

**SUBSTITUTE FOR
HOUSE BILL NO. 5423**

A bill to amend 1976 IL 1, entitled

"A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies,"

by amending section 3c (MCL 445.573c), as amended by 1996 PA 384.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3c. (1) ~~There~~ **The bottle deposit fund** is created in the
2 department of treasury. ~~a bottle deposit fund which~~ **The fund** is a
3 revolving fund administered by the department of treasury. The
4 money **deposited** in the bottle deposit fund shall not revert to the



1 general fund.

2 (2) The bottle bill enforcement fund is created in the
3 department of treasury. The fund is a revolving fund administered
4 by the department of treasury. The money deposited in the bottle
5 bill enforcement fund shall not revert to the general fund.

6 (3) ~~(2)~~ The department of treasury shall deposit the amount
7 paid to the department of treasury by underredeemers ~~shall be~~
8 ~~deposited by the department of treasury in~~ into the bottle deposit
9 fund created in subsection (1) for annual disbursement by the
10 department of treasury in the following manner:

11 (a) ~~Seventy-five~~ Fifty percent to the department of
12 environment, Great Lakes, and energy to be disbursed as follows:

13 (i) The first \$25,000,000.00 to the cleanup and redevelopment
14 trust fund created in section 3e.

15 (ii) The first \$5,000,000.00 after the amount described in
16 subparagraph (i) to the renew Michigan fund created in section 51g
17 of the income tax act of 1967, 1967 PA 281, MCL 206.51g, to be used
18 for recycling purposes as described in that section.

19 (iii) Any amount greater than \$30,000,000.00 to the cleanup and
20 redevelopment trust fund created in section 3e.

21 (b) Twenty-five percent to dealers to be apportioned to each
22 dealer on the basis of the number of empty returnable containers
23 handled by a dealer as determined by the department of treasury.

24 (c) Twenty percent to distributors to be apportioned to each
25 distributor on the basis of the number of empty returnable
26 containers handled by the distributor, as determined by the
27 department of treasury.

28 (d) Five percent to the bottle bill enforcement fund created
29 in subsection (2). The department of treasury shall disburse the



1 money deposited into the fund to the department of state police and
 2 county and local law enforcement for use in enforcing this act and
 3 investigating violations of this act. The department of state
 4 police and county and local law enforcement shall apply for the
 5 disbursement of funds and the department of treasury shall disburse
 6 the funds in a manner determined by the department.

7 (4) ~~(3)~~ Not later than June 1 of each year, the department of
 8 treasury shall publish and make available to the public information
 9 related to section 3b(1) and send a report of that information to
 10 the legislature.

11 (5) ~~(4) The~~ If the department of treasury determines that
 12 rules are needed to properly implement and administer sections 3a
 13 to 3d, the department of treasury may promulgate rules to implement
 14 and administer those sections 3a to 3d pursuant to under the
 15 administrative procedures act of 1969, Act No. 306 of the Public
 16 Acts of 1969, being sections 24.201 to 24.328 of the Michigan
 17 Compiled Laws, if the department of treasury determines that rules
 18 are needed to properly implement and administer sections 3a to
 19 3d. 1969 PA 306, MCL 24.201 to 24.328.

20 Enacting section 1. This amendatory act takes effect 90 days
 21 after the date it is enacted into law.

22 Enacting section 2. This amendatory act does not take effect
 23 unless House Bill No. 5422 of the 100th Legislature is enacted into
 24 law.

