

SENATE BILL No. 890

November 8, 2007, Introduced by Senators BROWN, RICHARDVILLE, BIRKHOLZ, GILBERT, KAHN, GLEASON, PAPPAGEORGE, JANSEN and HARDIMAN 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 175.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 175 RECYCLING TRUST FUND

SEC. 17501. AS USED IN THIS PART:

(A) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
QUALITY.

(B) "ELECTRONIC GOODS" MEANS THAT TERM AS DEFINED IN SECTION
17401.

(C) "RECYCLING FUND" MEANS THE RECYCLING TRUST FUND CREATED IN
SECTION 17503.

SEC. 17503. (1) THE RECYCLING TRUST FUND IS CREATED WITHIN THE
STATE TREASURY.

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

6 (3) MONEY IN THE RECYCLING FUND AT THE CLOSE OF THE FISCAL
7 YEAR SHALL REMAIN IN THE RECYCLING FUND AND SHALL NOT LAPSE TO THE
8 GENERAL FUND. THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE
9 RECYCLING FUND FOR AUDITING PURPOSES.

10 (4) THE DEPARTMENT SHALL EXPEND UP TO 3% OF THE MONEY IN THE
11 RECYCLING FUND, AS APPROPRIATED, TO REIMBURSE THE DEPARTMENT AND
12 THE DEPARTMENT OF TREASURY FOR THE EXPENSES OF ADMINISTERING THIS
13 PART AND PART 173 AND TO REIMBURSE COUNTIES FOR THE EXPENSE OF
14 PREPARING RECYCLING AND WASTE DIVERSION REPORTS UNDER SECTION
15 17509.

16 (5) THE DEPARTMENT OF TREASURY SHALL EXPEND UP TO 10% OF THE
17 MONEY IN THE RECYCLING FUND TO REIMBURSE LOCAL TAX COLLECTING UNITS
18 FOR REVENUE LOST AS A RESULT OF THE EXEMPTIONS FROM THE COLLECTION
19 UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO
20 211.155, OF TAXES ON REAL OR PERSONAL PROPERTY USED FOR RECYCLING
21 OR FOR LANDFILL METHANE GAS RECOVERY OR UTILIZATION. REIMBURSEMENT
22 UNDER THIS SUBSECTION SHALL BE MADE AS FOLLOWS:

23 (A) IF THE TOTAL AMOUNT OF MONEY EXEMPTED FROM THE COLLECTION
24 OF TAXES UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1
25 TO 211.155, FOR A TAX YEAR IS 10% OR LESS OF THE MONEY IN THE
26 RECYCLING FUND, THE LOCAL TAX COLLECTING UNITS SHALL BE REIMBURSED
27 IN FULL.

1 (B) IF THE TOTAL AMOUNT OF MONEY EXEMPTED FROM THE COLLECTION
2 OF TAXES UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1
3 TO 211.155, FOR A TAX YEAR IS MORE THAN 10% OF THE MONEY IN THE
4 FUND, THE LOCAL TAX COLLECTING UNITS SHALL BE REIMBURSED ON A PRO
5 RATA BASIS.

6 (6) SUBJECT TO SUBSECTION (7), THE DEPARTMENT SHALL ALSO
7 EXPEND MONEY IN THE RECYCLING FUND, UPON APPROPRIATION, AS FOLLOWS:

8 (A) NOT LESS THAN 44% FOR DISTRIBUTION TO LOCAL UNITS OF
9 GOVERNMENT AND NONGOVERNMENTAL ENTITIES THAT QUALIFY UNDER SECTION
10 17505 TO BE EXPENDED FOR RECYCLING AND OTHER WASTE DIVERSION
11 PROGRAMS OPERATED BY THE RECIPIENTS. MONEY SHALL BE DISTRIBUTED
12 UNDER THIS SUBDIVISION IN PROPORTION, AS DETERMINED BY THE
13 DEPARTMENT, TO THE AMOUNT OF MONEY EXPENDED BY THE RECIPIENT FOR
14 WASTE DIVERSION PROGRAMS IN THE PREVIOUS YEAR, NOT INCLUDING MONEY
15 DISTRIBUTED UNDER THIS SUBDIVISION.

16 (B) NOT LESS THAN 34% FOR GRANTS TO FUND PERSONS, INCLUDING
17 GOVERNMENTAL AND NONGOVERNMENTAL ENTITIES, TO CONDUCT RECYCLING OR
18 OTHER WASTE DIVERSION PROGRAMS. GRANTS UNDER THIS SUBDIVISION MAY
19 BE DISTRIBUTED TO ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE TO
20 FUND WASTE DIVERSION PROJECTS CONDUCTED BY THE STUDENTS AND WASTE
21 DIVERSION EDUCATION, FOR WHICH DISTRIBUTIONS A SEPARATE MAXIMUM
22 AMOUNT SHALL BE ESTABLISHED UNDER SUBSECTION (7). THE DEPARTMENT OF
23 TREASURY SHALL NOT DISTRIBUTE MONEY TO A PERSON UNDER THIS
24 SUBDIVISION FOR MORE THAN 3 FISCAL YEARS. TO QUALIFY FOR A
25 DISTRIBUTION UNDER THIS SUBDIVISION, A PERSON SHALL SUBMIT TO THE
26 DEPARTMENT ON A FORM PROVIDED BY THE DEPARTMENT AN AGREEMENT TO USE
27 THE DISTRIBUTION TO OFFSET THE COSTS OF A WASTE DIVERSION PROGRAM,

1 WHICH MAY INCLUDE PLANNING COSTS. MONEY SHALL BE EXPENDED UNDER
2 THIS SUBDIVISION AS DETERMINED BY THE DEPARTMENT BASED ON THE
3 CRITERIA RECOMMENDED BY THE COUNCIL UNDER SECTION 17405. IN
4 ESTABLISHING THE CRITERIA AND EXPENDING THE MONEY, THE DEPARTMENT
5 AND THE COUNCIL SHALL GIVE THE HIGHEST PRIORITY TO ACTIVITIES THAT
6 ACCOMPLISH THE FOLLOWING:

7 (i) ENCOURAGE INNOVATIVE WAYS TO HANDLE PRODUCTS THAT ARE HARD
8 TO RECYCLE.

9 (ii) SERVE AS A CATALYST TO ENCOURAGE ADDITIONAL RECYCLING.

10 (iii) HELP EXPAND RECYCLING TO UNDERSERVED AREAS OF THIS STATE.

11 (iv) ENHANCE EFFORTS TO RECYCLE ELECTRONIC GOODS.

12 (C) NOT LESS THAN 8% FOR A COMPREHENSIVE PUBLIC EDUCATION
13 PROGRAM CONCERNING LITTER AND SOLID WASTE DIVERSION THAT INCLUDES
14 ADVOCACY OF RECYCLING. MONEY MAY BE EXPENDED UNDER THIS SUBDIVISION
15 FOR A PROGRAM ESTABLISHED UNDER SECTION 42 OF THE DRIVER EDUCATION
16 PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL 256.662.

17 (D) NOT LESS THAN 1% FOR INSPECTIONS UNDER SECTION 11526(1)
18 AND (3).

19 (7) BEFORE DISTRIBUTING REVENUE UNDER SUBSECTION (6), THE
20 DEPARTMENT SHALL CONSIDER WHETHER DISTRIBUTIONS OF THE REVENUE ARE
21 GEOGRAPHICALLY BALANCED BASED ON THE PROPORTION OF THE REVENUE
22 GENERATED FROM SALES TRANSACTIONS IN THE VARIOUS GEOGRAPHIC AREAS
23 OF THIS STATE. THE DEPARTMENT SHALL ANNUALLY ESTABLISH A MAXIMUM
24 AMOUNT FOR DISTRIBUTIONS UNDER SUBSECTION (6) (A) AND 2 SEPARATE
25 MAXIMUM AMOUNTS FOR DISTRIBUTIONS UNDER SUBSECTION (6) (B). THE
26 DEPARTMENT SHALL NOT DISTRIBUTE MONEY TO A PERSON UNDER SUBSECTION
27 (6) (A) OR (B) IN AN AMOUNT THAT EXCEEDS THE RELEVANT ESTABLISHED

1 MAXIMUM.

2 (8) IF A NONGOVERNMENTAL ENTITY HAS A CONTRACT WITH A LOCAL
3 UNIT OF GOVERNMENT TO CONDUCT A RECYCLING PROGRAM FOR THE LOCAL
4 UNIT, THE DEPARTMENT SHALL NOT DISTRIBUTE MONEY UNDER THIS SECTION
5 TO THE LOCAL UNIT FOR DUPLICATIVE RECYCLING IN THE SAME SERVICE
6 AREA.

7 SEC. 17505. (1) TO QUALIFY FOR A DISTRIBUTION UNDER SECTION
8 17503(6) (A) DURING A STATE FISCAL YEAR, A PERSON SHALL MEET BOTH OF
9 THE FOLLOWING CRITERIA, AS APPLICABLE:

10 (A) BY THE END OF THE PRECEDING STATE FISCAL YEAR, THE PERSON
11 HAD A BENCHMARK RECYCLING PROGRAM AS DESCRIBED IN SECTION 17507.

12 (B) THE PERSON HAS SUBMITTED TO THE DEPARTMENT ON A FORM
13 PROVIDED BY THE DEPARTMENT AN AGREEMENT TO USE THE DISTRIBUTION TO
14 OFFSET THE COSTS OF A RECYCLING PROGRAM, WHICH MAY INCLUDE PLANNING
15 COSTS.

16 (2) A PERSON THAT RECEIVES MONEY UNDER SECTION 17503(6) (A)
17 SHALL DO 1 OR MORE OF THE FOLLOWING WITH THE MONEY:

18 (A) IF THE PERSON IS A LOCAL UNIT OF GOVERNMENT, POOL THE
19 MONEY WITH OR TRANSFER IT TO OTHER LOCAL UNITS OR AN AUTHORITY
20 ESTABLISHED UNDER 1947 PA 179, MCL 123.301 TO 123.311, OR 1955 PA
21 233, MCL 124.281 TO 124.294, FOR MULTIJURISDICTIONAL RECYCLING
22 PROGRAMS CONSISTENT WITH THE REQUIREMENTS OF SECTION 17507.

23 (B) USE THE MONEY TO CONDUCT OR TO PAY CONTRACTORS TO CONDUCT
24 RECYCLING PROGRAMS CONSISTENT WITH THE REQUIREMENTS OF SECTION
25 17507.

26 SEC. 17507. A BENCHMARK RECYCLING PROGRAM IS A RECYCLING AND
27 WASTE DIVERSION PROGRAM THAT MEETS ALL OF THE FOLLOWING

1 REQUIREMENTS, AS APPLICABLE:

2 (A) THE PROGRAM DOES EITHER OR BOTH OF THE FOLLOWING:

3 (i) USES TRUCKS AND RELATED EQUIPMENT TO COLLECT RECYCLABLE
4 MATERIALS FROM THE CURBSIDE OR SIMILAR LOCATIONS FROM EACH
5 HOUSEHOLD IN THE LOCAL UNIT OR AREA SERVED, OTHER THAN HOUSEHOLDS
6 IN MULTIFAMILY DWELLINGS OF 5 OR MORE DWELLING UNITS. THE MATERIAL
7 COLLECTED IN THIS MANNER SHALL INCLUDE NEWSPRINT, POLYETHYLENE
8 TEREPHTHALATE (PETE), AND AT LEAST 3 OF THE FOLLOWING ITEMS:

9 (A) CLEAR GLASS.

10 (B) COLORED GLASS.

11 (C) ALUMINUM, STEEL, AND BIMETALLIC CANS.

12 (D) MIXED RESIDENTIAL PAPER.

13 (E) CORRUGATED CARDBOARD.

14 (F) MAGAZINES.

15 (G) BOXBOARD.

16 (H) HIGH-DENSITY POLYETHYLENE (HDPE).

17 (I) ELECTRONICS GOODS.

18 (ii) INCLUDES AN EASILY ACCESSIBLE DROP-OFF COLLECTION POINT
19 AVAILABLE TO CITIZENS NOT LESS THAN 8 HOURS PER WEEK WHERE
20 NEWSPRINT, PETE, AND AT LEAST 3 OF THE OTHER ITEMS LISTED IN
21 SUBPARAGRAPH (i) ARE COLLECTED.

22 (B) THE PROGRAM INCLUDES A COMPREHENSIVE AND SUSTAINED PUBLIC
23 INFORMATION AND EDUCATION COMPONENT CONCERNING RECYCLING PROGRAM
24 FEATURES AND REQUIREMENTS. AS PART OF THIS COMPONENT, THE PERSON
25 CONDUCTING THE PROGRAM SHALL, AT LEAST 30 DAYS PRIOR TO THE
26 INITIATION OF THE RECYCLING PROGRAM AND AT LEAST ANNUALLY
27 THEREAFTER, NOTIFY EACH HOUSEHOLD AND EACH PERSON OCCUPYING

1 COMMERCIAL, INSTITUTIONAL, OR MUNICIPAL PREMISES IN THE LOCAL UNIT
2 OF GOVERNMENT OF THE OPPORTUNITIES FOR RECYCLING IN THAT LOCAL UNIT
3 OF GOVERNMENT AND THE REQUIREMENTS FOR SEPARATION AND PROPER
4 MANAGEMENT OF ITEMS PROHIBITED FROM DISPOSAL IN A LANDFILL UNDER
5 SECTION 11514. IN ADDITION, THE PERSON CONDUCTING THE PROGRAM SHALL
6 MAINTAIN THIS INFORMATION ON ITS WEBSITE, IF ANY.

7 (C) THE PERSON CONDUCTING THE PROGRAM ADEQUATELY DOCUMENTS THE
8 PROGRAM, INCLUDING SUBMISSION OF THE INFORMATION NECESSARY FOR THE
9 COUNTY RECYCLING AND WASTE DIVERSION REPORTS TO MEET THE
10 REQUIREMENTS OF SECTION 17509.

11 SEC. 17509. (1) A PERSON THAT RECEIVES MONEY UNDER SECTION
12 17503(6)(A) OR (B) SHALL FILE A REPORT WITH THE DEPARTMENT AND THE
13 COUNTY IN WHICH THE PERSON CONDUCTS ITS RECYCLING PROGRAM. THE
14 REPORT SHALL BE FILED BY NOVEMBER 15 OF THE FISCAL YEAR FOLLOWING
15 THE FISCAL YEAR IN WHICH THE PERSON RECEIVES THE MONEY. THE REPORT
16 SHALL CONTAIN ALL OF THE FOLLOWING:

17 (A) THE INFORMATION REQUIRED BY THE COUNTY TO COMPLETE THE
18 REPORT REQUIRED BY SUBSECTION (3).

19 (B) A TRUE STATEMENT THAT THE PERSON HAS USED THE MONEY TO
20 CONDUCT THE RECYCLING AND WASTE DIVERSION PROGRAM FOR WHICH IT
21 RECEIVED THE MONEY AND HAS OTHERWISE COMPLIED WITH THIS PART.

22 (2) A PERSON THAT DOES NOT FILE A REPORT AS REQUIRED BY
23 SUBSECTION (1) IS NOT ELIGIBLE FOR ANY FURTHER DISTRIBUTIONS UNDER
24 SECTION 17503 UNTIL THE REPORT IS FILED.

25 (3) BY DECEMBER 31 OF EACH YEAR, EACH COUNTY SHALL SUBMIT TO
26 THE DEPARTMENT A RECYCLING AND WASTE DIVERSION REPORT. THE REPORT
27 SHALL BE SUBMITTED IN THE MANNER AND SHALL CONTAIN THE INFORMATION

1 REQUIRED BY THE DEPARTMENT DESCRIBING PROGRESS IN RECYCLING AND
2 WASTE DIVERSION DURING THE PREVIOUS STATE FISCAL YEAR. IN REPORTING
3 PROGRESS, THE COUNTY SHALL USE A STANDARD METHODOLOGY FOR MEASURING
4 RECYCLING RATES CONSISTENT WITH THE METHODOLOGY USED BY THE UNITED
5 STATES ENVIRONMENTAL PROTECTION AGENCY AS SPECIFIED BY THE
6 DEPARTMENT. A COUNTY THAT FAILS TO SUBMIT A COMPLETE RECYCLING AND
7 WASTE DIVERSION REPORT TO THE DEPARTMENT AS PROVIDED IN THIS
8 SECTION DOES NOT QUALIFY FOR A REIMBURSEMENT OF EXPENSES UNDER
9 SECTION 17503(4).

10 Enacting section 1. This amendatory act does not take effect
11 unless all of the following bills of the 94th Legislature are
12 enacted into law:

13 (a) Senate Bill No. 893.

14

15 (b) Senate Bill No. 889.

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17 (c) Senate Bill No. 892.

18

19 (d) Senate Bill No. 897.

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