UNDER SUBSECTION (2)
12 MAY PASS THROUGH AND COLLECT THE SURCHARGE FROM THE GENERATORS OF
13 THE SOLID WASTE OR FROM THE PERSONS WHO ARRANGED FOR ITS DELIVERY
14 TO THE SOLID WASTE HAULER OR TRANSFER FACILITY, NOTWITHSTANDING THE
15 PROVISIONS OF ANY CONTRACT OR AGREEMENT TO THE CONTRARY OR THE
16 ABSENCE OF ANY CONTRACT OR AGREEMENT.