

HOUSE BILL No. 4221

February 7, 2007, Introduced by Reps. Kathleen Law, Dean, Hopgood, Angerer, Gonzales, Valentine, Polidori, Hood, Bennett, Espinoza, Brown, Gillard, Lemmons, Virgil Smith, Ebli, Donigan, Young, Spade, Robert Jones, Clack, Alma Smith, Scott, Condino, Leland, Sheltroun, Mayes, Byrum, McDowell and Meadows and referred to the Committee on Great Lakes and Environment.

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 OCTOBER 1, 2007, A RECYCLING AND**
2 **WASTE DIVERSION SURCHARGE OF \$7.50 IS ASSESSED ON EACH TON OF SOLID**
3 **WASTE THAT IS DISPOSED OF IN A LANDFILL OR A MUNICIPAL SOLID WASTE**
4 **INCINERATOR. HOWEVER, A SURCHARGE SHALL NOT BE ASSESSED ON**
5 **MUNICIPAL SOLID WASTE INCINERATOR ASH DISPOSED OF IN A LANDFILL IF**
6 **A SURCHARGE WAS ASSESSED ON THE MUNICIPAL SOLID WASTE THAT WAS**
7 **INCINERATED TO PRODUCE THE ASH.**

8 **(2) THE OWNER OR OPERATOR OF A LANDFILL OR MUNICIPAL SOLID**

1 WASTE INCINERATOR SHALL PAY THE RECYCLING AND WASTE DIVERSION
2 SURCHARGES UNDER THIS SECTION TO THE DEPARTMENT WITHIN 30 DAYS
3 AFTER THE END OF EACH QUARTER OF THE STATE FISCAL YEAR. THE
4 DEPARTMENT SHALL FORWARD ALL RECYCLING AND WASTE DIVERSION
5 SURCHARGES IT RECEIVES TO THE STATE TREASURER FOR DEPOSIT INTO THE
6 RECYCLING FUND.

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

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

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

22 Enacting section 1. This amendatory act does not take effect
23 unless Senate Bill No.____ or House Bill No. 4222(request no.
24 00454'07) of the 94th Legislature is enacted into law.