

SENATE BILL No. 1609

November 6, 2008, Introduced by Senators BASHAM and JACOBS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 175; and to repeal acts
and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 175. PLASTIC BAG RECYCLING

SEC. 17501. AS USED IN THIS PART:

(A) "CONSUMER" MEANS ANY PERSON WHO MAKES A PURCHASE AT RETAIL
FOR ANY PURPOSE OTHER THAN RESALE.

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

(C) "PILOT PROGRAM" MEANS THE PROGRAM DESCRIBED IN SECTION
17505.

1 (D) "PLASTIC BAG" MEANS ANY PLASTIC, LATEX, OR POLYPROPYLENE
2 BAG.

3 (E) "RETAILER" MEANS A PERSON ENGAGED IN THE BUSINESS OF
4 MAKING SALES AT RETAIL THAT OWNS OR CONTROLS MORE THAN 10,000
5 SQUARE FEET OF RETAIL SPACE IN THE MOST POPULOUS COUNTY IN THIS
6 STATE.

7 (F) "TASK FORCE" MEANS THE PLASTIC BAG RECYCLING TASK FORCE
8 CREATED IN SECTION 17503.

9 SEC. 17503. (1) THE PLASTIC BAG RECYCLING TASK FORCE IS
10 CREATED.

11 (2) THE TASK FORCE SHALL CONSIST OF THE FOLLOWING MEMBERS,
12 APPOINTED BY THE GOVERNOR:

13 (A) ONE INDIVIDUAL REPRESENTING GROCERS.

14 (B) ONE INDIVIDUAL REPRESENTING DEPARTMENT STORES OR HOME
15 IMPROVEMENT STORES.

16 (C) ONE INDIVIDUAL REPRESENTING SMALL RETAIL BUSINESSES.

17 (D) ONE INDIVIDUAL REPRESENTING A STATEWIDE ENVIRONMENTAL
18 ORGANIZATION.

19 (E) ONE INDIVIDUAL REPRESENTING BUSINESSES ENGAGED IN THE
20 RECYCLING OF PLASTICS.

21 (F) ONE INDIVIDUAL REPRESENTING SOLID WASTE DISPOSAL
22 FACILITIES.

23 (G) ONE INDIVIDUAL REPRESENTING THE DEPARTMENT.

24 (H) ONE INDIVIDUAL REPRESENTING THE DEPARTMENT OF TREASURY.

25 (3) THE MEMBERS FIRST APPOINTED TO THE TASK FORCE SHALL BE
26 APPOINTED WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

27 (4) MEMBERS OF THE TASK FORCE SHALL SERVE FOR THE LIFE OF THE

1 TASK FORCE.

2 (5) IF A VACANCY OCCURS ON THE TASK FORCE, THE VACANCY SHALL
3 BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

4 (6) THE GOVERNOR MAY REMOVE A MEMBER OF THE TASK FORCE FOR
5 INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR
6 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

7 (7) THE FIRST MEETING OF THE TASK FORCE SHALL BE CALLED BY THE
8 MEMBER OF THE TASK FORCE REPRESENTING THE DEPARTMENT. AT THE FIRST
9 MEETING, THE TASK FORCE SHALL ELECT FROM AMONG ITS MEMBERS A
10 CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS NECESSARY OR
11 APPROPRIATE. AFTER THE FIRST MEETING, THE TASK FORCE SHALL MEET AT
12 LEAST BIENIALLY, OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON
13 OR IF REQUESTED BY 2 OR MORE MEMBERS.

14 (8) A MAJORITY OF THE MEMBERS OF THE TASK FORCE CONSTITUTE A
15 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE TASK
16 FORCE. A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE REQUIRED
17 FOR OFFICIAL ACTION OF THE TASK FORCE.

18 (9) THE BUSINESS THAT THE TASK FORCE MAY PERFORM SHALL BE
19 CONDUCTED AT A PUBLIC MEETING OF THE TASK FORCE HELD IN COMPLIANCE
20 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

21 (10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
22 RETAINED BY THE TASK FORCE IN THE PERFORMANCE OF AN OFFICIAL
23 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
24 MCL 15.231 TO 15.246.

25 (11) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT
26 COMPENSATION. HOWEVER, MEMBERS OF THE TASK FORCE MAY BE REIMBURSED
27 FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE

1 OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE TASK FORCE.

2 SEC. 17505. (1) WITHIN 90 DAYS AFTER THE FIRST MEETING OF THE
3 TASK FORCE, THE TASK FORCE SHALL ISSUE PROCEDURES AND GUIDELINES
4 IMPLEMENTING A VOLUNTARY PLASTIC BAG RECYCLING PILOT PROGRAM IN THE
5 MOST POPULOUS COUNTY IN THIS STATE. THE DEPARTMENT SHALL ADMINISTER
6 THE PILOT PROGRAM UNDER THE PROCEDURES AND GUIDELINES ADOPTED BY
7 THE TASK FORCE.

8 (2) TO PARTICIPATE IN THE VOLUNTARY PILOT PROGRAM, A RETAILER
9 THAT DISTRIBUTES PLASTIC BAGS TO CONSUMERS FREE OF CHARGE TO STORE
10 OR TRANSPORT GOODS PURCHASED BY THE CONSUMERS AT RETAIL SHALL DO
11 ALL OF THE FOLLOWING:

12 (A) IMPLEMENT A PLASTIC BAG COLLECTION PROGRAM THAT
13 FACILITATES THE RETURN AND RECYCLING OF PLASTIC BAGS DISTRIBUTED TO
14 CONSUMERS BY THAT RETAILER.

15 (B) PROVIDE A CLEARLY MARKED RECEPTACLE FOR THE COLLECTION OF
16 PLASTIC BAGS THAT IS IN A CONVENIENT LOCATION FOR THAT RETAILER'S
17 CONSUMERS.

18 (C) ARRANGE FOR THE PICKUP, TRANSPORT, AND RECYCLING OF
19 PLASTIC BAGS DEPOSITED IN THE COLLECTION RECEPTACLES BY CONSUMERS.

20 (3) IN MEETING THE PILOT PROGRAM GUIDELINES, RETAILERS MAY
21 WORK INDIVIDUALLY OR AS PART OF A GROUP.

22 SEC. 17507. ON OR BEFORE MARCH 1, 2011, THE TASK FORCE, IN
23 COLLABORATION WITH THE DEPARTMENT, SHALL SUBMIT TO THE GOVERNOR AND
24 THE STANDING COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES
25 WITH PRIMARY RESPONSIBILITY FOR ENVIRONMENTAL PROTECTION MATTERS A
26 REPORT, DISCUSSING AT LEAST THE FOLLOWING TOPICS:

27 (A) ENROLLMENT IN THE PILOT PROGRAM.

1 (B) BENEFITS AND COSTS OF THE PILOT PROGRAM TO THE
2 ENVIRONMENT, RETAILERS, AND RESIDENTS OF THE MOST POPULOUS COUNTY
3 IN THIS STATE.

4 (C) ANY UNFORESEEN TRANSPORTATION ISSUES, LIABILITY, OR COSTS
5 FOR PARTICIPANTS IN THE PILOT PROGRAM.

6 SEC. 17509. THIS PART IS REPEALED EFFECTIVE JUNE 1, 2011.