

**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.