

**SUBSTITUTE FOR
HOUSE BILL NO. 5007**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 3122, 4112, 5522, 11525a, 17303, 17317, 80130,
80315, 81114, and 82156 (MCL 324.3122, 324.4112, 324.5522,
324.11525a, 324.17303, 324.17317, 324.80130, 324.80315, 324.81114,
and 324.82156), sections 3122 and 4112 as amended by 2019 PA 79,
section 5522 as amended by 2019 PA 119, section 11525a as amended
by 2022 PA 246, sections 17303 and 17317 as amended by 2019 PA 85,
and sections 80130, 80315, 81114, and 82156 as amended by 2019 PA
81.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3122. (1) Until October 1, ~~2023~~,**2027**, the department may
2 levy and collect an annual groundwater discharge permit fee from



1 facilities or municipalities that discharge wastewater to the
2 ground or groundwater of this state ~~pursuant to~~ **under** section 3112.

3 The fee is as follows:

4 (a) For a group 1 facility, ~~\$3,650.00.~~ **\$7,500.00.**

5 (b) For a group 2 facility or a municipality of 1,000 or fewer
6 residents, ~~\$1,500.00.~~ **\$1,800.00.**

7 (c) For a group 2a facility, ~~\$250.00.~~ **\$300.00.**

8 (d) For a group 3 facility, ~~\$200.00.~~ **\$240.00.**

9 (2) Within 180 days after receipt of a complete application
10 for a permit to discharge wastewater to the ground or to
11 groundwater, the department shall grant or deny a permit, unless
12 the applicant and the department agree to extend this time period.
13 If the department fails to make a decision on an application within
14 the time period specified or agreed to under this subsection, an
15 applicant subject to an annual groundwater discharge permit fee
16 shall receive a 15% annual discount on the annual groundwater
17 discharge permit fee.

18 (3) If the person required to pay the annual groundwater
19 discharge permit fee under subsection (1) is a municipality, the
20 municipality may pass on the annual groundwater discharge permit
21 fee to each user of the municipal facility.

22 (4) As used in this section, "group 1 facility", "group 2
23 facility", "group 2a facility", and "group 3 facility" do not
24 include a municipality with a population of 1,000 or fewer
25 residents.

26 Sec. 4112. (1) Subject to subsection (2), the following
27 projects are eligible for expedited review:

28 (a) A conventional gravity sewer extension of 10,000 feet or
29 less of sewer line.



1 (b) A simple pumping station and force main.

2 (c) A small diameter pressure sewer and grinder pumping
3 station.

4 (2) An expedited review ~~shall~~**must** not be conducted for a
5 project that is being funded by the state water pollution control
6 revolving fund created in section 16a of the shared credit rating
7 act, 1985 PA 227, MCL 141.1066a.

8 (3) To obtain an expedited review, a person shall do all of
9 the following before October 1, ~~2023~~**2027**:

10 (a) At least 10 business days before submitting an application
11 under subdivision (b), notify the department electronically,
12 ~~pursuant to~~**in accordance with** instructions provided on the
13 department's website, of ~~his or her~~**the person's** intent to request
14 expedited review. The department may waive this 10-day notification
15 requirement.

16 (b) Submit electronically a complete application for a
17 construction permit including a request for expedited review and
18 credit card payment of the appropriate fee under subsection (4).

19 (c) Provide a written copy of the construction plans and
20 specifications for the project that ~~has been~~**is** prepared, signed,
21 and sealed by a licensed professional engineer to the department
22 postmarked not later than the date that the application is
23 submitted electronically.

24 (d) For nongovernmental entities, provide certification to the
25 department that all necessary contractual service agreements and
26 financial plans are in place.

27 (4) Except as provided in subsection (6), the fee for an
28 expedited review is as follows:

29 (a) For a conventional gravity sewer extension less than 2,000



1 feet, \$1,000.00.

2 (b) For a conventional gravity sewer extension equal to or
3 greater than 2,000 feet but less than 4,000 feet of sewer line,
4 \$1,500.00, and for each incremental increase of up to 2,000 feet of
5 sewer line, an additional \$500.00.

6 (c) For a simple pumping station and force main, \$2,000.00.

7 (d) For a small diameter pressure sewer and grinder pumping
8 station consisting of not more than 2,000 feet of sewer line and
9 not more than 10 grinder pumping stations, \$2,000.00.

10 (e) For small diameter pressure sewer and grinder pumping
11 station projects not covered by subdivision (d) and consisting of
12 not more than 5,000 feet of sewer line and not more than 25 grinder
13 pumping stations, \$4,000.00.

14 (5) Except as provided in subsection (7), if an applicant does
15 not comply with subsection (3), the department shall not conduct an
16 expedited review and any submitted fee shall not be refunded.
17 Within 10 business days after receipt of the application, the
18 department shall notify the applicant of the reasons why the
19 department's review of the application will not be expedited. ~~Upon~~
20 **On** receipt of this notification, a person may correct the
21 deficiencies and resubmit an application and request for an
22 expedited review with the appropriate fee specified under
23 subsection (6). The department shall not reject a resubmitted
24 application and request for expedited review solely because of
25 deficiencies that the department failed to fully identify in the
26 original application.

27 (6) For a second submission of an application that originally
28 failed to meet the requirements specified in subsection (3), the
29 applicant shall instead include a fee equal to 10% of the fee



1 specified in subsection (4). However, if the deficiency included
2 failure to pay the appropriate fee, the second submission ~~shall~~
3 **must** include the balance of the appropriate fee plus either 10% of
4 the appropriate fee or, if the applicant makes additional changes
5 other than those items identified by the department as being
6 deficient, an additional fee equal to the fee specified in
7 subsection (4). For the third and each subsequent submittal of an
8 application that failed to meet the requirements specified in
9 subsection (3), the applicant shall include an additional fee equal
10 to the fee specified in subsection (4).

11 (7) If an applicant fails to sign the application, submits
12 construction plans and specifications that have not been prepared,
13 signed, and sealed by a licensed professional engineer, or does not
14 submit the required fee, the department shall notify the applicant
15 of the deficiency within 5 business days after receiving the
16 application. The application ~~shall~~**must** not be processed until the
17 deficient items are addressed. If the applicant does not provide
18 the deficient items within 5 business days after notification by
19 the department, the application ~~shall~~**must** be handled as provided
20 in subsection (5).

21 (8) The department shall review and make a decision on
22 complete applications submitted with a request for expedited review
23 within 10 business days after receipt by the department of a
24 complete application. However, if the department waives the
25 notification requirement of subsection (3)(a), the department shall
26 review and make a decision on the application within 20 business
27 days after receipt of a complete application.

28 (9) If the department fails to meet the deadline specified in
29 subsection (8), both of the following apply:



1 (a) The department shall continue to expedite the application
2 review process for the application.

3 (b) The fee required under this section for an expedited
4 review ~~shall~~**must** be refunded.

5 (10) The department shall transmit fees collected under this
6 section to the state treasurer for deposit into the fund.

7 (11) As used in this section, "complete application" means a
8 department-provided application form that is completed, for which
9 all requested information has been provided, and that can be
10 processed without additional information.

11 Sec. 5522. (1) Until October 1, ~~2023~~**2027**, the owner or
12 operator of each fee-subject facility shall pay air quality fees as
13 required and calculated under this section. The department may levy
14 and collect an annual air quality fee from the owner or operator of
15 each fee-subject facility in this state. The legislature intends
16 that the fees required under this section meet the minimum
17 requirements of the clean air act and that this expressly stated
18 fee system serve as a limitation on the amount of fees imposed
19 under this part on the owners or operators of fee-subject
20 facilities in this state.

21 (2) The annual air quality fee ~~shall be~~**is** calculated for each
22 fee-subject facility, according to the following procedure:

23 (a) Except as provided in subdivisions (g) and (h), for
24 category A facilities, the annual air quality fee is the sum of an
25 emissions charge as specified in subdivision (i) and a facility
26 charge. The facility charge is as follows, based on the amount of
27 fee-subject emissions:

28 (i) If the amount of fee-subject emissions is capped under
29 subdivision (i), \$45,000.00.



- 1 (ii) For 1,000 or more tons, \$30,000.00.
- 2 (iii) For 100 or more tons but less than 1,000 tons, \$15,750.00.
- 3 (iv) For 60 or more tons but less than 100 tons, \$12,500.00.
- 4 (v) For 6 or more tons but less than 60 tons, \$10,500.00.
- 5 (vi) For zero or more tons but less than 6 tons, \$5,250.00.
- 6 (b) For category B facilities, the annual air quality fee is
- 7 the sum of an emissions charge as specified in subdivision (j) and
- 8 a facility charge. The facility charge is as follows, based on the
- 9 amount of fee-subject emissions:
- 10 (i) For 2,000 or more tons, \$21,000.00.
- 11 (ii) For 200 or more tons but less than 2,000 tons, \$15,750.00.
- 12 (iii) For 60 or more tons but less than 200 tons, \$10,500.00.
- 13 (iv) For 6 or more tons but less than 60 tons, \$7,500.00.
- 14 (v) For zero or more tons but less than 6 tons, \$5,250.00.
- 15 (c) For category C facilities, the annual air quality fee is
- 16 the sum of an emissions charge as specified in subdivision (j) and
- 17 a facility charge. The facility charge is as follows, based on the
- 18 amount of fee-subject emissions:
- 19 (i) For 60 or more tons, \$4,500.00.
- 20 (ii) For 6 or more tons but less than 60 tons, \$3,500.00.
- 21 (iii) For zero or more tons but less than 6 tons, \$2,500.00.
- 22 (d) For category D facilities, the annual air quality fee is
- 23 the sum of an emissions charge as specified in subdivision (j) and
- 24 a facility charge. The facility charge is as follows, based on the
- 25 amount of fee-subject emissions:
- 26 (i) For 60 or more tons, \$2,500.00.
- 27 (ii) For 6 or more tons but less than 60 tons, \$2,000.00.
- 28 (iii) For zero or more tons but less than 6 tons, \$1,795.00.



1 (e) For category E facilities, the annual air quality fee is
2 as follows, based on the amount of fee-subject emissions:

3 (i) For 60 or more tons, \$1,795.00.

4 (ii) For zero or more tons but less than 60 tons, \$250.00.

5 (f) For category F facilities, the annual air quality fee is
6 \$250.00.

7 (g) For municipal electric generating facilities with 646 or
8 more tons of fee-subject air emissions, the annual air quality fee
9 is \$50,000.00.

10 (h) For municipal electric generating facilities with less
11 than 646 tons of fee-subject emissions, the annual air quality fee
12 ~~shall be~~ **is** determined in the same manner as provided in
13 subdivision (b).

14 (i) The emissions charge for a category A facility that is not
15 covered by subdivision (g) or (h) equals the emission charge rate
16 multiplied by the actual tons of fee-subject emissions. The
17 emission charge rate for fee-subject air pollutants is \$53.00. A
18 pollutant that qualifies as a fee-subject air pollutant under more
19 than 1 class ~~shall be~~ **is** charged only once. The actual tons of fee-
20 subject emissions is considered to be the sum of all fee-subject
21 emissions at the fee-subject facility for the calendar year 2 years
22 preceding the year of billing, but not more than the lesser of the
23 following:

24 (i) 6,100 tons.

25 (ii) 1,500 tons per pollutant, if the sum of all fee-subject
26 emissions except carbon monoxide at the fee-subject facility is
27 less than 6,100 tons.

28 (j) The emissions charge for facilities that are not electric
29 providers ~~shall~~ **must** be calculated in the same manner as provided



1 in subdivision (i). However, the actual tons of fee-subject
2 emissions is considered to be the sum of all fee-subject emissions
3 at a fee-subject facility for the calendar year 2 years preceding
4 the year of billing, but not more than the lesser of the following:

5 (i) 4,500 tons.

6 (ii) 1,250 tons per pollutant, if the sum of all fee-subject
7 emissions except carbon monoxide at the fee-subject facility is
8 less than 4,500 tons.

9 (3) After January 1, but before January 15 of each year, the
10 department shall notify the owner or operator of each fee-subject
11 facility of its assessed annual air quality fee. Payment is due
12 within 90 calendar days after the mailing date of the air quality
13 fee notification. If an assessed fee is challenged under subsection
14 (5), payment is due within 90 calendar days after the mailing date
15 of the air quality fee notification or within 30 days after receipt
16 of a revised fee or statement supporting the original fee,
17 whichever is later. However, to combine fee assessments, the
18 department may adjust the billing date and due date under this
19 subsection for category ~~III-F~~ facilities that are dry cleaning
20 facilities also subject to the licensing requirements of section
21 13305 of the public health code, 1978 PA 368, MCL 333.13305, or the
22 certification requirements of section 5i of the fire prevention
23 code, 1941 PA 207, MCL 29.5i. The department shall deposit all fees
24 collected under this section to the credit of the fund.

25 (4) If the owner or operator of a fee-subject facility fails
26 to submit the amount due within the time period specified in
27 subsection (3), the department shall assess the owner or operator a
28 penalty of 5% of the amount of the unpaid fee for each month that
29 the payment is overdue up to a maximum penalty of 25% of the total



1 fee owed. However, to combine fee assessments, the department may
 2 waive the penalty under this subsection for dry cleaning facilities
 3 described in subsection (3).

4 (5) To challenge its assessed fee, the owner or operator of a
 5 fee-subject facility shall submit the challenge in writing to the
 6 department. The department shall not process the challenge unless
 7 it is received by the department within 45 calendar days after the
 8 mailing date of the air quality fee notification described in
 9 subsection (3). A challenge ~~shall~~**must** identify the facility and
 10 state the grounds ~~upon~~**on** which the challenge is based. Within 30
 11 calendar days ~~of~~**after** receipt of the challenge, the department
 12 shall determine the validity of the challenge and provide the owner
 13 with notification of a revised fee or ~~a~~ statement setting forth the
 14 reason or reasons why the fee was not revised. Payment of the
 15 challenged or revised fee is due within the time frame described in
 16 subsection (3). If the owner or operator of a facility desires to
 17 further challenge its assessed fee, the owner or operator of the
 18 facility has an opportunity for a contested case hearing as
 19 provided for under chapter 4 of the administrative procedures act
 20 of 1969, 1969 PA 306, MCL 24.271 to 24.288.

21 (6) If requested by the department, by March 15 of each year,
 22 or within 45 days after the request, whichever is later, the owner
 23 or operator of each fee-subject facility shall submit to the
 24 department information regarding the facility's previous year's
 25 emissions. The information ~~shall~~**must** be sufficient for the
 26 department to calculate the facility's emissions for that year and
 27 meet the requirements of 40 CFR 51.320 to 51.327.

28 (7) By July 1 of each year, the department shall provide the
 29 owner or operator of each fee-subject facility required to pay an



1 emission charge ~~pursuant to~~**under** this section with a copy of the
 2 department's calculation of the facility emissions for the previous
 3 year. Within 60 days after this notification, the owner or operator
 4 of the facility may provide corrections to the department. The
 5 department shall make a final determination of the emissions by
 6 December 15 of that year. If the owner or operator disagrees with
 7 the determination of the department, the owner or operator may
 8 request a contested case hearing as provided for under chapter 4 of
 9 the administrative procedures act of 1969, 1969 PA 306, MCL 24.271
 10 to 24.288.

11 (8) By March 1 ~~annually,~~**each year**, the department shall
 12 prepare and submit to the governor, the legislature, the
 13 chairpersons of the standing committees of the senate and house of
 14 representatives with primary responsibility for environmental
 15 protection issues related to air quality, and the chairpersons of
 16 the subcommittees of the senate and house **of representatives**
 17 appropriations committees with primary responsibility for
 18 appropriations to the department a report that details the
 19 department's activities of the previous fiscal year funded by the
 20 fund. This report ~~shall~~**must** include, at a minimum, all of the
 21 following as it relates to the department:

22 (a) The number of full-time equated positions performing title
 23 V and non-title V air quality enforcement, compliance, or
 24 permitting activities.

25 (b) All of the following information related to the permit to
 26 install program authorized under section 5505:

27 (i) The number of permit to install applications received by
 28 the department.

29 (ii) The number of permit to install applications for which a



1 final action was taken by the department. The number of final
 2 actions ~~shall~~**must** be reported as the number of applications
 3 approved, the number of applications denied, and the number of
 4 applications withdrawn by the applicant.

5 (iii) The number of permits to install approved that were
 6 required to complete public participation under section 5511(3)
 7 before final action and the number of permits to install approved
 8 that were not required to complete public participation under
 9 section 5511(3) ~~prior to~~**before** final action.

10 (iv) The average number of final permit actions per permit to
 11 install reviewer full-time equivalent position.

12 (v) The percentage and number of permit to install
 13 applications that were reviewed for administrative completeness
 14 within 10 days ~~of~~**after** receipt by the department.

15 (vi) The percentage and number of permit to install
 16 applications submitted to the department that were administratively
 17 complete as received.

18 (vii) The percentage and number of permit to install
 19 applications for which a final action was taken by the department
 20 within 180 days after receipt for those applications not required
 21 to complete public participation under section 5511(3) ~~prior to~~
 22 **before** final action, or within 240 days after receipt for those
 23 applications required to complete public participation under
 24 section 5511(3) ~~prior to~~**before** final action.

25 (viii) The percentage and number of permit to install
 26 applications for which a processing period extension was requested
 27 and granted.

28 (c) All of the following information for the renewable
 29 operating permit program authorized under section 5506:



1 (i) The number of renewable operating permit applications
2 received by the department.

3 (ii) The number of renewable operating permit applications for
4 which a final action was taken by the department. The number of
5 final actions ~~shall~~**must** be reported as the number of applications
6 approved, the number of applications denied, and the number of
7 applications withdrawn by the applicant.

8 (iii) The percentage and number of initial permit applications
9 processed within the required time.

10 (iv) The percentage and number of permit renewals and
11 modifications processed within the required time.

12 (v) The number of permit applications reopened by the
13 department.

14 (vi) The number of general permits issued by the department.

15 (d) The number of letters of violation sent.

16 (e) The amount of penalties collected from all consent orders
17 and judgments.

18 (f) For each enforcement action that includes payment of a
19 penalty, a description of what corrective actions were required by
20 the enforcement action.

21 (g) The number of inspections done on sources required to
22 obtain a permit under section 5506 and the number of inspections of
23 other sources.

24 (h) The number of air pollution complaints received,
25 investigated, not resolved, and resolved by the department.

26 (i) The number of contested case hearings and civil actions
27 initiated, the number of contested case hearings and civil actions
28 completed, and the number of voluntary consent orders,
29 administrative penalty orders, and emergency orders entered or



1 issued, for sources required to obtain a permit under section 5506.

2 (j) The amount of revenue in the fund at the end of the fiscal
3 year.

4 (9) A report under subsection (8) ~~shall~~**must** also include the
5 amount of revenue for programs under this part received during the
6 prior fiscal year from fees, from federal funds, and from general
7 fund appropriations. Each of these amounts ~~shall~~**must** be expressed
8 as a dollar amount and as a percent of the total annual cost of
9 programs under this part.

10 (10) The attorney general may bring an action for the
11 collection of the fees imposed under this section.

12 (11) This section does not apply if the administrator of the
13 United States Environmental Protection Agency determines that the
14 department is not adequately administering or enforcing the
15 renewable operating permit program and the administrator
16 promulgates and administers a renewable operating permit program
17 for this state.

18 Sec. 11525a. (1) The owner or operator of a landfill or coal
19 ash impoundment shall pay a surcharge as follows:

20 (a) Except as provided in subdivision (b), for a landfill or
21 coal ash impoundment that is not a captive facility, 36 cents for
22 each ton or portion of a ton of solid waste or municipal solid
23 waste incinerator ash that is disposed of in the landfill or coal
24 ash impoundment before October 1, ~~2023~~**2027**.

25 (b) For a landfill or coal ash impoundment that is not a
26 captive facility, 12 cents per ton or portion of a ton of foundry
27 sand, slag from metal melting, baghouse dust, furnace refractory
28 brick, pulp and paper mill material, paper mill ash, wood ash, coal
29 bottom ash, mixed wood ash, fly ash, flue gas desulfurization



1 sludge, contaminated soil, cement kiln dust, lime kiln dust, and
 2 other industrial waste that weighs at least 1 ton per cubic yard,
 3 as determined by the generator.

4 (c) For a type III landfill or coal ash impoundment that is a
 5 captive facility and annually receives the following amount of
 6 waste, the following annual corresponding surcharge for each state
 7 fiscal year, based on the amount of waste received during that
 8 fiscal year:

9 (i) 100,000 or more tons of waste, \$3,000.00.

10 (ii) 75,000 or more but less than 100,000 tons of waste,
 11 \$2,500.00.

12 (iii) 50,000 or more but less than 75,000 tons of waste,
 13 \$2,000.00.

14 (iv) 25,000 or more but less than 50,000 tons of waste,
 15 \$1,000.00.

16 (v) Less than 25,000 tons of waste, \$500.00.

17 (2) Within 30 days after the end of each quarter of a state
 18 fiscal year, the owner or operator of a landfill or coal ash
 19 impoundment that is not a captive facility shall pay the surcharge
 20 under subsection (1)(a) for waste received during that quarter of
 21 the state fiscal year. Within 30 days after the end of a state
 22 fiscal year, the owner or operator of a type III landfill or coal
 23 ash impoundment that is a captive facility shall pay the surcharge
 24 under subsection (1)(b) for waste received during that state fiscal
 25 year.

26 (3) If the owner or operator of a landfill or coal ash
 27 impoundment is required to pay the surcharge under subsection (1),
 28 the owner or operator shall pass through and collect the surcharge
 29 from any person that generated the solid waste or arranged for its



1 delivery to the hauler or solid waste processing and transfer
2 facility, notwithstanding the provisions of any agreement to the
3 contrary or the absence of any agreement.

4 (4) Surcharges collected under this section ~~shall~~**must** be
5 forwarded to the state treasurer for deposit in the solid waste
6 staff account of the solid waste management fund.

7 Sec. 17303. (1) Within 30 days after the end of each state
8 fiscal year, a manufacturer that sells or offers for sale to any
9 person in this state a new covered electronic device shall register
10 with the department on a form provided by the department. A
11 registration expires 30 days after the end of the state fiscal year
12 in which the registration is required to be filed. A manufacturer
13 ~~who~~**that** has not already filed a registration under this part shall
14 submit a registration within 10 business days after the
15 manufacturer begins to sell or offer for sale new covered
16 electronic devices in this state.

17 (2) A registration under subsection (1) ~~shall~~**must** include all
18 of the following:

19 (a) The manufacturer's name, address, and telephone number.

20 (b) Each brand name under which the manufacturer sells or
21 offers for sale covered electronic devices in this state.

22 (c) Information about the manufacturer's electronic device
23 takeback program, including all of the following:

24 (i) Information provided to consumers on how and where to
25 return covered electronic devices labeled with the manufacturer's
26 name or brand label.

27 (ii) The means by which information described in subparagraph

28 (i) is disseminated to consumers, including the relevant website
29 address if the internet is used.



1 (iii) Beginning with the first registration submitted after the
2 implementation of the takeback program, a report on the
3 implementation of the takeback program during the prior state
4 fiscal year, including all of the following:

5 (A) The total weight of the covered electronic devices
6 received by the takeback program from consumers during the prior
7 state fiscal year.

8 (B) The processes and methods used to recycle or reuse the
9 covered electronic devices received from consumers.

10 (C) The identity of any collector or recycler with whom the
11 manufacturer contracts for the collection or recycling of covered
12 electronic devices received from consumers. The identity of a
13 recycler shall include the addresses of that recycler's recycling
14 facilities in this state, if any. The identity of a collector or
15 recycler reported under this subparagraph is exempt from disclosure
16 under the freedom of information act, 1976 PA 442, MCL 15.231 to
17 15.246, and ~~shall~~**must** not be disclosed by the department unless
18 required by court order.

19 (3) A registration is effective ~~upon~~**on** receipt by the
20 department if the registration is administratively complete.

21 (4) If a manufacturer's registration does not meet the
22 requirements of this section and any rules promulgated under this
23 part, the department shall notify the manufacturer of the
24 deficiency. If the manufacturer fails to correct the deficiency
25 within 60 days after notice is sent by the department, the
26 department may deny or revoke the manufacturer's registration,
27 after providing an opportunity for a contested case hearing under
28 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
29 to 24.328.



1 (5) A manufacturer of covered electronic devices shall update
2 its registration within 10 business days after a change in the
3 brands of covered electronic devices from that manufacturer sold or
4 offered for sale in this state.

5 (6) Until October 1, ~~2023~~, **2027**, a manufacturer's registration
6 ~~shall~~**must** be accompanied by an annual fee of \$3,000.00. However,
7 if the amount of money in the fund on December 31 of any year is
8 greater than \$600,000.00, the department shall not collect
9 manufacturers' registration fees for the following state fiscal
10 year.

11 (7) Revenue from manufacturers' registration fees collected
12 under this section ~~shall~~**must** be deposited in the electronic waste
13 recycling fund created in section 17327.

14 (8) The department shall maintain on its website a list of
15 registered manufacturers of computers and a list of registered
16 manufacturers of video display devices and the website addresses at
17 which they provide information on recycling covered electronic
18 devices.

19 (9) Not later than October 1, 2011 and every 2 years after
20 that date, the department shall submit a report to the secretary of
21 the senate and to the clerk of the house of representatives that
22 assesses the adequacy of the fees under this section and any
23 departmental recommendation to modify those fees.

24 Sec. 17317. (1) Within 30 days after the end of each state
25 fiscal year, a person ~~who~~**that** engages in the business of recycling
26 covered electronic devices shall register with the department on a
27 form provided by the department. A registration expires 30 days
28 after the end of the state fiscal year in which the registration is
29 required to be filed. A recycler ~~who~~**that** has not already filed a



1 registration under this part shall submit a registration within 10
2 business days after the recycler begins to recycle covered
3 electronic devices.

4 (2) A registration under subsection (1) ~~shall~~**must** include all
5 of the following:

6 (a) The name, address, telephone number, and location of all
7 recycling facilities that are under the direct control of the
8 recycler, are located in this state, and may receive covered
9 electronic devices.

10 (b) A certification by the recycler that the recycler
11 substantially meets the requirements of section 17315.

12 (3) A recycler of covered electronic devices shall report the
13 total weight of covered electronic devices recycled during the
14 previous state fiscal year. The recycler shall keep a written log
15 that records the weight of covered video display devices and the
16 total weight of covered computers delivered to the recycler and
17 identified as such on receipt. The total weight reported in the
18 registration ~~shall~~**must** be based on this log.

19 (4) A recycler's registration is effective ~~upon~~**on** receipt by
20 the department if the registration is administratively complete.

21 (5) If a recycler's registration does not meet the
22 requirements of this section and any rules promulgated under this
23 part, the department shall notify the recycler of the deficiency.
24 If the recycler fails to correct the deficiency within 60 days
25 after notice is sent by the department, the department may deny or
26 revoke the recycler's registration, after providing an opportunity
27 for a contested case hearing under the administrative procedures
28 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

29 (6) Until October 1, ~~2023,~~**2027**, a recycler's registration



1 under subsection (1) ~~shall~~**must** be accompanied by an annual fee of
2 \$2,000.00.

3 (7) Revenue from recyclers' registration fees collected under
4 this section ~~shall~~**must** be deposited in the electronic waste
5 recycling fund created in section 17327.

6 (8) Submitting a false registration under subsection (1) is a
7 violation of this part.

8 (9) Not later than October 1, 2011 and every 2 years after
9 that date, the department shall submit a report to the secretary of
10 the senate and to the clerk of the house of representatives that
11 assesses the adequacy of the fees under this section and any
12 departmental recommendation to modify those fees.

13 Sec. 80130. (1) The secretary of state may provide a
14 commercial lookup service of records maintained under this part.
15 For each individual record looked up, the secretary of state shall
16 charge a fee ~~specified annually by the legislature, or if none, a~~
17 ~~market-based price established by the secretary of state.~~ **of \$15.00**
18 **per record.** The secretary of state shall process a commercial
19 lookup request only if the request is in a form or format
20 prescribed by the secretary of state. The secretary of state shall
21 credit fees collected under this subsection to the transportation
22 administration collection fund created in section 810b of the
23 Michigan vehicle code, 1949 PA 300, MCL 257.810b, through October
24 1, ~~2023~~**2027**.

25 (2) To provide an individual, historical boating record, the
26 secretary of state shall create and maintain a computerized central
27 file that includes the information contained on application forms
28 received under this part and the name of each ~~person~~**individual** who
29 is convicted of an offense, who fails to comply with an order or



1 judgment issued, or against whom an order is entered under this
2 part. The computerized central file must be interfaced with the law
3 enforcement information network as provided in the C.J.I.S. policy
4 council act, 1974 PA 163, MCL 28.211 to 28.215.

5 (3) The secretary of state shall not provide an entire
6 computerized central or other file of records maintained under this
7 part to a nongovernmental person or entity unless the purchaser
8 pays the prescribed fee or price for each individual record
9 contained within the computerized file.

10 (4) A certified copy of an order, record, or paper maintained
11 under this part is admissible in evidence in the same manner as the
12 original and is prima facie proof of the facts stated in the
13 original.

14 Sec. 80315. (1) The secretary of state shall make available to
15 the public records maintained under this part, other than those
16 declared to be confidential by law or that are restricted by law
17 from disclosure to the public, under procedures prescribed in this
18 part and ~~in~~ the freedom of information act, 1976 PA 442, MCL 15.231
19 to 15.246.

20 (2) The secretary of state may provide a commercial lookup
21 service of watercraft title records maintained under this part. For
22 each individual record looked up, the secretary of state shall
23 charge a fee ~~specified annually by the legislature, or if none, a~~
24 ~~market based price established by the secretary of state.~~ **of \$15.00**
25 **per record.** The secretary of state shall process a commercial
26 lookup request only if the request is in a form or format
27 prescribed by the secretary of state. The secretary of state shall
28 credit fees collected under this subsection to the transportation
29 administration collection fund created in section 810b of the



1 Michigan vehicle code, 1949 PA 300, MCL 257.810b, through October
2 1, ~~2023-2027~~.

3 (3) The secretary of state shall create and maintain a
4 computerized central file that includes the information contained
5 on application forms received under this part. The computerized
6 central file must be interfaced with the law enforcement
7 information network as provided in the C.J.I.S. policy council act,
8 1974 PA 163, MCL 28.211 to 28.215.

9 (4) The secretary of state shall not provide an entire
10 computerized central or other file of records maintained under this
11 part to a nongovernmental person or entity unless the purchaser
12 pays the prescribed fee or price for each individual record
13 contained within the computerized file.

14 (5) A certified copy of an order, record, or paper maintained
15 under this part is admissible in evidence in the same manner as the
16 original and is prima facie proof of the facts stated in the
17 original.

18 Sec. 81114. (1) The secretary of state shall make available to
19 the public records maintained under this part, other than those
20 declared to be confidential by law or that are restricted by law
21 from disclosure to the public, under procedures prescribed in this
22 part and ~~in~~ the freedom of information act, 1976 PA 442, MCL 15.231
23 to 15.246.

24 (2) The secretary of state may provide a commercial lookup
25 service of ORV operation, title, and registration records
26 maintained under this part. For each individual record looked up,
27 the secretary of state shall charge a fee ~~specified annually by the~~
28 ~~legislature, or if none, a market-based price established by the~~
29 ~~secretary of state. of \$15.00 per record.~~ The secretary of state



1 shall process a commercial lookup request only if the request is in
2 a form or format prescribed by the secretary of state. The
3 secretary of state shall credit fees collected under this
4 subsection to the transportation administration collection fund
5 created in section 810b of the Michigan vehicle code, 1949 PA 300,
6 MCL 257.810b, through October 1, ~~2023~~**2027**.

7 (3) The secretary of state shall create and maintain a
8 computerized central file that includes the information contained
9 on application forms received under this part and the name of each
10 ~~person~~**individual** who is convicted of an offense, who fails to
11 comply with an order or judgment issued, or against whom an order
12 is entered under this part. The computerized central file must be
13 interfaced with the law enforcement information network as provided
14 in the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to
15 28.215.

16 (4) The secretary of state may purge a record of an ORV
17 certificate of title and any record pertaining to it 7 years after
18 the title was issued or the record was made or received.

19 (5) The secretary of state shall not provide an entire
20 computerized central or other file of records maintained under this
21 part to a nongovernmental person or entity unless the purchaser
22 pays the prescribed fee or price for each individual record
23 contained within the computerized file.

24 (6) A certified copy of an order, record, or paper maintained
25 under this part is admissible in evidence in the same manner as the
26 original and is prima facie proof of the facts stated in the
27 original.

28 Sec. 82156. (1) The secretary of state shall make available to
29 the public records maintained under this part, other than those



1 declared to be confidential by law or that are restricted by law
2 from disclosure to the public, under procedures prescribed in this
3 part and ~~in the~~ freedom of information act, 1976 PA 442, MCL 15.231
4 to 15.246.

5 (2) The secretary of state may provide a commercial lookup
6 service of snowmobile operation, title, and registration records
7 maintained under this part. For each individual record looked up,
8 the secretary of state shall charge a fee ~~specified annually by the~~
9 ~~legislature, or if none, a market-based price established by the~~
10 ~~secretary of state. of \$15.00 per record.~~ The secretary of state
11 shall process a commercial lookup request only if the request is in
12 a form or format prescribed by the secretary of state. The
13 secretary of state shall credit fees collected under this
14 subsection to the transportation administration collection fund
15 created in section 810b of the Michigan vehicle code, 1949 PA 300,
16 MCL 257.810b, through October 1, ~~2023.~~**2027.**

17 (3) To provide an individual, historical snowmobiling record,
18 the secretary of state shall create and maintain a computerized
19 central file that includes the information contained on application
20 forms received under this part and the name of each ~~person~~
21 **individual** who is convicted of an offense, who fails to comply with
22 an order or judgment issued, or against whom an order is entered
23 under this part or former 1968 PA 74. The computerized central file
24 must be interfaced with the law enforcement information network as
25 provided in the C.J.I.S. policy council act, 1974 PA 163, MCL
26 28.211 to 28.215.

27 (4) The secretary of state shall not provide an entire
28 computerized central or other file of records maintained under this
29 part to a nongovernmental person or entity unless the purchaser



1 pays the prescribed fee or price for each individual record
2 contained within the computerized file.

3 (5) A certified copy of an order, record, or paper maintained
4 in this record is admissible in evidence in like manner as the
5 original and is prima facie proof of the facts stated in the
6 original.

