

SENATE BILL No. 1195

November 8, 2018, Introduced by Senator WARREN and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 11109.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 11109. (1) THE OWNER OR OPERATOR OF A LANDFILL SHALL PAY
2 TO THE DEPARTMENT A FEE ASSESSED ON TENORM DISPOSED OF IN THE
3 LANDFILL. THE FEE IS \$5.00 PER TON, BASED ON THE QUANTITY OF TENORM
4 SPECIFIED ON THE MONTHLY OPERATING REPORT. THE FEE FOR FRACTIONAL
5 TONS OF TENORM SHALL BE PROPORTIONAL. THE FEE SHALL BE PAID WITHIN
6 30 DAYS AFTER THE END OF EACH CALENDAR YEAR QUARTER.

7 (2) THE DEPARTMENT SHALL TAKE ENFORCEMENT ACTION TO COLLECT
8 FEES THAT ARE NOT PAID AS REQUIRED BY THIS SECTION.

9 (3) THE LANDFILL OWNER OR OPERATOR SHALL FORWARD TO THE
10 DEPARTMENT THE FEE REVENUE DUE UNDER THIS SECTION WITH A COMPLETED
11 FORM THAT IS PROVIDED OR APPROVED BY THE DEPARTMENT. THE OWNER OR

1 OPERATOR SHALL CERTIFY THAT ALL INFORMATION PROVIDED IN THE FORM IS
2 ACCURATE. THE FORM SHALL SPECIFY THE VOLUME OF TENORM DISPOSED OF
3 AT THE LANDFILL DURING THE PRECEDING CALENDAR QUARTER AND THE
4 AMOUNT OF FEE REVENUE BEING FORWARDED TO THE DEPARTMENT.

5 (4) THE DEPARTMENT SHALL MAINTAIN INFORMATION REGARDING THE
6 FEES COLLECTED UNDER THIS SECTION.

7 (5) THE TENORM ACCOUNT IS CREATED WITHIN THE ENVIRONMENTAL
8 POLLUTION PREVENTION FUND CREATED IN SECTION 11130. THE DEPARTMENT
9 SHALL FORWARD FEES COLLECTED UNDER THIS SECTION TO THE STATE
10 TREASURER FOR DEPOSIT IN THE TENORM ACCOUNT. THE STATE TREASURER
11 MAY RECEIVE MONEY OR OTHER ASSETS FROM ANY OTHER SOURCE FOR DEPOSIT
12 INTO THE ACCOUNT. THE STATE TREASURER SHALL DIRECT THE INVESTMENT
13 OF THE ACCOUNT. THE STATE TREASURER SHALL CREDIT TO THE ACCOUNT
14 INTEREST AND EARNINGS FROM ACCOUNT INVESTMENTS. MONEY REMAINING IN
15 THE ACCOUNT AT THE CLOSE OF THE FISCAL YEAR SHALL NOT LAPSE TO THE
16 GENERAL FUND.

17 (6) MONEY FROM THE TENORM ACCOUNT SHALL BE EXPENDED, UPON
18 APPROPRIATION, ONLY FOR 1 OR MORE OF THE FOLLOWING PURPOSES:

19 (A) TO PAY REFUNDS TO GENERATORS UNDER THIS SECTION.

20 (B) TO FUND THE DEPARTMENT'S REGULATION AND OVERSIGHT OF THE
21 DISPOSAL OF TENORM IN THIS STATE.

22 (C) TO PROVIDE GRANTS TO LOCAL UNITS OF GOVERNMENT AND
23 LANDFILL OPERATORS TO OBTAIN EQUIPMENT TO MONITOR TENORM RADIATION.

24 Enacting section 1. This amendatory act takes effect 90 days
25 after the date it is enacted into law.

26 Enacting section 2. This amendatory act does not take effect
27 unless Senate Bill No._1196

1 of the 99th Legislature is enacted into law.