

# HOUSE BILL No. 4758

May 10, 2005, Introduced by Reps. Kathleen Law, Kehrl, Espinoza, Miller, McDowell, Alma Smith, Tobocman, Leland, Angerer, Clack, Zelenko, Condino, Meisner, Brown, Spade, Donigan, Anderson, Byrum, Lipsey, Murphy, Ball and Kolb and referred to the Committee on Natural Resources, Great Lakes, Land Use, 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, 2005, 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.

5        (2) THE OWNER OR OPERATOR OF A LANDFILL OR MUNICIPAL SOLID  
6 WASTE INCINERATOR SHALL PAY THE RECYCLING AND WASTE DIVERSION  
7 SURCHARGES UNDER THIS SECTION TO THE DEPARTMENT WITHIN 30 DAYS  
8 AFTER THE END OF EACH QUARTER OF THE STATE FISCAL YEAR. THE  
9 DEPARTMENT SHALL FORWARD ALL RECYCLING AND WASTE DIVERSION

1 SURCHARGES IT RECEIVES TO THE STATE TREASURER FOR DEPOSIT INTO THE  
2 RECYCLING AND WASTE DIVERSION FUND CREATED IN SECTION 11532B.

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

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

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

19 Enacting section 1. This amendatory act does not take effect  
20 unless Senate Bill No.\_\_\_\_ or House Bill No. 4759(request no.  
21 02394'05) of the 93rd Legislature is enacted into law.