

SUBSTITUTE FOR
HOUSE BILL NO. 4221

(As amended April 17, 2007)

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding sections 11532a and 11532b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 11532A. (1) BEGINNING JUNE 1, 2007, A RECYCLING AND WASTE
2 DIVERSION SURCHARGE OF \$7.50 IS ASSESSED ON EACH TON OF SOLID WASTE
3 THAT IS DISPOSED OF IN A LANDFILL [

4] . HOWEVER, A SURCHARGE SHALL NOT BE ASSESSED ON
5 MUNICIPAL SOLID WASTE INCINERATOR ASH DISPOSED OF IN A LANDFILL [.

6

7]

8 (2) THE OWNER OR OPERATOR OF A LANDFILL [

9] SHALL PAY THE RECYCLING AND WASTE DIVERSION

10 SURCHARGES UNDER THIS SECTION TO THE DEPARTMENT WITHIN 30 DAYS

11 AFTER THE END OF EACH QUARTER OF THE STATE FISCAL YEAR. THE

House Bill No. 4221 (H-1) as amended April 17, 2007

1 DEPARTMENT SHALL FORWARD ALL RECYCLING AND WASTE DIVERSION
2 SURCHARGES IT RECEIVES TO THE STATE TREASURER FOR DEPOSIT INTO THE
3 RECYCLING FUND.

4 (3) THE OWNER OR OPERATOR OF A LANDFILL [
5] WHO IS REQUIRED TO PAY THE RECYCLING AND WASTE
6 DIVERSION SURCHARGE UNDER SUBSECTION (2) MAY PASS THROUGH AND
7 COLLECT THE SURCHARGE FROM THE GENERATORS OF THE SOLID WASTE OR
8 FROM THE PERSONS WHO ARRANGED FOR ITS DELIVERY TO THE SOLID WASTE
9 HAULER OR TRANSFER FACILITY, NOTWITHSTANDING THE PROVISIONS OF ANY
10 CONTRACT OR AGREEMENT TO THE CONTRARY OR THE ABSENCE OF ANY
11 CONTRACT OR AGREEMENT.

12 SEC. 11532B. (1) THE RECYCLING AND WASTE DIVERSION FUND IS
13 CREATED WITHIN THE STATE TREASURY.

14 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
15 ANY SOURCE FOR DEPOSIT INTO THE RECYCLING FUND. THE STATE TREASURER
16 SHALL DIRECT THE INVESTMENT OF THE RECYCLING FUND. THE STATE
17 TREASURER SHALL CREDIT TO THE RECYCLING FUND INTEREST AND EARNINGS
18 FROM RECYCLING FUND INVESTMENTS.

19 Enacting section 1. This amendatory act does not take effect
20 unless House Bill No. 4222 of the 94th Legislature is enacted into
21 law.