

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 790

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 173.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 173. RECYCLING ADVISORY COUNCIL

2 Sec. 17301. As used in this part:

3 (a) "Bottle deposit fund" means the bottle deposit fund
4 created in section 3c of the Initiated Law of 1976, MCL
5 445.573c.

6 (b) "Council" means the recycling advisory council created in
7 section 17302.

8 (c) "Dealer" means that term as defined in section 1 of the
9 Initiated Law of 1976, MCL 445.571.

10 (d) "Department" means the department of environmental
11 quality.

1 (e) "Director" means the director of the department or his or
2 her designee.

3 (f) "Distributor" means that term as defined in section 1 of
4 the Initiated Law of 1976, MCL 445.571.

5 (g) "Michigan economic development corporation" means that
6 term as defined in section 2 of the local development financing
7 act, 1986 PA 281, MCL 125.2152.

8 Sec. 17302. (1) The recycling advisory council is created
9 within the department.

10 (2) The council shall consist of the following members:

11 (a) The director of the department or his or her designee.

12 (b) The following members appointed by the senate majority
13 leader:

14 (i) A representative of a dealers' organization.

15 (ii) A representative of a statewide business organization.

16 (iii) A representative of a recycling business.

17 (iv) A representative of a statewide bottlers' organization.

18 (v) A representative of a statewide conservation
19 organization.

20 (c) The following members appointed by the speaker of the
21 house of representatives:

22 (i) A representative of a distributors' organization.

23 (ii) A representative of a manufacturer that uses raw
24 material consisting primarily of recycled material.

25 (iii) A representative of an organization of townships.

26 (iv) A representative of an organization of cities and
27 villages.

Senate Bill No. 790 (S-6) as amended December 2, 2004

1 (v) A representative of the waste management industry.

2 (d) The following members appointed by the governor:

3 (i) A representative of a statewide environmental
4 organization.

5 (ii) A representative of an organization of counties.

6 (iii) An officer or employee of a local unit of government
7 responsible for recycling in that local unit.

8 (iv) A representative of the public at large.

9 (v) A representative of a college or university that operates
10 a comprehensive, institution-wide recycling program.

[(vi) An administrator of a municipally owned landfill.]

11 (3) The members first appointed to the council shall be
12 appointed within 30 days after the effective date of this
13 section.

14 (4) Members of the council shall serve for terms of 2 years
15 or until a successor is appointed, whichever is later.

16 (5) If a vacancy occurs on the council, the vacancy shall be
17 filled for the unexpired term in the same manner as the original
18 appointment.

19 (6) A member of the council may be removed for incompetency,
20 dereliction of duty, malfeasance, misfeasance, or nonfeasance in
21 office, or any other good cause. The senate majority leader may
22 remove a member of the council described in subsection (2)(b),
23 the speaker of the house of representatives may remove a member
24 described in subsection (2)(c), and the governor may remove a
25 member described in subsection (2)(d).

26 Sec. 17303. (1) The first meeting of the council shall be
27 called by the director. At the first meeting, the council shall

Senate Bill No. 790 (H-1) as amended December 2, 2004

1 elect from among its members a chairperson and other officers as
2 it considers necessary or appropriate. After the first meeting,
3 the council shall meet at least quarterly, or more frequently at
4 the call of the chairperson or if requested by 3 or more
5 members.

6 (2) A majority of the members of the council constitute a
7 quorum for the transaction of business at a meeting of the
8 council. A majority of the members appointed and serving are
9 required for official action of the council.

10 (3) 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.

13 (4) A writing prepared, owned, used, in the possession of, or
14 retained by the council in the performance of an official
15 function is subject to the freedom of information act, 1976 PA
16 442, MCL 15.231 to 15.246.

17 (5) Members of the council shall serve without compensation.

18 (6) The department [may] provide staff to the council through
19 the office of the statewide recycling coordinator created in
20 section 17402.

21 (7) The departments and agencies of state government shall
22 cooperate with the council by providing information requested by
23 the council for the purposes of discharging its responsibilities
24 under this part.

25 (8) A report or recommendations required under this act from
26 the council shall be provided to the senate majority leader, the
27 speaker of the house of representatives, and the standing

1 committees of both houses of the legislature with primary
2 jurisdiction over natural resources and environmental matters.

3 Sec. 17304. (1) The council shall study and, by September
4 1, 2005, make recommendations to the legislature on all of the
5 following:

6 (a) The effectiveness of this state's current recycling
7 program and what opportunities exist to improve recycling in this
8 state.

9 (b) The current amount of public and private funding for
10 recycling by local government and nonprofit organizations and the
11 relationship of the current funding levels to the efficiency and
12 effectiveness of the recycling program.

13 (c) The amount of public and private funding required to
14 improve the efficiency and effectiveness of recycling in rural
15 areas.

16 (d) The amount of public and private funding required to
17 improve the efficiency and effectiveness of recycling in urban
18 areas.

19 (e) After thoroughly evaluating the sustainability,
20 efficiency, and effectiveness of all funding options that produce
21 an increase in recycling levels, all known sources of potential
22 funding for recycling.

23 (f) An initial method for distribution of money to be
24 realized from sources identified under subdivision (e).

25 (g) Criteria for local recycling programs to qualify for
26 funding of recycling and waste diversion from sources identified
27 under subdivision (e).

1 (2) After making its recommendations under subsection (1),
2 the council shall do all of the following on an ongoing basis:

3 (a) Recommend to the legislature changes to the state's
4 comprehensive recycling plan.

5 (b) In conjunction with the statewide recycling coordinator,
6 establish a method for regular review of local recycling programs
7 to gather information about processes, markets, and recycling
8 rates.

9 (c) In conjunction with the department, develop forms and
10 requirements for reporting expenditures for waste diversion,
11 including expenditure of money received from the department for
12 recycling and waste diversion, and waste diversion and recycling
13 accomplished by counties, solid waste management planning
14 agencies, and entities that receive money from the department for
15 recycling and waste diversion.

16 (d) Review data regarding waste diversion and recycling,
17 including data reported under subdivision (c), and use the data
18 to establish criteria for and make recommendations to the
19 department and the legislature on changes to the expenditure of
20 money for recycling and waste diversion from sources identified
21 under subsection (1).

22 (e) Establish reasonable quantifiable objectives for the
23 diversion of waste from landfills in this state.

24 (f) Make recommendations to the legislature on tax incentives
25 to be provided under the single business tax act, 1975 PA 228,
26 MCL 208.1 to 208.145, to encourage the development of markets for
27 recycling materials that face obstacles or challenges to

1 development, including, but not limited to, electronic goods,
2 batteries, and colored glass.

3 (g) Recommend to the legislature all of the following for
4 enactment into law:

5 (i) Reasonable, quantifiable short-term and long-term
6 recycling recovery and waste diversion objectives.

7 (ii) Measures to develop or foster the development of markets
8 for recycled materials.

9 (h) Review with local recycling officials current local
10 recycling funding programs to determine if any changes should be
11 made in these programs.

12 (i) Based on the recycling coordinator's study and the
13 department's report under section 502 of 2003 PA 171, recommend a
14 strategy for a phased implementation of bans of additional
15 materials from landfills.

16 (j) In cooperation with the department's office of
17 environmental assistance and the Michigan economic development
18 corporation, encourage firms that specialize in production of
19 products from recycled materials to establish business operations
20 in this state.

21 (k) Examine manufacturing processes that incorporate
22 equipment or other technology to utilize recycled materials or to
23 allow for the recycling of waste products. Based on information
24 gathered under this subdivision, the council may develop a
25 voluntary "best recycling practices" standard for businesses in
26 Michigan.

27 (l) Review all of this state's relevant solid waste

1 management laws and administrative rules related to recycling and
2 recommend to the legislature or state agencies changes to promote
3 recycling and waste diversion.

4 (m) Conduct a cost-benefit analysis of expanding the scope of
5 the Initiated Law of 1976, MCL 445.571 to 445.576, compared to
6 alternative ways to increase recycling.

7 (n) Report to the legislature the council's recommendations
8 on changes to the Initiated Law of 1976, MCL 445.571 to 445.576.

9 (o) Assess and report on health and safety concerns arising
10 from the storage and handling by dealers and distributors of
11 beverage containers returned under the Initiated Law of 1976, MCL
12 445.571 to 445.576.

13 (p) Review the apportionment of the unclaimed bottle deposit
14 fund and recommend to the legislature revisions to more fully
15 compensate distributors and dealers for costs incurred under the
16 Initiated Law of 1976, MCL 445.571 to 445.576.

17 (q) Create a subcouncil to monitor implementation of the
18 pilot program for regional beverage container redemption centers
19 and to monitor the success of the Initiated Law of 1976, MCL
20 445.571 to 445.576. The subcouncil shall include dealers,
21 distributors, persons representing redemption centers, and
22 representatives of environmental organizations.

23 (r) Evaluate the sustainability, effectiveness, and
24 efficiency of pay-as-you-throw programs that have been
25 implemented and determine whether incentives should be
26 established to encourage the programs.

27 (3) As used in this section:

1 (a) "Effectiveness" means the measurable ability of a program
2 to maximize recycling participation by the citizens of this
3 state.

4 (b) "Efficiency" means the ability of a recycling program to
5 be effective at the lowest possible cost to citizens of this
6 state.

7 (c) "Sustainability" means the adjustability of a funding
8 mechanism to ensure the continued success of a program's
9 effectiveness and efficiency.

10 Enacting section 1. This amendatory act does not take
11 effect unless Senate Bill No. 854 of the 92nd Legislature is
12 enacted into law.