

**STATE OF MICHIGAN  
92ND LEGISLATURE  
REGULAR SESSION OF 2004**

**Introduced by Senators Brown, Sikkema, Birkholz, Jelinek, Garcia, Allen, Toy, Brater, McManus,  
Hardiman, Van Woerkom, George, Kuipers, Cropsey, Gilbert and Bishop**

# **ENROLLED SENATE BILL No. 790**

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (MCL 324.101 to 324.90106) by adding part 173.

*The People of the State of Michigan enact:*

## PART 173. RECYCLING ADVISORY COUNCIL

Sec. 17301. As used in this part:

- (a) "Bottle deposit fund" means the bottle deposit fund created in section 3c of the Initiated Law of 1976, MCL 445.573c.
- (b) "Council" means the recycling advisory council created in section 17302.
- (c) "Dealer" means that term as defined in section 1 of the Initiated Law of 1976, MCL 445.571.
- (d) "Department" means the department of environmental quality.
- (e) "Director" means the director of the department or his or her designee.
- (f) "Distributor" means that term as defined in section 1 of the Initiated Law of 1976, MCL 445.571.
- (g) "Michigan economic development corporation" means that term as defined in section 2 of the local development financing act, 1986 PA 281, MCL 125.2152.

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

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

- (a) The director of the department or his or her designee.
- (b) The following members appointed by the senate majority leader:
  - (i) A representative of a dealers' organization.
  - (ii) A representative of a statewide business organization.
  - (iii) A representative of a recycling business.

- (iv) A representative of a statewide bottlers' organization.
- (v) A representative of a statewide conservation organization.
- (c) The following members appointed by the speaker of the house of representatives:
  - (i) A representative of a distributors' organization.
  - (ii) A representative of a manufacturer that uses raw material consisting primarily of recycled material.
  - (iii) A representative of an organization of townships.
  - (iv) A representative of an organization of cities and villages.
  - (v) A representative of the waste management industry.

(d) The following members appointed by the governor:

- (i) A representative of a statewide environmental organization.
- (ii) A representative of an organization of counties.
- (iii) An officer or employee of a local unit of government responsible for recycling in that local unit.
- (iv) A representative of the public at large.
- (v) A representative of a college or university that operates a comprehensive, institution-wide recycling program.
- (vi) An administrator of a municipally owned landfill.

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

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

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

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

Sec. 17303. (1) The first meeting of the council shall be called by the director. At the first meeting, the council shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the council shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 3 or more members.

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

(3) The business that the council may perform shall be conducted at a public meeting of the council held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

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

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

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

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

(8) A report or recommendations required under this act from the council shall be provided to the senate majority leader, the speaker of the house of representatives, and the standing committees of both houses of the legislature with primary jurisdiction over natural resources and environmental matters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Make recommendations to the legislature on tax incentives to be provided under the single business tax act, 1975 PA 228, MCL 208.1 to 208.145, to encourage the development of markets for recycling materials that face obstacles or challenges to development, including, but not limited to, electronic goods, batteries, and colored glass.

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

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

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

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

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

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

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

(l) Review all of this state's relevant solid waste management laws and administrative rules related to recycling and recommend to the legislature or state agencies changes to promote recycling and waste diversion.

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

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

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

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

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

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

(3) As used in this section:

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

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

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

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

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate

*Jay E. Randall*

Clerk of the House of Representatives

Approved .....

.....  
Governor