

# HOUSE BILL No. 6714

November 19, 2008, Introduced by Reps. Warren, Alma Smith, Angerer and Meadows and referred to the Committee on Great Lakes and Environment.

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

1 of landfilling as a method for disposal of its waste. **POLICIES AND**  
2 **PRACTICES THAT PROMOTE RECYCLING AND REUSE OF MATERIALS, INCLUDING**  
3 **MATERIALS FROM ELECTRONIC DEVICES, WILL CONSERVE RAW MATERIALS,**  
4 **CONSERVE LANDFILL SPACE, AND AVOID THE CONTAMINATION OF SOIL AND**  
5 **GROUNDWATER FROM HEAVY METALS AND OTHER POLLUTANTS.**

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

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

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

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

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

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

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

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

25 (c) Low-level radioactive waste as defined in section 2 of the  
26 low-level radioactive waste authority act, 1987 PA 204, MCL  
27 333.26202.

1 (d) Regulated hazardous waste as defined in R 299.4104 of the  
2 Michigan administrative code.

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

5 (i) Household waste other than septage waste.

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

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

10 (f) Sewage.

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

12 (h) Asbestos waste, unless the landfill complies with 40 CFR  
13 61.154.

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

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

1 report setting forth that determination and the basis for the  
2 determination to the standing committees of the senate and house of  
3 representatives with primary responsibility for solid waste issues.

4 PART 173 ELECTRONICS

5 SEC. 17301. AS USED IN THIS PART:

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

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

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

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

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

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

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

1 PRODUCTS APPROVED UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT,  
2 21 USC 301 TO 399, EQUIPMENT USED FOR SECURITY, SENSING,  
3 MONITORING, ANTITERRORISM, OR EMERGENCY SERVICES PURPOSES, OR  
4 EQUIPMENT DESIGNED AND INTENDED PRIMARILY FOR USE BY PROFESSIONAL  
5 USERS.

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

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

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

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

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

1           (i) THE PERSON WHO OWNS THE BRAND WITH WHICH A COVERED COMPUTER  
2 IS LABELED.

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

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

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

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

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

26           (m) "RECYCLER" MEANS A PERSON WHO AS A PRINCIPAL COMPONENT OF  
27 BUSINESS OPERATIONS ACQUIRES COVERED ELECTRONIC DEVICES AND SORTS

1 AND PROCESSES THE COVERED ELECTRONIC DEVICES TO FACILITATE  
2 RECYCLING OR RESOURCE RECOVERY TECHNIQUES. RECYCLER DOES NOT  
3 INCLUDE A COLLECTOR, HAULER, OR ELECTRONICS SHOP.

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

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

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

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

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

1 BUSINESS DAYS AFTER THE MANUFACTURER BEGINS TO SELL OR OFFER FOR  
2 SALE NEW COVERED ELECTRONIC DEVICES IN THIS STATE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (6) UNTIL OCTOBER 1, 2015, A MANUFACTURER'S REGISTRATION SHALL  
21 BE ACCOMPANIED BY A 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.

1           (8) THE DEPARTMENT SHALL MAINTAIN ON ITS WEBSITE A LIST OF  
2 REGISTERED MANUFACTURERS OF COMPUTERS AND A LIST OF REGISTERED  
3 MANUFACTURERS OF VIDEO DISPLAY DEVICES AND THE WEBSITE ADDRESSES AT  
4 WHICH THEY PROVIDE INFORMATION ON RECYCLING COVERED ELECTRONIC  
5 DEVICES.

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

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

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

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

21           (C) IF THE COVERED ELECTRONIC DEVICE IS A COVERED COMPUTER,  
22 THE MANUFACTURER HAS A COMPUTER TAKEBACK PROGRAM AS DESCRIBED IN  
23 SECTION 17309.

24           (D) IF THE COVERED ELECTRONIC DEVICE IS A COVERED VIDEO  
25 DISPLAY DEVICE, THE MANUFACTURER HAS A VIDEO DISPLAY DEVICE  
26 TAKEBACK PROGRAM AS DESCRIBED IN SECTION 17311.

27           SEC. 17307. A RETAILER SHALL NOT SELL OR OFFER FOR SALE TO ANY

1 PERSON IN THIS STATE A NEW COVERED ELECTRONIC DEVICE FROM A  
2 MANUFACTURER, PURCHASED BY THE RETAILER ON OR AFTER APRIL 1, 2010  
3 UNLESS THE MANUFACTURER APPEARS ON THE APPLICABLE REGISTRATION LIST  
4 UNDER SECTION 17303.

5 SEC. 17309. (1) BEGINNING APRIL 1, 2010, EACH MANUFACTURER OF  
6 COVERED COMPUTERS SHALL IMPLEMENT A COMPUTER TAKEBACK PROGRAM THAT  
7 MEETS ALL OF THE FOLLOWING CRITERIA:

8 (A) THE MANUFACTURER OF A COVERED COMPUTER THAT HAS REACHED  
9 THE END OF ITS USEFUL LIFE FOR THE CONSUMER OR THE MANUFACTURER'S  
10 DESIGNEE ACCEPTS FROM THE CONSUMER THE COVERED COMPUTER. THIS PART  
11 SHALL NOT BE CONSTRUED TO IMPAIR THE OBLIGATION OF A CONTRACT UNDER  
12 WHICH A PERSON AGREES TO CONDUCT A COMPUTER TAKEBACK PROGRAM ON  
13 BEHALF OF A MANUFACTURER.

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

17 (C) THE COLLECTION OF COVERED COMPUTERS IS REASONABLY  
18 CONVENIENT AND AVAILABLE TO AND OTHERWISE DESIGNED TO MEET THE  
19 NEEDS OF CONSUMERS IN THIS STATE. EXAMPLES OF COLLECTION METHODS  
20 THAT ALONE OR COMBINED MEET THE CONVENIENCE REQUIREMENTS OF THIS  
21 SUBDIVISION INCLUDE SYSTEMS FOR A CONSUMER TO RETURN A COVERED  
22 COMPUTER BY 1 OR MORE OF THE FOLLOWING MEANS:

23 (i) MAIL OR COMMON CARRIER SHIPPER.

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

26 (iii) DEPOSIT DURING PERIODIC LOCAL COLLECTION EVENTS.

27 (iv) DEPOSIT WITH A RETAILER.

1 (D) THE MANUFACTURER OF A COVERED COMPUTER PROVIDES A CONSUMER  
2 INFORMATION ON HOW AND WHERE TO RETURN THE COVERED COMPUTER,  
3 INCLUDING, BUT NOT LIMITED TO, COLLECTION, RECYCLING, AND REUSE  
4 INFORMATION ON THE MANUFACTURER'S PUBLICLY AVAILABLE WEBSITE. THE  
5 MANUFACTURER MAY ALSO INCLUDE COLLECTION, RECYCLING, AND REUSE  
6 INFORMATION IN THE PACKAGING FOR OR IN OTHER MATERIALS THAT  
7 ACCOMPANY THE MANUFACTURER'S COVERED COMPUTERS WHEN THE COVERED  
8 COMPUTERS ARE SOLD OR PROVIDE THAT INFORMATION VIA A TOLL-FREE  
9 TELEPHONE NUMBER.

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

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

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

18 (A) A MANUFACTURER OR THE MANUFACTURER'S DESIGNEE ACCEPTS FROM  
19 A CONSUMER ANY COVERED VIDEO DISPLAY DEVICE THAT HAS REACHED THE  
20 END OF ITS USEFUL LIFE FOR THE CONSUMER, REGARDLESS OF THE TYPE OR  
21 BRAND OF COVERED VIDEO DISPLAY DEVICE.

22 (B) A CONSUMER IS NOT REQUIRED TO PAY A SEPARATE FEE WHEN THE  
23 CONSUMER RETURNS A COVERED VIDEO DISPLAY DEVICE THROUGH THE  
24 TAKEBACK PROGRAM OF ANY MANUFACTURER OF ANY COVERED VIDEO DISPLAY  
25 DEVICE.

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

1 (D) THE MANUFACTURER PROVIDES A CONSUMER INFORMATION ON HOW  
2 AND WHERE TO RETURN A COVERED VIDEO DISPLAY DEVICE, INCLUDING, BUT  
3 NOT LIMITED TO, COLLECTION, RECYCLING, AND REUSE INFORMATION ON THE  
4 MANUFACTURER'S PUBLICLY AVAILABLE WEBSITE. THE MANUFACTURER MAY  
5 ALSO INCLUDE COLLECTION, RECYCLING, AND REUSE INFORMATION IN THE  
6 PACKAGING FOR OR IN OTHER MATERIALS THAT ACCOMPANY THE  
7 MANUFACTURER'S COVERED VIDEO DISPLAY DEVICES WHEN THE COVERED VIDEO  
8 DISPLAY DEVICES ARE SOLD OR PROVIDE THAT INFORMATION VIA A TOLL-  
9 FREE TELEPHONE NUMBER.

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

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

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

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

4           (A) THREE INDIVIDUALS APPOINTED BY THE SENATE MAJORITY LEADER  
5           AS FOLLOWS:

6           (i) ONE INDIVIDUAL REPRESENTING COVERED VIDEO DISPLAY DEVICE  
7           MANUFACTURERS.

8           (ii) ONE INDIVIDUAL REPRESENTING RECYCLERS OF COVERED COMPUTERS  
9           OR COVERED VIDEO DISPLAY DEVICES.

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

12          (B) THREE INDIVIDUALS APPOINTED BY THE SPEAKER OF THE HOUSE OF  
13          REPRESENTATIVES AS FOLLOWS:

14          (i) ONE INDIVIDUAL REPRESENTING COVERED COMPUTER MANUFACTURERS.

15          (ii) ONE INDIVIDUAL REPRESENTING RETAILERS OF COVERED COMPUTERS  
16          OR COVERED VIDEO DISPLAY DEVICES.

17          (iii) ONE INDIVIDUAL REPRESENTING AN AGENCY RESPONSIBLE FOR A  
18          COUNTYWIDE RECYCLING PROGRAM.

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

20          (i) ONE INDIVIDUAL REPRESENTING A STATEWIDE CONSERVATION  
21          ORGANIZATION.

22          (ii) ONE INDIVIDUAL REPRESENTING THE DEPARTMENT.

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

26          (3) A MEMBER OF THE COUNCIL SHALL SERVE FOR A TERM OF 4 YEARS.  
27          IF A VACANCY OCCURS ON THE COUNCIL, THE VACANCY SHALL BE FILLED FOR

1 THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.  
2 THE APPOINTING OFFICIAL MAY REMOVE A MEMBER OF THE COUNCIL FOR  
3 INCOMPETENCE, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR  
4 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

5 (4) THE FIRST MEETING OF THE COUNCIL SHALL BE CALLED BY THE  
6 COUNCIL MEMBER REPRESENTING THE DEPARTMENT. AT THE FIRST MEETING,  
7 THE COUNCIL SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND  
8 OTHER OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE  
9 FIRST MEETING, THE COUNCIL SHALL MEET AT LEAST QUARTERLY, OR MORE  
10 FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 2 OR  
11 MORE MEMBERS.

12 (5) A MAJORITY OF THE MEMBERS OF THE COUNCIL CONSTITUTE A  
13 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE COUNCIL.  
14 A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE REQUIRED FOR  
15 OFFICIAL ACTION OF THE COUNCIL.

16 (6) THE BUSINESS THAT THE COUNCIL MAY PERFORM SHALL BE  
17 CONDUCTED AT A PUBLIC MEETING OF THE COUNCIL HELD IN COMPLIANCE  
18 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. A  
19 WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY  
20 THE COUNCIL IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT  
21 TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO  
22 15.246.

23 (7) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION.  
24 HOWEVER, THE MEMBER OF THE COUNCIL REPRESENTING THE DEPARTMENT  
25 SHALL SERVE WITHOUT ADDITIONAL COMPENSATION.

26 (8) BY APRIL 1, 2012, THE COUNCIL SHALL SUBMIT A REPORT TO THE  
27 GOVERNOR, THE DEPARTMENT, AND THE STANDING COMMITTEES OF THE

1 LEGISLATURE WITH JURISDICTION OVER ISSUES PRIMARILY PERTAINING TO  
2 NATURAL RESOURCES AND THE ENVIRONMENT. THE REPORT SHALL EVALUATE  
3 THE PROGRAM UNDER THIS PART AND MAKE RECOMMENDATIONS TO IMPROVE THE  
4 RECYCLING OF COVERED ELECTRONIC DEVICES. THE REPORT SHALL EVALUATE  
5 ALL OF THE FOLLOWING IN LIGHT OF THE POLICIES AND OBJECTIVES SET  
6 FORTH IN SECTION 11514:

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

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

15 (C) WHETHER THE NONBINDING TARGET FOR MANUFACTURERS RECYCLING  
16 COVERED VIDEO DISPLAY DEVICES UNDER SECTION 17311 SHOULD BE  
17 INCREASED OR DECREASED AND WHETHER THE TARGET SHOULD BE MADE  
18 MANDATORY.

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

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

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

26 (G) WHETHER A PROGRAM SHOULD BE DEVELOPED TO RECOGNIZE  
27 MANUFACTURERS THAT IMPLEMENT AN EXPANDED RECYCLING PROGRAM FOR

1 ADDITIONAL PRODUCTS SUCH AS PRINTERS OR RECYCLES ELECTRONIC WASTE  
2 AT A HIGHER RATE THAN PROVIDED FOR IN THIS PART.

3 (H) WHETHER A SYSTEM SHOULD BE DEVELOPED TO COLLECT COVERED  
4 ELECTRONIC DEVICES THAT ARE OTHERWISE NOT COLLECTED BY A  
5 MANUFACTURER.

6 (I) WHETHER ADDITIONAL RECYCLING DATA, SUCH AS THE AMOUNT OF  
7 COVERED ELECTRONIC DEVICES COLLECTED BY COLLECTORS, SHOULD BE  
8 COLLECTED AND, IF SO, HOW.

9 (J) WHETHER A PROGRAM SHOULD BE DEVELOPED AND FUNDING SHOULD  
10 BE OBTAINED FOR GRANTS TO EXPAND RECYCLING AND RECOVERY PROGRAMS  
11 FOR COVERED ELECTRONIC DEVICES AND TO PROVIDE CONSUMER EDUCATION  
12 RELATED TO THE PROGRAMS.

13 (K) WHETHER A DISPOSAL BAN FOR COVERED ELECTRONIC DEVICES IS  
14 APPROPRIATE.

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

19 (2) ANY RULES PROMULGATED BY THE DEPARTMENT UNDER SECTION  
20 17321 REGULATING THE RECYCLING OF COVERED ELECTRONIC DEVICES  
21 COLLECTED UNDER THIS PART SHALL BE CONSISTENT WITH BOTH OF THE  
22 FOLLOWING:

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

27 (B) THE INSTITUTE OF SCRAP RECYCLING INDUSTRIES, INC.

1 PUBLICATION "ELECTRONICS RECYCLING OPERATING PRACTICES", DATED  
2 APRIL 25, 2006.

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

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

9 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM  
10 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL  
11 DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT  
12 TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

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

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

17 (5) MONEY FROM THE FUND SHALL BE EXPENDED, UPON APPROPRIATION,  
18 FOR THE ADMINISTRATIVE EXPENSES OF THE DEPARTMENT IN IMPLEMENTING  
19 THIS PART.

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

1           Enacting section 1. This amendatory act does not take effect  
2 unless Senate Bill No.\_\_\_\_ or House Bill No. 6715(request no.  
3 H03200'07 \*) of the 94th Legislature is enacted into law.