

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 897

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11514 (MCL 324.11514), as amended by 2007 PA
212, and by adding part 173.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11514. (1) Optimizing recycling opportunities, **INCLUDING**
2 **ELECTRONICS RECYCLING OPPORTUNITIES**, and the reuse of materials
3 shall be a principal objective of the state's solid waste
4 management plan. Recycling and reuse of materials, **INCLUDING THE**
5 **REUSE OF MATERIALS FROM ELECTRONIC DEVICES**, are in the best
6 interest of promoting the public health and welfare. The state
7 shall develop policies and practices that promote recycling and
8 reuse of materials and, to the extent practical, minimize the use
9 of landfilling as a method for disposal of its waste. **POLICIES AND**

1 PRACTICES THAT PROMOTE RECYCLING AND REUSE OF MATERIALS, INCLUDING
2 MATERIALS FROM ELECTRONIC DEVICES, WILL CONSERVE RAW MATERIALS,
3 CONSERVE LANDFILL SPACE, AND AVOID THE CONTAMINATION OF SOIL AND
4 GROUNDWATER FROM HEAVY METALS AND OTHER POLLUTANTS.

5 (2) A person shall not knowingly deliver to a landfill for
6 disposal, or, if the person is an owner or operator of a landfill,
7 knowingly permit disposal in the landfill of, any of the following:

8 (a) Medical waste, unless that medical waste has been
9 decontaminated or is not required to be decontaminated but is
10 packaged in the manner required under part 138 of the public health
11 code, 1978 PA 368, MCL 333.13801 to 333.13831.

12 (b) More than a de minimis amount of open, empty, or otherwise
13 used beverage containers.

14 (c) More than a de minimis number of whole motor vehicle
15 tires.

16 (d) More than a de minimis amount of yard clippings, unless
17 they are diseased, infested, or composed of invasive species as
18 authorized by section 11521(1)(i).

19 (3) A person shall not deliver to a landfill for disposal, or,
20 if the person is an owner or operator of a landfill, permit
21 disposal in the landfill of, any of the following:

22 (a) Used oil as defined in section 16701.

23 (b) A lead acid battery as defined in section 17101.

24 (c) Low-level radioactive waste as defined in section 2 of the
25 low-level radioactive waste authority act, 1987 PA 204, MCL
26 333.26202.

27 (d) Regulated hazardous waste as defined in R 299.4104 of the

1 Michigan administrative code.

2 (e) Bulk or noncontainerized liquid waste or waste that
3 contains free liquids, unless the waste is 1 of the following:

4 (i) Household waste other than septage waste.

5 (ii) Leachate or gas condensate that is approved for
6 recirculation.

7 (iii) Septage waste or other liquids approved for beneficial
8 addition under section 11511b.

9 (f) Sewage.

10 (g) PCBs as defined in 40 CFR 761.3.

11 (h) Asbestos waste, unless the landfill complies with 40 CFR
12 61.154.

13 (4) A person shall not knowingly deliver to a municipal solid
14 waste incinerator for disposal, or, if the person is an owner or
15 operator of a municipal solid waste incinerator, knowingly permit
16 disposal in the incinerator of, more than a de minimis amount of
17 yard clippings, unless they are diseased, infested, or composed of
18 invasive species as authorized by section 11521(1)(i). The
19 department shall post, and a solid waste hauler that disposes of
20 solid waste in a municipal solid waste incinerator shall provide
21 its customers with, notice of the prohibitions of this subsection
22 in the same manner as provided in section 11527a.

23 (5) If the department determines that a safe, sanitary, and
24 feasible alternative does not exist for the disposal in a landfill
25 or municipal solid waste incinerator of any items described in
26 subsection (2) or (4), respectively, the department shall submit a
27 report setting forth that determination and the basis for the

determination to the standing committees of the senate and house of representatives with primary responsibility for solid waste issues.

PART 173 ELECTRONICS

SEC. 17301. AS USED IN THIS PART:

(A) "COLLECTOR" MEANS A PERSON WHO RECEIVES COVERED ELECTRONIC DEVICES FROM CONSUMERS AND ARRANGES FOR THE DELIVERY OF THE COVERED ELECTRONIC DEVICES TO A RECYCLER.

(B) "COMPUTER" MEANS A DESKTOP PERSONAL COMPUTER OR LAPTOP COMPUTER, A COMPUTER MONITOR, OR BEGINNING APRIL 1, 2011, A PRINTER. COMPUTER DOES NOT INCLUDE ANY OF THE FOLLOWING:

(i) A PERSONAL DIGITAL ASSISTANT DEVICE OR MOBILE TELEPHONE.

(ii) A COMPUTER PERIPHERAL DEVICE, INCLUDING A MOUSE OR OTHER SIMILAR POINTING DEVICE, OR A DETACHABLE OR WIRELESS KEYBOARD.

(C) "COMPUTER TAKEBACK PROGRAM" MEANS A PROGRAM REQUIRED UNDER SECTION 17305(C).

(D) "CONSUMER" MEANS A PERSON WHO USED A COVERED ELECTRONIC DEVICE PRIMARILY FOR PERSONAL OR SMALL BUSINESS PURPOSES IN THIS STATE.

(E) "COVERED COMPUTER" MEANS A COMPUTER THAT WAS OR WILL BE USED PRIMARILY FOR PERSONAL OR SMALL BUSINESS PURPOSES IN THIS STATE. COVERED COMPUTER DOES NOT INCLUDE A DEVICE THAT IS FUNCTIONALLY OR PHYSICALLY A PART OF, OR CONNECTED TO, OR INTEGRATED WITHIN A LARGER PIECE OF EQUIPMENT OR SYSTEM DESIGNED AND INTENDED FOR USE IN AN INDUSTRIAL, GOVERNMENTAL, COMMERCIAL, RESEARCH AND DEVELOPMENT, OR MEDICAL SETTING, INCLUDING, BUT NOT LIMITED TO, DIAGNOSTIC, MONITORING, OR CONTROL PRODUCTS, MEDICAL PRODUCTS APPROVED UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT,

Senate Bill No. 897 (H-2) as amended December 10, 2008

21 USC 301 TO 399, EQUIPMENT USED FOR SECURITY, SENSING,
MONITORING, ANTITERRORISM, OR EMERGENCY SERVICES PURPOSES, OR
EQUIPMENT DESIGNED AND INTENDED PRIMARILY FOR USE BY PROFESSIONAL
USERS.

(F) "COVERED ELECTRONIC DEVICE" MEANS A COVERED COMPUTER OR
COVERED VIDEO DISPLAY DEVICE.

(G) "COVERED VIDEO DISPLAY DEVICE" MEANS A VIDEO DISPLAY
DEVICE THAT WAS OR WILL BE USED PRIMARILY FOR PERSONAL OR SMALL
BUSINESS PURPOSES IN THIS STATE. COVERED VIDEO DISPLAY DEVICE DOES
NOT INCLUDE A DEVICE THAT IS FUNCTIONALLY OR PHYSICALLY A PART OF,
OR CONNECTED TO, OR INTEGRATED WITHIN A LARGER PIECE OF EQUIPMENT
OR SYSTEM DESIGNED AND INTENDED FOR [TRANSPORTATION OR] USE IN AN
INDUSTRIAL,
GOVERNMENTAL, COMMERCIAL, RESEARCH AND DEVELOPMENT, OR MEDICAL
SETTING, INCLUDING, BUT NOT LIMITED TO, DIAGNOSTIC, MONITORING, OR
CONTROL PRODUCTS, MEDICAL PRODUCTS APPROVED UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT, 21 USC 301 TO 399, EQUIPMENT USED FOR
SECURITY, SENSING, MONITORING, ANTITERRORISM, OR EMERGENCY SERVICES
PURPOSES, OR EQUIPMENT DESIGNED AND INTENDED PRIMARILY FOR USE BY
PROFESSIONAL USERS.

(H) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
QUALITY.

(I) "ELECTRONIC DEVICE TAKEBACK PROGRAM" OR "TAKEBACK PROGRAM"
MEANS A COMPUTER TAKEBACK PROGRAM OR A VIDEO DISPLAY DEVICE
TAKEBACK PROGRAM.

(J) "MANUFACTURER", SUBJECT TO SUBDIVISION (K), MEANS ANY OF
THE FOLLOWING:

(i) THE PERSON WHO OWNS THE BRAND WITH WHICH A COVERED COMPUTER

1 IS LABELED.

2 (ii) THE PERSON WHO OWNS OR IS LICENSED TO USE THE BRAND WITH
3 WHICH A COVERED VIDEO DISPLAY DEVICE IS LABELED.

4 (iii) IF THE BRAND OWNER DOES NOT DO BUSINESS IN THE UNITED
5 STATES, THE PERSON ON WHOSE ACCOUNT A COVERED ELECTRONIC DEVICE WAS
6 IMPORTED INTO THE UNITED STATES.

7 (iv) A PERSON WHO CONTRACTUALLY ASSUMES THE RESPONSIBILITIES
8 AND OBLIGATIONS OF A PERSON DESCRIBED UNDER SUBPARAGRAPH (i), (ii),
9 OR (iii).

10 (K) MANUFACTURER DOES NOT INCLUDE A PERSON UNLESS THE PERSON
11 MANUFACTURED, SOLD, OR IMPORTED MORE THAN 50 COVERED COMPUTERS IN
12 2000 OR ANY SUBSEQUENT CALENDAR YEAR OR MORE THAN 50 COVERED VIDEO
13 DISPLAY DEVICES IN THE PREVIOUS CALENDAR YEAR.

14 (I) "PRINTER" MEANS A PRINTER OR A MULTIFUNCTION OR "ALL-IN-
15 ONE" DEVICE THAT IN ADDITION TO PRINTING PERFORMS 1 OR MORE OTHER
16 OPERATIONS SUCH AS COPYING, SCANNING, OR FAXING, THAT IS DESIGNED
17 TO BE PLACED ON A DESK OR OTHER WORK SURFACE, AND THAT MAY USE ANY
18 OF VARIOUS PRINT TECHNOLOGIES, SUCH AS LASER AND LED
19 (ELECTROGRAPHIC), INK JET, DOT MATRIX, THERMAL, OR DIGITAL
20 SUBLIMATION. PRINTER DOES NOT INCLUDE A FLOOR-STANDING PRINTER, A
21 PRINTER WITH AN OPTIONAL FLOOR STAND, A POINT OF SALE (POS) RECEIPT
22 PRINTER, A HOUSEHOLD PRINTER SUCH AS A CALCULATOR WITH PRINTING
23 CAPABILITIES OR A LABEL MAKER, OR A NON-STAND-ALONE PRINTER THAT IS
24 EMBEDDED INTO A PRODUCT OTHER THAN A COVERED COMPUTER.

25 (M) "RECYCLER" MEANS A PERSON WHO AS A PRINCIPAL COMPONENT OF
26 BUSINESS OPERATIONS ACQUIRES COVERED ELECTRONIC DEVICES AND SORTS
27 AND PROCESSES THE COVERED ELECTRONIC DEVICES TO FACILITATE

1 RECYCLING OR RESOURCE RECOVERY TECHNIQUES. RECYCLER DOES NOT
2 INCLUDE A COLLECTOR, HAULER, OR ELECTRONICS SHOP.

3 (N) "RETAILER" MEANS A PERSON THAT SELLS A COVERED ELECTRONIC
4 DEVICE TO A CONSUMER BY ANY MEANS, INCLUDING TRANSACTIONS CONDUCTED
5 THROUGH SALES OUTLETS, CATALOGS, MAIL ORDER, OR THE INTERNET,
6 WHETHER OR NOT THE PERSON HAS A PHYSICAL PRESENCE IN THIS STATE.

7 (O) "SMALL BUSINESS" MEANS A BUSINESS WITH 10 OR FEWER
8 EMPLOYEES.

9 (P) "VIDEO DISPLAY DEVICE" MEANS AN ELECTRONIC DEVICE WITH A
10 VIEWABLE SCREEN OF 4 INCHES OR LARGER THAT CONTAINS A TUNER THAT
11 LOCKS ON TO A SELECTED CARRIER FREQUENCY AND IS CAPABLE OF
12 RECEIVING AND DISPLAYING TELEVISION OR VIDEO PROGRAMMING VIA
13 BROADCAST, CABLE, OR SATELLITE. VIDEO DISPLAY DEVICE INCLUDES, BUT
14 IS NOT LIMITED TO, A DIRECT VIEW OR PROJECTION TELEVISION WHOSE
15 DISPLAY TECHNOLOGY IS BASED ON CATHODE RAY TUBE (CRT), PLASMA,
16 LIQUID CRYSTAL (LCD), DIGITAL LIGHT PROCESSING (DLP), LIQUID
17 CRYSTAL ON SILICON (LCOS), SILICON CRYSTAL REFLECTIVE DISPLAY
18 (SXRD), LIGHT EMITTING DIODE (LED), OR SIMILAR TECHNOLOGY.

19 (Q) "VIDEO DISPLAY DEVICE TAKEBACK PROGRAM" MEANS A PROGRAM
20 REQUIRED UNDER SECTION 17305(D).

21 SEC. 17303. (1) BY 30 DAYS AFTER THE END OF EACH STATE FISCAL
22 YEAR, A MANUFACTURER THAT SELLS OR OFFERS FOR SALE TO ANY PERSON IN
23 THIS STATE A NEW COVERED ELECTRONIC DEVICE SHALL REGISTER WITH THE
24 DEPARTMENT ON A FORM PROVIDED BY THE DEPARTMENT. THE REGISTRATION
25 EXPIRES 30 DAYS AFTER THE END OF THE FOLLOWING STATE FISCAL YEAR.
26 AFTER OCTOBER 30, 2009, A MANUFACTURER WHO HAS NOT ALREADY FILED A
27 REGISTRATION UNDER THIS PART SHALL SUBMIT A REGISTRATION WITHIN 10

1 BUSINESS DAYS AFTER THE MANUFACTURER BEGINS TO SELL OR OFFER FOR
2 SALE NEW COVERED ELECTRONIC DEVICES IN THIS STATE.

3 (2) A REGISTRATION UNDER SUBSECTION (1) SHALL INCLUDE ALL OF
4 THE FOLLOWING:

5 (A) THE MANUFACTURER'S NAME, ADDRESS, AND TELEPHONE NUMBER.

6 (B) EACH BRAND NAME UNDER WHICH THE MANUFACTURER SELLS OR
7 OFFERS FOR SALE COVERED ELECTRONIC DEVICES IN THIS STATE.

8 (C) INFORMATION ABOUT THE MANUFACTURER'S ELECTRONIC DEVICE
9 TAKEBACK PROGRAM, INCLUDING ALL OF THE FOLLOWING:

10 (i) INFORMATION PROVIDED TO CONSUMERS ON HOW AND WHERE TO
11 RETURN COVERED ELECTRONIC DEVICES LABELED WITH THE MANUFACTURER'S
12 NAME OR BRAND LABEL.

13 (ii) THE MEANS BY WHICH INFORMATION DESCRIBED IN SUBPARAGRAPH
14 (i) IS DISSEMINATED TO CONSUMERS, INCLUDING THE RELEVANT WEBSITE
15 ADDRESS IF THE INTERNET IS USED.

16 (iii) BEGINNING WITH THE FIRST REGISTRATION SUBMITTED AFTER THE
17 IMPLEMENTATION OF THE TAKEBACK PROGRAM, A REPORT ON THE
18 IMPLEMENTATION OF THE TAKEBACK PROGRAM DURING THE PRIOR STATE
19 FISCAL YEAR, INCLUDING ALL OF THE FOLLOWING:

20 (A) THE TOTAL WEIGHT OF THE COVERED ELECTRONIC DEVICES
21 RECEIVED BY THE TAKEBACK PROGRAM FROM CONSUMERS DURING THE PRIOR
22 YEAR.

23 (B) THE PROCESSES AND METHODS USED TO RECYCLE OR REUSE THE
24 COVERED ELECTRONIC DEVICES RECEIVED FROM CONSUMERS.

25 (C) THE IDENTITY OF ANY COLLECTOR OR RECYCLER WITH WHOM THE
26 MANUFACTURER CONTRACTS FOR THE COLLECTION OR RECYCLING OF COVERED
27 ELECTRONIC DEVICES RECEIVED FROM CONSUMERS. THE IDENTITY OF A

1 RECYCLER SHALL INCLUDE THE ADDRESSES OF THAT RECYCLER'S RECYCLING
2 FACILITIES IN THIS STATE, IF ANY. THE IDENTITY OF A COLLECTOR OR
3 RECYCLER REPORTED UNDER THIS SUBPARAGRAPH IS EXEMPT FROM DISCLOSURE
4 UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
5 15.246, AND SHALL NOT BE DISCLOSED BY THE DEPARTMENT UNLESS
6 REQUIRED BY COURT ORDER.

7 (3) A REGISTRATION IS EFFECTIVE UPON RECEIPT BY THE DEPARTMENT
8 IF THE REGISTRATION IS ADMINISTRATIVELY COMPLETE.

9 (4) IF A MANUFACTURER'S REGISTRATION DOES NOT MEET THE
10 REQUIREMENTS OF THIS SECTION AND ANY RULES PROMULGATED UNDER THIS
11 PART, THE DEPARTMENT SHALL NOTIFY THE MANUFACTURER OF THE
12 DEFICIENCY. IF THE MANUFACTURER FAILS TO CORRECT THE DEFICIENCY
13 WITHIN 60 DAYS AFTER NOTICE IS SENT BY THE DEPARTMENT, THE
14 DEPARTMENT MAY DENY OR REVOKE THE MANUFACTURER'S REGISTRATION,
15 AFTER PROVIDING AN OPPORTUNITY FOR A CONTESTED CASE HEARING UNDER
16 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201
17 TO 24.328.

18 (5) A REGISTRATION IS VALID UNTIL OCTOBER 30 OF EACH YEAR. A
19 MANUFACTURER OF COVERED ELECTRONIC DEVICES SHALL UPDATE ITS
20 REGISTRATION WITHIN 10 BUSINESS DAYS AFTER A CHANGE IN THE BRANDS
21 OF COVERED ELECTRONIC DEVICES FROM THAT MANUFACTURER SOLD OR
22 OFFERED FOR SALE IN THIS STATE.

23 (6) UNTIL OCTOBER 1, 2015, A MANUFACTURER'S REGISTRATION SHALL
24 BE ACCOMPANIED BY AN ANNUAL FEE OF \$3,000.00. HOWEVER, IF THE
25 AMOUNT OF MONEY IN THE FUND ON DECEMBER 31 OF ANY YEAR IS GREATER
26 THAN \$600,000.00, THE DEPARTMENT SHALL NOT COLLECT MANUFACTURERS'
27 REGISTRATION FEES FOR THE FOLLOWING STATE FISCAL YEAR.

1 (7) REVENUE FROM MANUFACTURERS' REGISTRATION FEES COLLECTED
2 UNDER THIS SECTION SHALL BE DEPOSITED IN THE ELECTRONIC WASTE
3 RECYCLING FUND CREATED IN SECTION 17327.

4 (8) THE DEPARTMENT SHALL MAINTAIN ON ITS WEBSITE A LIST OF
5 REGISTERED MANUFACTURERS OF COMPUTERS AND A LIST OF REGISTERED
6 MANUFACTURERS OF VIDEO DISPLAY DEVICES AND THE WEBSITE ADDRESSES AT
7 WHICH THEY PROVIDE INFORMATION ON RECYCLING COVERED ELECTRONIC
8 DEVICES.

9 (9) NOT LATER THAN OCTOBER 1, 2011 AND EVERY 2 YEARS AFTER
10 THAT DATE, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE SECRETARY OF
11 THE SENATE AND TO THE CLERK OF THE HOUSE OF REPRESENTATIVES THAT
12 ASSESSES THE ADEQUACY OF THE FEES UNDER THIS SECTION AND ANY
13 DEPARTMENTAL RECOMMENDATION TO MODIFY THOSE FEES.

14 SEC. 17305. BEGINNING APRIL 1, 2010, A MANUFACTURER SHALL NOT
15 SELL OR OFFER FOR SALE TO ANY PERSON IN THIS STATE A NEW COVERED
16 ELECTRONIC DEVICE, WHETHER THROUGH SALES OUTLETS, CATALOGS, MAIL
17 ORDER, THE INTERNET, OR ANY OTHER MEANS, UNLESS ALL OF THE
18 FOLLOWING REQUIREMENTS ARE MET:

19 (A) THE COVERED ELECTRONIC DEVICE IS LABELED WITH THE
20 MANUFACTURER'S NAME OR BRAND LABEL, OWNED BY OR, IN THE CASE OF A
21 VIDEO DISPLAY DEVICE, LICENSED FOR USE BY THE MANUFACTURER.

22 (B) THE MANUFACTURER'S NAME APPEARS ON THE APPLICABLE
23 REGISTRATION LIST MAINTAINED BY THE DEPARTMENT UNDER SECTION 17303.

24 (C) IF THE COVERED ELECTRONIC DEVICE IS A COVERED COMPUTER,
25 THE MANUFACTURER HAS A COMPUTER TAKEBACK PROGRAM AS DESCRIBED IN
26 SECTION 17309.

27 (D) IF THE COVERED ELECTRONIC DEVICE IS A COVERED VIDEO

1 DISPLAY DEVICE, THE MANUFACTURER HAS A VIDEO DISPLAY DEVICE
2 TAKEBACK PROGRAM AS DESCRIBED IN SECTION 17311.

3 SEC. 17307. A RETAILER SHALL NOT SELL OR OFFER FOR SALE TO ANY
4 PERSON IN THIS STATE A NEW COVERED ELECTRONIC DEVICE FROM A
5 MANUFACTURER, PURCHASED BY THE RETAILER ON OR AFTER APRIL 1, 2010
6 UNLESS THE MANUFACTURER APPEARS ON THE APPLICABLE REGISTRATION LIST
7 UNDER SECTION 17303.

8 SEC. 17309. (1) BEGINNING APRIL 1, 2010, EACH MANUFACTURER OF
9 COVERED COMPUTERS SHALL IMPLEMENT A COMPUTER TAKEBACK PROGRAM THAT
10 MEETS ALL OF THE FOLLOWING CRITERIA:

11 (A) THE MANUFACTURER OF A COVERED COMPUTER THAT HAS REACHED
12 THE END OF ITS USEFUL LIFE FOR THE CONSUMER OR THE MANUFACTURER'S
13 DESIGNEE ACCEPTS FROM THE CONSUMER THE COVERED COMPUTER. THIS PART
14 SHALL NOT BE CONSTRUED TO IMPAIR THE OBLIGATION OF A CONTRACT UNDER
15 WHICH A PERSON AGREES TO CONDUCT A COMPUTER TAKEBACK PROGRAM ON
16 BEHALF OF A MANUFACTURER.

17 (B) A CONSUMER IS NOT REQUIRED TO PAY A SEPARATE FEE WHEN THE
18 CONSUMER RETURNS THE COVERED COMPUTER TO THE MANUFACTURER OF THAT
19 COVERED COMPUTER OR THE MANUFACTURER'S DESIGNEE.

20 (C) THE COLLECTION OF COVERED COMPUTERS IS REASONABLY
21 CONVENIENT AND AVAILABLE TO AND OTHERWISE DESIGNED TO MEET THE
22 NEEDS OF CONSUMERS IN THIS STATE. EXAMPLES OF COLLECTION METHODS
23 THAT ALONE OR COMBINED MEET THE CONVENIENCE REQUIREMENTS OF THIS
24 SUBDIVISION INCLUDE SYSTEMS FOR A CONSUMER TO RETURN A COVERED
25 COMPUTER BY 1 OR MORE OF THE FOLLOWING MEANS:

26 (i) MAIL OR COMMON CARRIER SHIPPER.

27 (ii) DEPOSIT AT A LOCAL PHYSICAL COLLECTION SITE THAT IS KEPT

1 OPEN AND STAFFED ON A CONTINUING BASIS.

2 (iii) DEPOSIT DURING PERIODIC LOCAL COLLECTION EVENTS.

3 (iv) DEPOSIT WITH A RETAILER.

4 (D) THE MANUFACTURER OF A COVERED COMPUTER PROVIDES A CONSUMER
5 INFORMATION ON HOW AND WHERE TO RETURN THE COVERED COMPUTER,
6 INCLUDING, BUT NOT LIMITED TO, COLLECTION, RECYCLING, AND REUSE
7 INFORMATION ON THE MANUFACTURER'S PUBLICLY AVAILABLE WEBSITE. THE
8 MANUFACTURER MAY ALSO INCLUDE COLLECTION, RECYCLING, AND REUSE
9 INFORMATION IN THE PACKAGING FOR OR IN OTHER MATERIALS THAT
10 ACCOMPANY THE MANUFACTURER'S COVERED COMPUTERS WHEN THE COVERED
11 COMPUTERS ARE SOLD OR PROVIDE THAT INFORMATION VIA A TOLL-FREE
12 TELEPHONE NUMBER.

13 (E) THE MANUFACTURER RECYCLES OR ARRANGES FOR THE RECYCLING OF
14 ANY COVERED COMPUTERS COLLECTED UNDER SUBDIVISION (A).

15 (2) A MANUFACTURER'S COMPUTER TAKEBACK PROGRAM IS NOT REQUIRED
16 TO ACCEPT MORE THAN 7 COVERED COMPUTERS FROM A SINGLE CONSUMER ON A
17 SINGLE DAY.

18 (3) A MANUFACTURER MAY CONDUCT A COMPUTER TAKEBACK PROGRAM
19 ALONE OR IN CONJUNCTION WITH OTHER MANUFACTURERS. A MANUFACTURER
20 MAY ARRANGE FOR THE COLLECTION AND RECYCLING OF COVERED COMPUTERS
21 BY ANOTHER PERSON TO FULFILL THE MANUFACTURER'S OBLIGATIONS UNDER
22 THIS SECTION.

23 SEC. 17311. (1) BEGINNING APRIL 1, 2010, EACH MANUFACTURER OF
24 COVERED VIDEO DISPLAY DEVICES SHALL IMPLEMENT A VIDEO DISPLAY
25 DEVICE TAKEBACK PROGRAM THAT MEETS ALL OF THE FOLLOWING CRITERIA:

26 (A) A MANUFACTURER OR THE MANUFACTURER'S DESIGNEE ACCEPTS FROM
27 A CONSUMER ANY COVERED VIDEO DISPLAY DEVICE THAT HAS REACHED THE

1 END OF ITS USEFUL LIFE FOR THE CONSUMER, REGARDLESS OF THE TYPE OR
2 BRAND OF COVERED VIDEO DISPLAY DEVICE.

3 (B) A CONSUMER IS NOT REQUIRED TO PAY A SEPARATE FEE WHEN THE
4 CONSUMER RETURNS A COVERED VIDEO DISPLAY DEVICE THROUGH THE
5 TAKEBACK PROGRAM OF ANY MANUFACTURER OF ANY COVERED VIDEO DISPLAY
6 DEVICE.

7 (C) THE REQUIREMENTS OF SECTION 17309(1)(C), AS APPLIED TO
8 COVERED VIDEO DISPLAY DEVICES.

9 (D) THE MANUFACTURER PROVIDES A CONSUMER INFORMATION ON HOW
10 AND WHERE TO RETURN A COVERED VIDEO DISPLAY DEVICE, INCLUDING, BUT
11 NOT LIMITED TO, COLLECTION, RECYCLING, AND REUSE INFORMATION ON THE
12 MANUFACTURER'S PUBLICLY AVAILABLE WEBSITE. THE MANUFACTURER MAY
13 ALSO INCLUDE COLLECTION, RECYCLING, AND REUSE INFORMATION IN THE
14 PACKAGING FOR OR IN OTHER MATERIALS THAT ACCOMPANY THE
15 MANUFACTURER'S COVERED VIDEO DISPLAY DEVICES WHEN THE COVERED VIDEO
16 DISPLAY DEVICES ARE SOLD OR PROVIDE THAT INFORMATION VIA A TOLL-
17 FREE TELEPHONE NUMBER.

18 (E) THE MANUFACTURER RECYCLES OR ARRANGES FOR THE RECYCLING OF
19 ANY COVERED VIDEO DISPLAY DEVICE COLLECTED UNDER SUBDIVISION (A).
20 AS A NONBINDING TARGET, EACH MANUFACTURER REQUIRED TO CONDUCT A
21 VIDEO DISPLAY DEVICE TAKEBACK PROGRAM SHOULD ANNUALLY RECYCLE 60%
22 OF THE TOTAL WEIGHT OF COVERED VIDEO DISPLAY DEVICES SOLD BY THE
23 MANUFACTURER IN THIS STATE DURING THE PRIOR STATE FISCAL YEAR.
24 SALES DATA UNDER THIS SUBDIVISION ARE EXEMPT FROM DISCLOSURE UNDER
25 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246,
26 AND SHALL NOT BE DISCLOSED BY THE DEPARTMENT UNLESS REQUIRED BY
27 COURT ORDER.

1 (2) A MANUFACTURER'S VIDEO DISPLAY DEVICE TAKEBACK PROGRAM IS
2 NOT REQUIRED TO ACCEPT MORE THAN 7 COVERED VIDEO DISPLAY DEVICES
3 FROM A SINGLE CONSUMER ON A SINGLE DAY.

4 (3) A MANUFACTURER MAY CONDUCT A VIDEO DISPLAY DEVICE TAKEBACK
5 PROGRAM ALONE OR IN CONJUNCTION WITH OTHER MANUFACTURERS. A
6 MANUFACTURER MAY ARRANGE FOR THE COLLECTION AND RECYCLING OF
7 COVERED VIDEO DISPLAY DEVICES BY ANOTHER PERSON TO FULFILL THE
8 MANUFACTURER'S OBLIGATIONS UNDER THIS SECTION.

9 SEC. 17313. (1) THE ELECTRONIC WASTE ADVISORY COUNCIL IS
10 CREATED WITHIN THE LEGISLATIVE BRANCH OF STATE GOVERNMENT. THE
11 COUNCIL SHALL CONSIST OF THE FOLLOWING MEMBERS:

12 (A) FOUR INDIVIDUALS APPOINTED BY THE SENATE MAJORITY LEADER
13 AS FOLLOWS:

14 (i) ONE INDIVIDUAL REPRESENTING COVERED VIDEO DISPLAY DEVICE
15 MANUFACTURERS.

16 (ii) ONE INDIVIDUAL REPRESENTING RECYCLERS OF COVERED COMPUTERS
17 OR COVERED VIDEO DISPLAY DEVICES.

18 (iii) ONE INDIVIDUAL REPRESENTING A TRADE ASSOCIATION OF
19 COMPUTER MANUFACTURERS AND VIDEO DISPLAY DEVICE MANUFACTURERS.

20 (iv) ONE INDIVIDUAL WHO IS A MEMBER OF THE SENATE.

21 (B) FOUR INDIVIDUALS APPOINTED BY THE SPEAKER OF THE HOUSE OF
22 REPRESENTATIVES AS FOLLOWS:

23 (i) ONE INDIVIDUAL REPRESENTING COVERED COMPUTER MANUFACTURERS.

24 (ii) ONE INDIVIDUAL REPRESENTING RETAILERS OF COVERED COMPUTERS
25 OR COVERED VIDEO DISPLAY DEVICES.

26 (iii) ONE INDIVIDUAL REPRESENTING AN AGENCY RESPONSIBLE FOR A
27 COUNTYWIDE RECYCLING PROGRAM.

1 (iv) ONE INDIVIDUAL WHO IS A MEMBER OF THE HOUSE OF
2 REPRESENTATIVES.

3 (C) TWO INDIVIDUALS APPOINTED BY THE GOVERNOR AS FOLLOWS:

4 (i) ONE INDIVIDUAL REPRESENTING A STATEWIDE CONSERVATION
5 ORGANIZATION.

6 (ii) ONE INDIVIDUAL REPRESENTING THE DEPARTMENT.

7 (2) THE APPOINTMENTS TO THE COUNCIL UNDER SUBSECTION (1) SHALL
8 BE MADE NOT LATER THAN 30 DAYS AFTER THE EFFECTIVE DATE OF THE
9 AMENDATORY ACT THAT ADDED THIS SECTION.

10 (3) A MEMBER OF THE COUNCIL SHALL SERVE FOR THE LIFE OF THE
11 COUNCIL. IF A VACANCY OCCURS ON THE COUNCIL, THE VACANCY SHALL BE
12 FILLED FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL
13 APPOINTMENT. THE APPOINTING OFFICIAL MAY REMOVE A MEMBER OF THE
14 COUNCIL FOR INCOMPETENCE, DERELICTION OF DUTY, MALFEASANCE,
15 MISFEASANCE, OR NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

16 (4) THE COUNCIL MEMBER WHO IS A MEMBER OF THE SENATE AND THE
17 COUNCIL MEMBER WHO IS A MEMBER OF THE HOUSE OF REPRESENTATIVES
18 SHALL SERVE AS CO-CHAIRS OF THE COUNCIL. THE FIRST MEETING OF THE
19 COUNCIL SHALL BE CALLED BY THE CO-CHAIRS. AT THE FIRST MEETING, THE
20 COUNCIL SHALL ELECT FROM AMONG ITS MEMBERS ANY OTHER OFFICERS THAT
21 IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST MEETING, THE
22 COUNCIL SHALL MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE
23 CALL OF A CO-CHAIR OR IF REQUESTED BY 2 OR MORE MEMBERS.

24 (5) A MAJORITY OF THE MEMBERS OF THE COUNCIL CONSTITUTE A
25 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE COUNCIL.
26 A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE REQUIRED FOR
27 OFFICIAL ACTION OF THE COUNCIL.

1 (6) THE BUSINESS THAT THE COUNCIL MAY PERFORM SHALL BE
2 CONDUCTED AT A PUBLIC MEETING OF THE COUNCIL HELD IN COMPLIANCE
3 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. A
4 WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY
5 THE COUNCIL IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT
6 TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
7 15.246.

8 (7) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION.
9 HOWEVER, THE MEMBER OF THE COUNCIL REPRESENTING THE DEPARTMENT
10 SHALL SERVE WITHOUT ADDITIONAL COMPENSATION.

11 (8) BY APRIL 1, 2012, THE COUNCIL SHALL SUBMIT A REPORT TO THE
12 GOVERNOR, THE DEPARTMENT, AND THE STANDING COMMITTEES OF THE
13 LEGISLATURE WITH JURISDICTION OVER ISSUES PRIMARILY PERTAINING TO
14 NATURAL RESOURCES AND THE ENVIRONMENT. THE REPORT SHALL EVALUATE
15 THE PROGRAM UNDER THIS PART AND MAKE RECOMMENDATIONS TO IMPROVE THE
16 RECYCLING OF COVERED ELECTRONIC DEVICES. THE REPORT SHALL EVALUATE
17 ALL OF THE FOLLOWING IN LIGHT OF THE POLICIES AND OBJECTIVES SET
18 FORTH IN SECTION 11514:

19 (A) WHETHER A MANUFACTURER'S MARKET SHARE SHOULD BE USED TO
20 DETERMINE THE AMOUNT OF VIDEO DISPLAY DEVICES REQUIRED TO BE
21 RECYCLED ANNUALLY BY THE MANUFACTURER.

22 (B) WHETHER A MANUFACTURER WITH A TAKEBACK PROGRAM THAT
23 RECYCLES ELECTRONIC WASTE AT A HIGHER RATE THAN PROVIDED FOR IN
24 THIS PART SHOULD BE GRANTED CREDITS AND, IF SO, THE LIFE OF THE
25 CREDITS, WHETHER THE CREDITS WOULD BE TRANSFERABLE, AND HOW THE
26 CREDIT SYSTEM SHOULD OTHERWISE OPERATE.

27 (C) WHETHER THE NONBINDING TARGET FOR MANUFACTURERS RECYCLING

1 COVERED VIDEO DISPLAY DEVICES UNDER SECTION 17311 SHOULD BE
2 INCREASED OR DECREASED AND WHETHER THE TARGET SHOULD BE MADE
3 MANDATORY.

4 (D) WHAT ITEMS SHOULD BE INCLUDED IN A MANDATORY TAKEBACK
5 PROGRAM AND, IF NEW ITEMS ARE RECOMMENDED, WHAT THE RECYCLING RATES
6 SHOULD BE FOR THOSE NEW ITEMS.

7 (E) WHETHER AND HOW A MANUFACTURER SHOULD BE SANCTIONED FOR
8 FAILING TO MEET THE REQUIREMENTS OF THIS PART.

9 (F) WHETHER FUNDING FOR THE ADMINISTRATION OF THIS PART IS
10 APPROPRIATE OR NEEDS TO BE INCREASED OR DECREASED.

11 (G) WHETHER A PROGRAM SHOULD BE DEVELOPED TO RECOGNIZE
12 MANUFACTURERS THAT IMPLEMENT AN EXPANDED RECYCLING PROGRAM FOR
13 ADDITIONAL PRODUCTS SUCH AS PRINTERS OR RECYCLES ELECTRONIC WASTE
14 AT A HIGHER RATE THAN PROVIDED FOR IN THIS PART.

15 (H) WHETHER A SYSTEM SHOULD BE DEVELOPED TO COLLECT COVERED
16 ELECTRONIC DEVICES THAT ARE OTHERWISE NOT COLLECTED BY A
17 MANUFACTURER.

18 (I) WHETHER ADDITIONAL RECYCLING DATA, SUCH AS THE AMOUNT OF
19 COVERED ELECTRONIC DEVICES COLLECTED BY COLLECTORS, SHOULD BE
20 COLLECTED AND, IF SO, HOW.

21 (J) WHETHER A PROGRAM SHOULD BE DEVELOPED AND FUNDING SHOULD
22 BE OBTAINED FOR GRANTS TO EXPAND RECYCLING AND RECOVERY PROGRAMS
23 FOR COVERED ELECTRONIC DEVICES AND TO PROVIDE CONSUMER EDUCATION
24 RELATED TO THE PROGRAMS.

25 (K) WHETHER A DISPOSAL BAN FOR COVERED ELECTRONIC DEVICES IS
26 APPROPRIATE.

27 (9) THE COUNCIL IS DISSOLVED EFFECTIVE JULY 1, 2012.

1 SEC. 17327. (1) THE ELECTRONIC WASTE RECYCLING FUND IS CREATED
2 WITHIN THE STATE TREASURY.

3 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
4 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL
5 DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT
6 TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

7 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
8 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

9 (4) THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL BE THE
10 ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES.

11 (5) MONEY FROM THE FUND SHALL BE EXPENDED, UPON APPROPRIATION,
12 FOR THE ADMINISTRATIVE EXPENSES OF THE DEPARTMENT IN IMPLEMENTING
13 THIS PART.

14 Enacting section 1. This amendatory act does not take effect
15 unless all of the following bills of the 94th Legislature are
16 enacted into law:

17 (a) Senate Bill No. 898.

18 (b) House Bill No. 6714.

19 (c) House Bill No. 6715.