

SENATE BILL No. 790

October 23, 2003, Introduced by Senators BROWN, SIKKEMA, BIRKHOLZ, JELINEK, GARCIA, ALLEN, TOY, BRATER, McMANUS, HARDIMAN, VAN WOERKOM, GEORGE, KUIPERS, CROPSEY, GILBERT and BISHOP 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 173.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **PART 173. RECYCLING ADVISORY COUNCIL**

2 **Sec. 17301. As used in this part:**

3 (b) "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.

SENATE BILL No. 790

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 of environmental quality
12 or his or her designee.

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

15 (i) A representative of a statewide environmental
16 organization.

17 (ii) A representative of a dealers' organization.

18 (iii) A representative of a statewide business organization.

19 (iv) A representative of county government.

20 (v) A representative of a recycling business.

21 (vi) An officer or employee of a local unit of government
22 responsible for recycling in that local unit.

23 (vii) A representative of the public at large.

24 (c) The following members appointed by the speaker of the
25 house of representatives:

26 (i) A representative of a statewide conservation
27 organization.

1 (ii) A representative of a distributors' organization.

2 (iii) A representative of a manufacturer that uses raw
3 material consisting primarily of recycled material.

4 (iv) A representative of an organization of townships.

5 (v) A representative of an organization of cities and
6 villages.

7 (vi) A representative of the waste management industry.

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

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

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

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

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

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

1 the call of the chairperson or if requested by 3 or more
2 members.

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

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

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

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

15 (6) The department shall provide staff to the council.

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

20 Sec. 17304. The council shall do all of the following:

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

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

27 (c) Recommend to the legislature all of the following for

1 enactment into law:

2 (i) Short-term and long-term recycling recovery goals.

3 (ii) Criteria for local recycling programs to qualify for
4 funding under the Recycling Works! fund.

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

8 (e) Based on the recycling coordinator's report under section
9 502 of 2003 PA 171, recommend a strategy for a phased
10 implementation of bans of additional materials from landfills.

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

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

22 (h) Review all of this state's solid waste management laws
23 and recommend to the legislature changes to promote recycling.

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

27 (j) Report to the legislature the council's recommendations

1 on making new types of containers for beverages subject to the
2 Initiated Law of 1976, MCL 445.571 to 445.576.

3 (k) Assess and report on health and safety concerns arising
4 from the storage and handling by dealers and distributors of
5 beverage containers returned under the Initiated Law of 1976, MCL
6 445.571 to 445.576.

7 (l) Review the apportionment of the unclaimed bottle deposit
8 fund and recommend to the legislature revisions to more fully
9 compensate distributors and dealers for costs incurred under the
10 Initiated Law of 1976, MCL 445.571 to 445.476.

11 (m) Create a subcouncil to monitor implementation of the
12 pilot program for regional beverage container redemption centers
13 and to monitor the success of the Initiated Law of 1976, MCL
14 445.571 to 445.576. The subcouncil shall include dealers,
15 distributors, persons representing redemption centers, and
16 representatives of environmental organizations.