

SENATE BILL NO. 448

August 20, 2019, Introduced by Senator IRWIN and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 17303 and 17317 (MCL 324.17303 and 324.17317),
as amended by 2015 PA 82.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17303. (1) ~~By~~**Within** 30 days after the end of each state
2 fiscal year, a manufacturer that sells or offers for sale to any
3 person in this state a new covered electronic device shall register

1 with the department on a form provided by the department. ~~The A~~
2 registration expires 30 days after the end of the ~~following~~ state
3 fiscal year **in which the registration is required to be filed.** A
4 manufacturer who has not already filed a registration under this
5 part shall submit a registration within 10 business days after the
6 manufacturer begins to sell or offer for sale new covered
7 electronic devices in this state.

8 (2) A registration under subsection (1) shall include all of
9 the following:

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

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

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

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

18 (ii) The means by which information described in subparagraph
19 (i) is disseminated to consumers, including the relevant website
20 address if the internet is used.

21 (iii) Beginning with the first registration submitted after the
22 implementation of the takeback program, a report on the
23 implementation of the takeback program during the prior state
24 fiscal year, including all of the following:

25 (A) The total weight of the covered electronic devices
26 received by the takeback program from consumers during the prior
27 state fiscal year.

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

1 (C) The identity of any collector or recycler with whom the
2 manufacturer contracts for the collection or recycling of covered
3 electronic devices received from consumers. The identity of a
4 recycler shall include the addresses of that recycler's recycling
5 facilities in this state, if any. The identity of a collector or
6 recycler reported under this subparagraph is exempt from disclosure
7 under the freedom of information act, 1976 PA 442, MCL 15.231 to
8 15.246, and shall not be disclosed by the department unless
9 required by court order.

10 (3) A registration is effective upon receipt by the department
11 if the registration is administratively complete.

12 (4) If a manufacturer's registration does not meet the
13 requirements of this section and any rules promulgated under this
14 part, the department shall notify the manufacturer of the
15 deficiency. If the manufacturer fails to correct the deficiency
16 within 60 days after notice is sent by the department, the
17 department may deny or revoke the manufacturer's registration,
18 after providing an opportunity for a contested case hearing under
19 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
20 to 24.328.

21 ~~(5) A registration is valid until October 30 of each year. A~~
22 manufacturer of covered electronic devices shall update its
23 registration within 10 business days after a change in the brands
24 of covered electronic devices from that manufacturer sold or
25 offered for sale in this state.

26 (6) Until October 1, ~~2019~~, **2023**, a manufacturer's registration
27 shall be accompanied by an annual fee of \$3,000.00. However, if the
28 amount of money in the fund on December 31 of any year is greater
29 than \$600,000.00, the department shall not collect manufacturers'

1 registration fees for the following state fiscal year.

2 (7) Revenue from manufacturers' registration fees collected
3 under this section shall be deposited in the electronic waste
4 recycling fund created in section 17327.

5 (8) The department shall maintain on its website a list of
6 registered manufacturers of computers and a list of registered
7 manufacturers of video display devices and the website addresses at
8 which they provide information on recycling covered electronic
9 devices.

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

15 Sec. 17317. (1) ~~By~~ **Within** 30 days after the end of each state
16 fiscal year, a person who engages in the business of recycling
17 covered electronic devices shall register with the department on a
18 form provided by the department. ~~The~~ **A** registration expires 30 days
19 after the end of the ~~following~~ state fiscal year **in which the**
20 **registration is required to be filed.** A recycler who has not
21 already filed a registration under this part shall submit a
22 registration within 10 business days after the recycler begins to
23 recycle covered electronic devices.

24 (2) A registration under subsection (1) shall include all of
25 the following:

26 (a) The name, address, telephone number, and location of all
27 recycling facilities **that are** under the direct control of the
28 recycler, **are** located in this state, ~~that~~ **and** may receive covered
29 electronic devices.

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

3 (3) ~~Beginning October 30, 2010, a~~ **A** recycler of covered
4 electronic devices shall report the total weight of covered
5 electronic devices recycled during the previous state fiscal year.
6 The recycler shall keep a written log that records the weight of
7 covered video display devices and the total weight of covered
8 computers delivered to the recycler and identified as such on
9 receipt. The total weight reported in the registration shall be
10 based on this log.

11 (4) A recycler's registration is effective upon receipt by the
12 department if the registration is administratively complete.

13 (5) If a recycler's registration does not meet the
14 requirements of this section and any rules promulgated under this
15 part, the department shall notify the recycler of the deficiency.
16 If the recycler fails to correct the deficiency within 60 days
17 after notice is sent by the department, the department may deny or
18 revoke the recycler's registration, after providing an opportunity
19 for a contested case hearing under the administrative procedures
20 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

21 (6) Until October 1, ~~2019,~~ **2023**, a recycler's registration
22 under subsection (1) shall be accompanied by an annual fee of
23 \$2,000.00.

24 (7) Revenue from recyclers' registration fees collected under
25 this section shall be deposited in the electronic waste recycling
26 fund created in section 17327.

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

29 (9) Not later than October 1, 2011 and every 2 years after

1 that date, the department shall submit a report to the secretary of
2 the senate and to the clerk of the house of representatives that
3 assesses the adequacy of the fees under this section and any
4 departmental recommendation to modify those fees.