

# HOUSE BILL No. 5615

January 31, 2006, Introduced by Reps. Kathleen Law, Meisner, Sak, Waters, Hopgood, Donigan, McDowell, Alma Smith, Tobocman, Vagnozzi, Anderson, Espinoza, Plakas, Angerer, Spade, Zelenko, Lipsey, Williams, Polidori, Farrah, Gleason, Gonzales, Brown, Adamini, Cheeks and Lemmons, III 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,"  
by amending sections 11502, 11503, 11504, 11505, and 11506 (MCL 324.11502, 324.11503, 324.11504, 324.11505, and 324.11506), section 11502 as amended by 2004 PA 35, sections 11503 and 11506 as amended by 1998 PA 466, and section 11504 as amended by 1996 PA 359, and by adding sections 11532a, 11532b, 11532c, 11532d, 11532e, 11532f, 11532g, and 11532h; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 11502. (1) "Applicant" includes any person.
- 2       (2) "Ashes" means the residue from the burning of wood, coal,
- 3 coke, refuse, wastewater sludge, or other combustible materials.
- 4       (3) **"BENCHMARK RECYCLING PROGRAM" MEANS A RECYCLING PROGRAM AS**
- 5 **DESCRIBED IN SECTION 11532F.**
- 6       (4) ~~-(3)-~~ "Beverage container" means an airtight metal, glass,

1 paper, or plastic container, or a container composed of a  
2 combination of these materials, which, at the time of sale,  
3 contains 1 gallon or less of any of the following:

4 (a) A soft drink, soda water, carbonated natural or mineral  
5 water, or other nonalcoholic carbonated drink.

6 (b) A beer, ale, or other malt drink of whatever alcoholic  
7 content.

8 (c) A mixed wine drink or a mixed spirit drink.

9 (5) ~~—(4)—~~ "Bond" means a financial instrument executed on a  
10 form approved by the department, including a surety bond from a  
11 surety company authorized to transact business in this state, a  
12 certificate of deposit, a cash bond, an irrevocable letter of  
13 credit, insurance, a trust fund, an escrow account, or a  
14 combination of any of these instruments in favor of the department.  
15 The owner or operator of a disposal area who is required to  
16 establish a bond under other state or federal statute may petition  
17 the department to allow such a bond to meet the requirements of  
18 this part. The department shall approve a bond established under  
19 other state or federal statute if the bond provides equivalent  
20 funds and access by the department as other financial instruments  
21 allowed by this subsection.

22 (6) ~~—(5)—~~ "Certificate of deposit" means a negotiable  
23 certificate of deposit held by a bank or other financial  
24 institution regulated and examined by a state or federal agency,  
25 the value of which is fully insured by an agency of the United  
26 States government. A certificate of deposit used to fulfill the  
27 requirements of this part shall be in the sole name of the

1 department with a maturity date of not less than 1 year and shall  
2 be renewed not less than 60 days before the maturity date. An  
3 applicant who uses a certificate of deposit as a bond shall receive  
4 any accrued interest on that certificate of deposit upon release of  
5 the bond by the department.

6 (7) ~~—(6)—~~ "Certified health department" means a city, county,  
7 or district department of health that is specifically delegated  
8 authority by the department to perform designated activities as  
9 prescribed by this part.

10 (8) ~~—(7)—~~ "Coal or wood ash" means either or both of the  
11 following:

12 (a) The residue remaining after the ignition of coal or wood,  
13 or both, and may include noncombustible materials, otherwise  
14 referred to as bottom ash.

15 (b) The airborne residues from burning coal or wood, or both,  
16 that are finely divided particles entrained in flue gases arising  
17 from a combustion chamber, otherwise referred to as fly ash.

18 (9) ~~—(8)—~~ "Collection center" means a tract of land, building,  
19 unit, or appurtenance or combination thereof that is used to  
20 collect junk motor vehicles and farm implements under section  
21 11530.

22 (10) ~~—(9)—~~ "Consistency review" means evaluation of the  
23 administrative and technical components of an application for a  
24 permit ~~—, OR~~ license, or ~~—for— OF~~ operating conditions in the  
25 course of inspection, for the purpose of determining consistency  
26 with the requirements of this part, rules promulgated under this  
27 part, and approved plans and specifications.

1           (11) ~~—(10)—~~ "Corrective action" means the investigation,  
2   assessment, cleanup, removal, containment, isolation, treatment, or  
3   monitoring of constituents, as defined in a facility's approved  
4   hydrogeological monitoring plan, released into the environment from  
5   a disposal area, or the taking of other actions related to the  
6   release as may be necessary to prevent, minimize, or mitigate  
7   injury to the public health, safety, or welfare, the environment,  
8   or natural resources that is consistent with ~~—subtitle D of the~~  
9   ~~solid waste disposal act, title II of Public Law 89-272, 42 U.S.C.~~  
10   ~~6941 and 6942 to~~ **42 USC 6941 TO** 6949a or regulations promulgated  
11   ~~pursuant to that act~~ **THEREUNDER.**

12           Sec. 11503. (1) "Department" means the department of  
13   environmental quality.

14           (2) **"DEVELOPMENT FUND" MEANS THE RECYCLING MARKET DEVELOPMENT**  
15   **FUND CREATED IN SECTION 11532C.**

16           (3) ~~—(2)—~~ "Director" means the director of the department.

17           (4) ~~—(3)—~~ "Discharge" includes, but is not limited to, any  
18   spilling, leaking, pumping, pouring, emitting, emptying,  
19   discharging, injecting, escaping, leaching, dumping, or disposing  
20   of a substance into the environment ~~—which—~~ **THAT** is or may become  
21   injurious to the public health, safety, or welfare, or to the  
22   environment.

23           (5) ~~—(4)—~~ "Disposal area" means 1 or more of the following at  
24   a location as defined by the boundary identified in its  
25   construction permit or engineering plans approved by the  
26   department:

27           (a) A solid waste transfer facility.

1 (b) ~~Incinerator~~ **AN INCINERATOR**.

2 (c) ~~Sanitary~~ **A SANITARY** landfill.

3 (d) ~~Processing~~ **A PROCESSING** plant.

4 (e) ~~Other~~ **ANOTHER** solid waste handling or disposal facility  
5 utilized in the disposal of solid waste.

6 (6) ~~-(5)-~~ "Enforceable mechanism" means a legal method whereby  
7 the state, a county, a municipality, or a person is authorized to  
8 take action to guarantee compliance with an approved county solid  
9 waste management plan. Enforceable mechanisms include contracts,  
10 intergovernmental agreements, laws, ordinances, rules, and  
11 regulations.

12 (7) ~~-(6)-~~ "Escrow account" means an account managed by a bank  
13 or other financial institution whose account operations are  
14 regulated and examined by a federal or state agency and ~~which~~  
15 **THAT** complies with section 11523b.

16 (8) ~~-(7)-~~ "Financial assurance" means the mechanisms used to  
17 demonstrate that the funds necessary to meet the cost of closure,  
18 postclosure maintenance and monitoring, and corrective action will  
19 be available whenever they are needed.

20 (9) ~~-(8)-~~ "Financial test" means a corporate or local  
21 government financial test or guarantee approved for type II  
22 landfills under ~~subtitle D of the solid waste disposal act, title~~  
23 ~~II of Public Law 89-272, 42 U.S.C. 6941 and 6942 to~~ **42 USC 6941 TO**  
24 **6949a**. An owner or operator may use a single financial test for  
25 more than 1 facility. Information submitted to the department to  
26 document compliance with the test shall include a list showing the  
27 name and address of each facility and the amount of funds assured

1 by the test for each facility. For purposes of the financial test,  
2 the owner or operator shall aggregate the sum of the closure,  
3 postclosure, and corrective action costs it seeks to assure with  
4 any other environmental obligations assured by a financial test  
5 under state or federal law.

6 (10) ~~—(9)—~~ "Food processing residuals" means any of the  
7 following:

8 (a) Residuals of fruits, vegetables, aquatic plants, or field  
9 crops.

10 (b) Otherwise unusable parts of fruits, vegetables, aquatic  
11 plants, or field crops from the processing thereof.

12 (c) Otherwise unusable food products which do not meet size,  
13 quality, or other product specifications and which were intended  
14 for human or animal consumption.

15 (11) ~~—(10)—~~ "Garbage" means rejected food wastes including  
16 waste accumulation of animal, fruit, or vegetable matter used or  
17 intended for food or that attends the preparation, use, cooking,  
18 dealing in, or storing of meat, fish, fowl, fruit, or vegetable  
19 matter.

20 ~~—(11) "Scrap wood" means wood or wood product that is 1 or more~~  
21 ~~of the following:~~

22 ~~—(a) Plywood, pressed board, oriented strand board, or any~~  
23 ~~other wood or wood product mixed with glue or filler.~~

24 ~~—(b) Wood or wood product treated with creosote or~~  
25 ~~pentachlorophenol.~~

26 ~~—(c) Any other wood or wood product designated as scrap wood in~~  
27 ~~rules promulgated by the department.~~

~~(12) "Treated wood" means wood or wood product that has been treated with 1 or more of the following:~~

~~(a) Chromated copper arsenate (CCA).~~

~~(b) Ammoniacal copper quat (ACQ).~~

~~(c) Ammoniacal copper zinc arsenate (ACZA).~~

~~(d) Any other chemical designated in rules promulgated by the department.~~

~~(13) "Wood" means trees, branches, bark, lumber, pallets, wood chips, sawdust, or other wood or wood product but does not include scrap wood, treated wood, painted wood or painted wood product, or any wood or wood product that has been contaminated during manufacture or use.~~

Sec. 11504. (1) **"HDPE" MEANS THAT TERM AS DEFINED IN SECTION 16101.**

(2) ~~(1)~~ "Health officer" means a full-time administrative officer of a certified city, county, or district department of health.

(3) ~~(2)~~ "Inert material" means a substance that will not decompose, dissolve, or in any other way form a contaminated leachate upon contact with water, or other liquids determined by the department as likely to be found at the disposal area, percolating through the substance.

(4) ~~(3)~~ "Insurance" means insurance that conforms to the requirements of 40 ~~C.F.R.~~ **CFR** 258.74(d) provided by an insurer who has a certificate of authority from the Michigan commissioner of insurance to sell this line of coverage. An applicant for an operating license shall submit evidence of the required coverage by

1 submitting both of the following to the department:

2 (a) A certificate of insurance that uses wording approved by  
3 the department.

4 (b) A certified true and complete copy of the insurance  
5 policy.

6 (5) ~~-(4)-~~ "Landfill" means a disposal area that is a sanitary  
7 landfill.

8 (6) ~~-(5)-~~ "Letter of credit" means an irrevocable letter of  
9 credit that complies with 40 ~~-C.F.R.-~~ CFR 258.74(c).

10 (7) **"LOCAL UNIT OF GOVERNMENT" MEANS A MUNICIPALITY OR COUNTY.**

11 (8) ~~-(6)-~~ "Medical waste" means that term as it is defined in  
12 ~~part 138~~ **SECTION 13805** of the public health code, ~~Act No. 378 of~~  
13 ~~the Public Acts of 1978, being sections 333.13801 to 333.13831 of~~  
14 ~~the Michigan Compiled Laws~~ **1978 PA 368, MCL 333.13805.**

15 (9) ~~-(7)-~~ "Municipal solid waste incinerator" means an  
16 incinerator that is owned or operated by any person, and meets all  
17 of the following requirements:

18 (a) The incinerator receives solid waste from off site and  
19 burns only household waste from single and multiple dwellings,  
20 hotels, motels, and other residential sources, or this household  
21 waste together with solid waste from commercial, institutional,  
22 municipal, county, or industrial sources that, if disposed of,  
23 would not be required to be placed in a disposal facility licensed  
24 under part 111.

25 (b) The incinerator has established contractual requirements  
26 or other notification or inspection procedures sufficient to assure  
27 that the incinerator receives and burns only waste referred to in



1 subdivision (a).

2 (c) The incinerator meets the requirements of this part and  
3 the rules promulgated under this part.

4 (d) The incinerator is not an industrial furnace as defined in  
5 40 ~~C.F.R.~~ **CFR** 260.10.

6 (e) The incinerator is not an incinerator that receives and  
7 burns only medical waste or only waste produced at 1 or more  
8 hospitals.

9 **(10) —(8)—** "Municipal solid waste incinerator ash" means the  
10 substances remaining after combustion in a municipal solid waste  
11 incinerator.

12 **(11) "MUNICIPALITY" MEANS A CITY, VILLAGE, OR TOWNSHIP.**

13 **(12) —(9)—** "Perpetual care fund" means a perpetual care fund  
14 provided for in section 11525.

15 ~~———(10) "Trust fund" means a trust fund held by a trustee which~~  
16 ~~has the authority to act as a trustee and whose trust operations~~  
17 ~~are regulated and examined by a federal or state agency. A trust~~  
18 ~~fund shall comply with section 11523b.~~

19 **(13) "PETE" MEANS THAT TERM AS DEFINED IN SECTION 16101.**

20 Sec. 11505. (1) "Recyclable materials" means source separated  
21 materials, site separated materials, high grade paper, glass,  
22 metal, plastic, aluminum, newspaper, corrugated paper, yard  
23 clippings, and other materials that may be recycled or composted.

24 **(2) "RECYCLING FUND" MEANS THE RECYCLING AND WASTE DIVERSION**  
25 **FUND CREATED IN SECTION 11532B.**

26 **(3) —(2)—** "Regional solid waste management planning agency"  
27 means the regional solid waste planning agency designated by the

1 governor pursuant to ~~section 4006 of subtitle D of the solid waste~~  
2 ~~disposal act, title II of Public Law 89-272, 42 U.S.C. 42 USC~~  
3 6946.

4 (4) ~~-(3)-~~ "Resource recovery facility" means machinery,  
5 equipment, structures, or any parts or accessories of machinery,  
6 equipment, or structures, installed or acquired for the primary  
7 purpose of recovering materials or energy from the waste stream.

8 (5) ~~-(4)-~~ "Response activity" means an activity that is  
9 necessary to protect the public health, safety, welfare, or the  
10 environment, and includes, but is not limited to, evaluation,  
11 cleanup, removal, containment, isolation, treatment, monitoring,  
12 maintenance, replacement of water supplies, and temporary  
13 relocation of people.

14 (6) ~~-(5)-~~ "Rubbish" means nonputrescible solid waste,  
15 excluding ashes, consisting of both combustible and noncombustible  
16 waste, including paper, cardboard, metal containers, yard  
17 clippings, wood, glass, bedding, crockery, demolished building  
18 materials, or litter of any kind that may be a detriment to the  
19 public health and safety.

20 (7) ~~-(6)-~~ "Salvaging" means the lawful and controlled removal  
21 of reusable materials from solid waste.

22 (8) "SCRAP WOOD" MEANS WOOD OR WOOD PRODUCT THAT IS 1 OR MORE  
23 OF THE FOLLOWING:

24 (A) PLYWOOD, PRESSED BOARD, ORIENTED STRAND BOARD, OR ANY  
25 OTHER WOOD OR WOOD PRODUCT MIXED WITH GLUE OR FILLER.

26 (B) WOOD OR WOOD PRODUCT TREATED WITH CREOSOTE OR  
27 PENTACHLOROPHENOL.

1           (C) ANY OTHER WOOD OR WOOD PRODUCT DESIGNATED AS SCRAP WOOD IN  
2 RULES PROMULGATED BY THE DEPARTMENT.

3           (9) ~~—(7)—~~ "Site separated material" means glass, metal, wood,  
4 paper products, plastics, rubber, textiles, garbage, yard  
5 clippings, or any other material approved by the department that is  
6 separated from solid waste for the purpose of conversion into raw  
7 materials or new products. Site separated material does not include  
8 the residue remaining after glass, metal, wood, paper products,  
9 plastics, rubber, textiles, or any other material approved by the  
10 department is separated from solid waste.

11           (10) ~~—(8)—~~ "Slag" means the nonmetallic product resulting from  
12 melting or smelting operations for iron or steel.

13           Sec. 11506. (1) "Solid waste" means garbage, rubbish, ashes,  
14 incinerator ash, incinerator residue, street cleanings, municipal  
15 and industrial sludges, solid commercial and solid industrial  
16 waste, and animal waste other than organic waste generated in the  
17 production of livestock and poultry. Solid waste does not include  
18 the following:

19           (a) Human body waste.

20           (b) Medical waste. ~~as it is defined in part 138 of the public~~  
21 ~~health code, 1978 PA 368, MCL 333.13801 to 333.13831, and regulated~~  
22 ~~under that part and part 55.~~

23           (c) Organic waste generated in the production of livestock and  
24 poultry.

25           (d) Liquid waste.

26           (e) Ferrous or nonferrous scrap directed to a scrap metal  
27 processor or to a reuser of ferrous or nonferrous products.

1 (f) Slag or slag products directed to a slag processor or to a  
2 reuser of slag or slag products.

3 (g) Sludges and ashes managed as recycled, or nondetrimental  
4 materials appropriate for agricultural or silvicultural use  
5 pursuant to a plan approved by the department. Food processing  
6 residuals; wood ashes resulting solely from a source that burns  
7 only wood that is untreated and inert; lime from kraft pulping  
8 processes generated prior to bleaching; or aquatic plants may be  
9 applied on, or composted and applied on, farmland or forestland for  
10 an agricultural or silvicultural purpose, or used as animal feed,  
11 as appropriate, and such an application or use does not require a  
12 plan described in this subdivision or a permit or license under  
13 this part. In addition, source separated materials approved by the  
14 department for land application for agricultural and silvicultural  
15 purposes and compost produced from those materials may be applied  
16 to the land for agricultural and silvicultural purposes and such an  
17 application does not require a plan described in this subdivision  
18 or permit or license under this part. Land application authorized  
19 under this subdivision for an agricultural or silvicultural  
20 purpose, or use as animal feed, as provided for in this subdivision  
21 shall occur in a manner that prevents losses from runoff and  
22 leaching, and if applied to land, the land application shall be at  
23 an agronomic rate consistent with generally accepted agricultural  
24 and management practices under the Michigan right to farm act, 1981  
25 PA 93, MCL 286.471 to 286.474.

26 (h) Materials approved for emergency disposal by the  
27 department.

1 (i) Source separated materials.

2 (j) Site separated material.

3 (k) Fly ash or any other ash produced from the combustion of  
4 coal, when used in the following instances:

5 (i) With a maximum of 6% of unburned carbon as a component of  
6 concrete, grout, mortar, or casting molds.

7 (ii) With a maximum of 12% unburned carbon passing M.D.O.T.  
8 test method MTM 101 when used as a raw material in asphalt for road  
9 construction.

10 (iii) As aggregate, road, or building material which in ultimate  
11 use will be stabilized or bonded by cement, limes, or asphalt.

12 (iv) As a road base or construction fill that is covered with  
13 asphalt, concrete, or other material approved by the department and  
14 which is placed at least 4 feet above the seasonal groundwater  
15 table.

16 (v) As the sole material in a depository designed to reclaim,  
17 develop, or otherwise enhance land, subject to the approval of the  
18 department. In evaluating the site, the department shall consider  
19 the physical and chemical properties of the ash including  
20 leachability, and the engineering of the depository, including, but  
21 not limited to, the compaction, control of surface water and  
22 groundwater that may threaten to infiltrate the site, and evidence  
23 that the depository is designed to prevent water percolation  
24 through the material.

25 (l) Other wastes regulated by statute.

26 (2) "Solid waste hauler" means a person who owns or operates a  
27 solid waste transporting unit.

1           (3) "Solid waste processing plant" means a tract of land,  
2 building, unit, or appurtenance of a building or unit or a  
3 combination of land, buildings, and units that is used or intended  
4 for use for the processing of solid waste or the separation of  
5 material for salvage or disposal, or both, but does not include a  
6 plant engaged primarily in the acquisition, processing, and  
7 shipment of ferrous or nonferrous metal scrap, or a plant engaged  
8 primarily in the acquisition, processing, and shipment of slag or  
9 slag products.

10           (4) "Solid waste transporting unit" means a container that may  
11 be an integral part of a truck or other piece of equipment used for  
12 the transportation of solid waste.

13           (5) "Solid waste transfer facility" means a tract of land, a  
14 building and any appurtenances, or a container, or any combination  
15 of land, buildings, or containers that is used or intended for use  
16 in the rehandling or storage of solid waste incidental to the  
17 transportation of the solid waste, but is not located at the site  
18 of generation or the site of disposal of the solid waste.

19           (6) "Source separated material" means glass, metal, wood,  
20 paper products, plastics, rubber, textiles, garbage, yard  
21 clippings, or any other material approved by the department that is  
22 separated at the source of generation for the purpose of conversion  
23 into raw materials or new products including, but not limited to,  
24 compost.

25           **(7) "TREATED WOOD" MEANS WOOD OR WOOD PRODUCT THAT HAS BEEN**  
26 **TREATED WITH 1 OR MORE OF THE FOLLOWING:**

27           **(A) CHROMATED COPPER ARSENATE (CCA).**

1 (B) AMMONIACAL COPPER QUAT (ACQ).

2 (C) AMMONIACAL COPPER ZINC ARSENATE (ACZA).

3 (D) ANY OTHER CHEMICAL DESIGNATED IN RULES PROMULGATED BY THE  
4 DEPARTMENT.

5 (8) "TRUST FUND" MEANS A TRUST FUND HELD BY A TRUSTEE WHO HAS  
6 THE AUTHORITY TO ACT AS A TRUSTEE AND WHOSE TRUST OPERATIONS ARE  
7 REGULATED AND EXAMINED BY A FEDERAL OR STATE AGENCY. A TRUST FUND  
8 SHALL COMPLY WITH SECTION 11523B.

9 (9) "WOOD" MEANS TREES, BRANCHES, BARK, LUMBER, PALLETS, WOOD  
10 CHIPS, SAWDUST, OR OTHER WOOD OR WOOD PRODUCT BUT DOES NOT INCLUDE  
11 SCRAP WOOD, TREATED WOOD, PAINTED WOOD OR PAINTED WOOD PRODUCT, OR  
12 ANY WOOD OR WOOD PRODUCT THAT HAS BEEN CONTAMINATED DURING  
13 MANUFACTURE OR USE.

14 (10) ~~-(7)-~~ "Yard clippings" means leaves, grass clippings,  
15 vegetable or other garden debris, shrubbery, or brush or tree  
16 trimmings, less than 4 feet in length and 2 inches in diameter,  
17 that can be converted to compost humus. Yard clippings do not  
18 include stumps, agricultural wastes, animal waste, roots, sewage  
19 sludge, or garbage.

20 SEC. 11532A. (1) BEGINNING JANUARY 1, 2007, A RECYCLING AND  
21 WASTE DIVERSION SURCHARGE OF \$7.50 IS ASSESSED ON EACH TON OF SOLID  
22 WASTE THAT IS DISPOSED OF IN A LANDFILL OR A MUNICIPAL SOLID WASTE  
23 INCINERATOR. HOWEVER, A SURCHARGE SHALL NOT BE ASSESSED ON  
24 MUNICIPAL SOLID WASTE INCINERATOR ASH DISPOSED OF IN A LANDFILL IF  
25 A SURCHARGE WAS ASSESSED ON THE MUNICIPAL SOLID WASTE THAT WAS  
26 INCINERATED TO PRODUCE THE ASH.

27 (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 AND WASTE DIVERSION FUND CREATED IN SECTION 11532B.

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 AND WASTE DIVERSION FUND.  
19 THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE RECYCLING  
20 AND WASTE DIVERSION FUND. THE STATE TREASURER SHALL CREDIT TO THE  
21 RECYCLING AND WASTE DIVERSION FUND INTEREST AND EARNINGS FROM  
22 RECYCLING AND WASTE DIVERSION FUND INVESTMENTS.

23 SEC. 11532C. (1) THE RECYCLING MARKET DEVELOPMENT FUND IS  
24 CREATED WITHIN THE STATE TREASURY.

25 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM  
26 ANY SOURCE FOR DEPOSIT INTO THE DEVELOPMENT FUND. THE STATE  
27 TREASURER SHALL DIRECT THE INVESTMENT OF THE DEVELOPMENT FUND. THE



1 STATE TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM  
2 DEVELOPMENT FUND INVESTMENTS.

3 (3) MONEY IN THE DEVELOPMENT FUND AT THE CLOSE OF THE FISCAL  
4 YEAR SHALL REMAIN IN THE DEVELOPMENT FUND, EXCEPT AS PROVIDED IN  
5 SUBSECTION (5), AND SHALL NOT LAPSE TO THE GENERAL FUND.

6 (4) IF THE DEVELOPMENT FUND ACCUMULATES, AT ANY TIME BEFORE  
7 OCTOBER 1, 2009, \$1,000,000.00, THE DEPARTMENT SHALL EXPEND MONEY  
8 FROM THE DEVELOPMENT FUND, UPON APPROPRIATION, FOR GRANTS OR OTHER  
9 INCENTIVES TO PRIVATE OR PUBLIC ENTITIES TO EXPAND MARKETS FOR  
10 RECYCLED MATERIALS IN THIS STATE.

11 (5) IF THE DEVELOPMENT FUND DOES NOT ACCUMULATE, AT ANY TIME  
12 BEFORE OCTOBER 1, 2009, \$1,000,000.00, THEN AT THE END OF EACH  
13 STATE FISCAL YEAR BEGINNING WITH THE STATE FISCAL YEAR THAT BEGINS  
14 OCTOBER 1, 2009, THE BALANCE IN THE DEVELOPMENT FUND SHALL BE  
15 TRANSFERRED TO THE RECYCLING FUND TO BE USED TO AUGMENT  
16 DISTRIBUTIONS UNDER SECTION 11532D(1)(A)(ii).

17 SEC. 11532D. (1) EACH STATE FISCAL YEAR, MONEY APPROPRIATED  
18 FROM THE RECYCLING FUND SHALL BE DISTRIBUTED AS FOLLOWS:

19 (A) THE FIRST \$53,000,000.00 APPROPRIATED FROM THE RECYCLING  
20 FUND SHALL BE DISTRIBUTED AS FOLLOWS:

21 (i) SUBJECT TO SECTION 11532C(5), \$15,000.00 TO EACH COUNTY TO  
22 BE USED TO OFFSET THE COST OF MEETING REPORTING REQUIREMENTS UNDER  
23 SECTION 11532G.

24 (ii) THE REMAINING MONEY TO MUNICIPALITIES ON A PER CAPITA  
25 BASIS, SUBJECT TO AND TO BE USED FOR THE PURPOSES DESCRIBED IN  
26 SECTION 11532E.

27 (B) THE NEXT \$2,000,000.00 APPROPRIATED FROM THE RECYCLING

1 FUND SHALL BE DISTRIBUTED TO THE DEPARTMENT FOR ALL OF THE  
2 FOLLOWING PURPOSES:

3 (i) TO PROVIDE RECYCLING TECHNICAL ASSISTANCE, INCLUDING, BUT  
4 NOT LIMITED TO, GATHERING AND DISSEMINATING INFORMATION USEFUL IN  
5 THE DEVELOPMENT OF MARKET DEMAND FOR RECYCLED MATERIALS.

6 (ii) FOR THE ADMINISTRATION OF THE RECYCLING FUND AND SECTIONS  
7 11532A TO 11532H.

8 (iii) TO FUND FULL-TIME EQUATED POSITIONS, IN ADDITION TO THOSE  
9 FUNDED BY FEES AND SURCHARGES UNDER SECTION 11525A, TO CONDUCT  
10 INSPECTIONS, CARRY OUT THE DEPARTMENT'S RESPONSIBILITIES WITH  
11 RESPECT TO COUNTY SOLID WASTE MANAGEMENT PLANNING, AND OTHERWISE  
12 ADMINISTER AND ENFORCE THIS PART.

13 (C) THE NEXT \$1,500,000.00 APPROPRIATED FROM THE RECYCLING  
14 FUND SHALL BE DISTRIBUTED TO COUNTIES THROUGH AND FOR THE PURPOSES  
15 OF THE GRANT PROGRAM PROVIDED FOR IN SECTION 11547.

16 (D) THROUGH THE STATE FISCAL YEAR ENDING SEPTEMBER 30, 2011,  
17 THE NEXT \$8,000,000.00 APPROPRIATED FROM THE RECYCLING FUND SHALL  
18 BE DISTRIBUTED ON A PER CAPITA BASIS TO MUNICIPALITIES THAT, SINCE  
19 SEPTEMBER 30, 2006, HAVE DIRECTLY PROVIDED CURBSIDE RECYCLING  
20 SERVICE, OR HAVE PAID A CONTRACTOR TO PROVIDE SUCH SERVICE FREE OF  
21 CHARGE, AT LEAST EVERY OTHER WEEK FOR HOUSEHOLDS IN THAT  
22 MUNICIPALITY TO WHICH CURBSIDE RECYCLING SERVICE IS AVAILABLE.

23 (E) THROUGH THE STATE FISCAL YEAR ENDING SEPTEMBER 30, 2011,  
24 AFTER THE DISTRIBUTIONS UNDER SUBDIVISIONS (A) TO (D), MONEY  
25 APPROPRIATED FROM THE RECYCLING FUND SHALL BE DISTRIBUTED TO LOCAL  
26 UNITS OF GOVERNMENT THAT DIRECTLY PROVIDE DROP-OFF RECYCLING  
27 SERVICE, OR PAY A CONTRACTOR TO PROVIDE SUCH SERVICE FREE OF

1 CHARGE. THE AMOUNT DISTRIBUTED SHALL BE \$5,000.00 PER DROP-OFF  
2 POINT MAINTAINED SINCE SEPTEMBER 30, 2006.

3 (F) AFTER DISTRIBUTIONS UNDER SUBDIVISIONS (A) TO (C) AND, IF  
4 APPLICABLE, (D) AND (E), ANY REMAINING MONEY APPROPRIATED FROM THE  
5 RECYCLING FUND SHALL BE DISTRIBUTED AS FOLLOWS:

6 (i) 85% TO MUNICIPALITIES, ON A PER CAPITA BASIS.

7 (ii) 15% TO COUNTIES, ON A PER CAPITA BASIS.

8 (2) MONEY DISTRIBUTED UNDER SUBSECTION (1)(D), (E), OR (F)  
9 SHALL BE USED TO PROMOTE THE HEALTH, SAFETY, OR WELFARE OF THE  
10 CITIZENS OF THE RESPECTIVE LOCAL UNIT OF GOVERNMENT.

11 (3) FUNDING PROVIDED TO LOCAL UNITS OF GOVERNMENT UNDER THIS  
12 SECTION IS INTENDED TO BE IN ADDITION TO, AND NOT A SUBSTITUTE FOR,  
13 REVENUE SHARING OR OTHER STATUTORY OR CONSTITUTIONAL FUNDING  
14 OBLIGATIONS OF THIS STATE TO LOCAL UNITS OF GOVERNMENT.

15 SEC. 11532E. (1) TO QUALIFY FOR A DISTRIBUTION UNDER SECTION  
16 11532D(1)(A)(ii) DURING A STATE FISCAL YEAR, A MUNICIPALITY SHALL  
17 MEET ALL OF THE FOLLOWING REQUIREMENTS, AS APPLICABLE:

18 (A) BY THE END OF THE PRECEDING STATE FISCAL YEAR, THE  
19 MUNICIPALITY HAD A BENCHMARK RECYCLING PROGRAM. THIS SUBDIVISION  
20 APPLIES BEGINNING OCTOBER 1, 2008 OR, FOR A MUNICIPALITY WITH A  
21 POPULATION OF 124,000 OR MORE, BEGINNING OCTOBER 1, 2009.

22 (B) THE MUNICIPALITY SUBMITS TO THE DEPARTMENT ON A FORM  
23 PROVIDED BY THE DEPARTMENT AN AGREEMENT TO USE THE DISTRIBUTION TO  
24 OFFSET THE COSTS OF A RECYCLING PROGRAM, WHICH MAY INCLUDE PLANNING  
25 COSTS.

26 (C) IF THE MUNICIPALITY RECEIVED A DISTRIBUTION UNDER SECTION  
27 11532D(1)(A)(ii) IN THE PRECEDING STATE FISCAL YEAR, THE

1 MUNICIPALITY, BY NOVEMBER 15 OF THE CURRENT STATE FISCAL YEAR,  
2 SUBMITS TO THE COUNTY INFORMATION NECESSARY FOR THE PREPARATION OF  
3 THE COUNTY WASTE DIVERSION REPORT UNDER SECTION 11532G.

4 (2) A MUNICIPALITY THAT RECEIVES MONEY UNDER SECTION  
5 11532D(1)(A)(ii) SHALL DO 1 OR MORE OF THE FOLLOWING WITH THE MONEY:

6 (A) POOL THE MONEY WITH OR TRANSFER IT TO OTHER LOCAL UNITS OR  
7 AN AUTHORITY ESTABLISHED UNDER 1947 PA 179, MCL 123.301 TO 123.311,  
8 OR 1955 PA 233, MCL 124.281 TO 124.294, FOR MULTI JURISDICTIONAL  
9 RECYCLING PROGRAMS CONSISTENT WITH THE REQUIREMENTS OF THIS  
10 SECTION.

11 (B) USE THE MONEY TO CONDUCT OR TO PAY CONTRACTORS TO CONDUCT  
12 RECYCLING PROGRAMS CONSISTENT WITH THE REQUIREMENTS OF THIS  
13 SECTION.

14 (3) IF A MUNICIPALITY DOES NOT QUALIFY FOR A DISTRIBUTION OR  
15 PORTION OF A DISTRIBUTION UNDER SECTION 11532D(1)(A)(ii), THE MONEY  
16 THAT WOULD OTHERWISE HAVE BEEN DISTRIBUTED TO THE MUNICIPALITY  
17 SHALL BE DISTRIBUTED AS FOLLOWS:

18 (A) TO THE COUNTY, SUBJECT TO SECTION 11532G. TO QUALIFY FOR A  
19 DISTRIBUTION UNDER THIS SUBDIVISION, THE COUNTY SHALL SUBMIT TO THE  
20 DEPARTMENT ON A FORM PROVIDED BY THE DEPARTMENT AN AGREEMENT TO USE  
21 THE MONEY ANYWHERE IN THE COUNTY FOR THE PURPOSES FOR WHICH IT  
22 WOULD HAVE BEEN REQUIRED TO HAVE BEEN USED BY THE MUNICIPALITY.

23 (B) IF THE COUNTY DOES NOT QUALIFY FOR A DISTRIBUTION UNDER  
24 SUBDIVISION (A), TO THE DEVELOPMENT FUND.

25 SEC. 11532F. A BENCHMARK RECYCLING PROGRAM IS A RECYCLING AND  
26 WASTE DIVERSION PROGRAM THAT MEETS ALL OF THE FOLLOWING  
27 REQUIREMENTS, AS APPLICABLE:

1           (A) FOR A MUNICIPALITY WITH A POPULATION GREATER THAN 10,000  
2 OR A POPULATION DENSITY GREATER THAN 300 PER SQUARE MILE, THE  
3 RECYCLING PROGRAM USES TRUCKS AND RELATED EQUIPMENT TO COLLECT  
4 RECYCLABLE MATERIALS FROM THE CURBSIDE OR SIMILAR LOCATIONS AT  
5 LEAST EVERY OTHER WEEK FROM EACH HOUSEHOLD IN THE MUNICIPALITY,  
6 OTHER THAN HOUSEHOLDS IN MULTIFAMILY DWELLINGS OF 5 OR MORE  
7 DWELLING UNITS. THE MATERIAL COLLECTED IN THIS MANNER SHALL  
8 INCLUDE AT LEAST 5 OF THE FOLLOWING ITEMS:

9           (i) CLEAR GLASS.

10          (ii) COLORED GLASS.

11          (iii) ALUMINUM, STEEL, AND BIMETALLIC CANS.

12          (iv) MIXED RESIDENTIAL PAPER.

13          (v) NEWSPRINT.

14          (vi) CORRUGATED CARDBOARD.

15          (vii) MAGAZINES.

16          (viii) BOXBOARD.

17          (ix) HDPE AND PETE.

18           (B) FOR A MUNICIPALITY WITH A POPULATION OF 10,000 OR LESS AND  
19 A POPULATION DENSITY OF 300 OR LESS PER SQUARE MILE, 1 OF THE  
20 FOLLOWING APPLIES:

21           (i) THE RECYCLING PROGRAM MEETS THE REQUIREMENTS OF SUBDIVISION  
22 (A).

23           (ii) THE RECYCLING PROGRAM DOES NOT MEET AND HAS NOT MET THE  
24 REQUIREMENTS OF SUBDIVISION (A) BUT INCLUDES AN EASILY ACCESSIBLE  
25 DROP-OFF COLLECTION POINT AVAILABLE TO CITIZENS NOT LESS THAN 8  
26 HOURS PER WEEK.

27           (C) BY ORDINANCE, THE MUNICIPALITY REQUIRES PERSONS GENERATING

1 YARD CLIPPINGS AND OTHER ITEMS PROHIBITED FROM DISPOSAL IN A  
2 LANDFILL UNDER SECTION 11514 TO SEPARATE THOSE ITEMS FROM OTHER  
3 SOLID WASTE FOR SEPARATE COLLECTION, COMPOSTING, OR OTHER PROPER  
4 MANAGEMENT.

5 (D) THE MUNICIPALITY CONDUCTS A COMPREHENSIVE AND SUSTAINED  
6 PUBLIC INFORMATION AND EDUCATION PROGRAM CONCERNING RECYCLING  
7 PROGRAM FEATURES AND REQUIREMENTS. AS PART OF THIS PROGRAM, THE  
8 MUNICIPALITY SHALL, AT LEAST 30 DAYS PRIOR TO THE INITIATION OF THE  
9 RECYCLING PROGRAM AND AT LEAST ANNUALLY THEREAFTER, NOTIFY ALL  
10 PERSONS OCCUPYING RESIDENTIAL, COMMERCIAL, INSTITUTIONAL, AND  
11 MUNICIPAL PREMISES IN THE MUNICIPALITY OF THE OPPORTUNITIES FOR  
12 RECYCLING IN THAT MUNICIPALITY AND THE REQUIREMENTS FOR SEPARATION  
13 AND PROPER MANAGEMENT OF YARD CLIPPINGS AND OTHER ITEMS PROHIBITED  
14 FROM DISPOSAL IN A LANDFILL.

15 (E) THE MUNICIPALITY ADEQUATELY DOCUMENTS ITS RECYCLING AND  
16 WASTE DIVERSION PROGRAM, INCLUDING SUBMISSION OF THE INFORMATION  
17 NECESSARY FOR THE COUNTY RECYCLING AND WASTE DIVERSION REPORTS TO  
18 MEET THE REQUIREMENTS OF SECTION 11532G.

19 SEC. 11532G. BY DECEMBER 31 OF EACH YEAR, EACH COUNTY SHALL  
20 SUBMIT TO THE DEPARTMENT A RECYCLING AND WASTE DIVERSION REPORT.  
21 THE REPORT SHALL BE SUBMITTED IN THE MANNER AND SHALL CONTAIN THE  
22 INFORMATION REQUIRED BY THE DEPARTMENT DESCRIBING PROGRESS IN  
23 RECYCLING AND WASTE DIVERSION DURING THE PREVIOUS STATE FISCAL  
24 YEAR. IN REPORTING PROGRESS, THE COUNTY SHALL USE A STANDARD  
25 METHODOLOGY FOR MEASURING RECYCLING RATES CONSISTENT WITH THE  
26 METHODOLOGY USED BY THE UNITED STATES ENVIRONMENTAL PROTECTION  
27 AGENCY AS SPECIFIED BY THE DEPARTMENT. A COUNTY THAT FAILS TO

1 SUBMIT A COMPLETE RECYCLING AND WASTE DIVERSION REPORT TO THE  
2 DEPARTMENT AS PROVIDED IN THIS SECTION DOES NOT QUALIFY FOR A  
3 DISTRIBUTION UNDER SECTION 11532D(1)(A)(i) OR (F)(ii) OR SECTION  
4 11532E(3)(A) UNTIL THE COMPLETE WASTE DIVERSION REPORT IS  
5 SUBMITTED.

6 SEC. 11532H. (1) THE RECYCLING ADVISORY COUNCIL IS CREATED  
7 WITHIN THE DEPARTMENT.

8 (2) THE COUNCIL SHALL CONSIST OF THE DIRECTOR OR HIS OR HER  
9 DESIGNEE AND ALL OF THE FOLLOWING MEMBERS APPOINTED BY THE  
10 GOVERNOR:

11 (A) A REPRESENTATIVE OF AN ORGANIZATION OF TOWNSHIPS.

12 (B) A REPRESENTATIVE OF AN ORGANIZATION OF CITIES AND  
13 VILLAGES.

14 (C) A REPRESENTATIVE OF AN ORGANIZATION OF COUNTIES.

15 (D) A REPRESENTATIVE OF A CONSERVATION OR ENVIRONMENTAL  
16 ORGANIZATION.

17 (E) A REPRESENTATIVE OF A BUSINESS THAT UTILIZES RECYCLED  
18 GLASS.

19 (F) A REPRESENTATIVE OF A BUSINESS THAT UTILIZES RECYCLED  
20 PLASTICS.

21 (G) A REPRESENTATIVE OF A BUSINESS THAT UTILIZES RECYCLED  
22 PAPER.

23 (H) A REPRESENTATIVE OF A RECYCLING PROCESSING FACILITY.

24 (I) A REPRESENTATIVE OF AN ORGANIZATION REPRESENTING BEVERAGE  
25 BOTTLERS, WHOLESALERS, AND RETAILERS.

26 (J) A REPRESENTATIVE OF A PUBLIC LANDFILL OPERATOR.

27 (K) A REPRESENTATIVE OF A PRIVATE LANDFILL OPERATOR.

1           (l) AN OFFICER OR EMPLOYEE OF A LOCAL UNIT OF GOVERNMENT  
2 RESPONSIBLE FOR RECYCLING IN THAT LOCAL UNIT.

3           (m) A REPRESENTATIVE OF A PRIVATE COMPANY THAT PROVIDES  
4 CURBSIDE RECYCLING OR DROP-OFF COLLECTION POINT SERVICE TO THE  
5 PUBLIC.

6           (n) A REPRESENTATIVE OF THE GENERAL PUBLIC.

7           (3) THE MEMBERS FIRST APPOINTED TO THE COUNCIL SHALL BE  
8 APPOINTED BY APRIL 1, 2009.

9           (4) MEMBERS OF THE COUNCIL SHALL SERVE FOR THE LIFE OF THE  
10 COUNCIL.

11          (5) IF A VACANCY OCCURS ON THE COUNCIL, THE GOVERNOR SHALL  
12 MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER AS  
13 THE ORIGINAL APPOINTMENT.

14          (6) THE GOVERNOR MAY REMOVE A MEMBER OF THE COUNCIL FOR  
15 INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR  
16 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

17          (7) THE FIRST MEETING OF THE COUNCIL SHALL BE CALLED BY THE  
18 DIRECTOR. AT THE FIRST MEETING, THE COUNCIL SHALL ELECT FROM AMONG  
19 ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS  
20 NECESSARY OR APPROPRIATE. AFTER THE FIRST MEETING, THE COUNCIL  
21 SHALL MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF  
22 THE CHAIRPERSON OR IF REQUESTED BY 3 OR MORE MEMBERS.

23          (8) A MAJORITY OF THE MEMBERS OF THE COUNCIL CONSTITUTE A  
24 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE COUNCIL.  
25 THE AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THE COUNCIL IS  
26 REQUIRED FOR OFFICIAL ACTION OF THE COUNCIL.

27          (9) THE BUSINESS THAT THE COUNCIL MAY PERFORM SHALL BE



1 CONDUCTED AT A PUBLIC MEETING OF THE COUNCIL HELD IN COMPLIANCE  
2 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

3 (10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR  
4 RETAINED BY THE COUNCIL IN THE PERFORMANCE OF AN OFFICIAL FUNCTION  
5 IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL  
6 15.231 TO 15.246.

7 (11) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION.  
8 THE DIRECTOR OR HIS OR HER DESIGNEE ON THE COUNCIL SHALL SERVE  
9 WITHOUT ADDITIONAL COMPENSATION. HOWEVER, MEMBERS OF THE COUNCIL  
10 MAY BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED  
11 IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE  
12 COUNCIL.

13 (12) BY APRIL 1, 2010, THE COUNCIL SHALL SUBMIT TO THE  
14 GOVERNOR AND THE LEGISLATURE A REPORT ON ITS RECOMMENDATIONS ON  
15 EXPANDING AND IMPROVING THE EFFICIENCY OF RECYCLING IN THIS STATE.  
16 THE REPORT SHALL INCLUDE RECOMMENDATIONS ON ALL OF THE FOLLOWING:

17 (A) ANY CHANGES IN THE DISTRIBUTION FORMULA UNDER SECTION  
18 11532D(1)(A), (D), AND (E) TO TAKE EFFECT AFTER SEPTEMBER 30, 2011.

19 (B) WHETHER AND TO WHAT EXTENT THE RECYCLING FUND AND THE  
20 DEVELOPMENT FUND SHOULD BE USED TO EXPAND MARKETS FOR RECYCLED  
21 MATERIALS.

22 (C) ANY CHANGES IN THE STANDARDS FOR A BENCHMARK RECYCLING  
23 PROGRAM TO TAKE EFFECT AFTER SEPTEMBER 30, 2011 INCLUDING, BUT NOT  
24 LIMITED TO, RECOMMENDATIONS CONCERNING THE FOLLOWING POTENTIAL  
25 CHANGES:

26 (i) INCREASING THE NUMBER OF MATERIALS THAT MUST BE COLLECTED.

27 (ii) REQUIRING THE COLLECTION OF HOUSEHOLD HAZARDOUS WASTE.

1           (iii) REQUIRING A COLLECTION PROGRAM FOR COMMERCIAL GENERATORS  
2 OF RECYCLABLE SOLID WASTE.

3           (iv) REQUIRING A CURBSIDE RECYCLING PROGRAM DESCRIBED IN  
4 SECTION 11532F(A) TO PROVIDE SERVICE TO HOUSEHOLDS IN MULTIFAMILY  
5 DWELLINGS OF 5 OR MORE DWELLING UNITS.

6           (13) THIS SECTION IS REPEALED EFFECTIVE JANUARY 1, 2011.

7           Enacting section 1. (1) This amendatory act does not take  
8 effect unless approved by a majority of the electors of this state  
9 voting on the question at the general election to be held November  
10 7, 2006. This amendatory act shall be submitted to the qualified  
11 electors of this state at that election as provided by the Michigan  
12 election law, 1954 PA 116, MCL 168.1 to 168.992.

13           (2) If approved by the electors, this amendatory act takes  
14 effect January 1, 2007.