

HOUSE BILL NO. 4780

May 04, 2021, Introduced by Reps. Mueller, Fink, Posthumus, Bezotte, Bellino, Martin, Borton, Yaroch, Beson, Lightner, Hertel, Clements, Sneller, Aiyash, Hood, Kahle, Tyrone Carter, Steenland, Liberati, Roth, Garza, Damoose, Lilly, Cherry, Green, Sabo, Tate, Filler, Witwer, Brann, Huizenga, Meerman, Tisdell, Haadsma, Slagh, Weiss, Clemente, Neeley, Stone, Rabhi and Beeler and referred to the Committee on Regulatory Reform.

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

1 department of treasury. ~~a bottle deposit fund which~~ **The fund** is a
2 revolving fund administered by the department of treasury. The
3 money **deposited** in the bottle deposit fund ~~shall~~ **does** not revert to
4 the general fund.

5 (2) **The bottle bill enforcement fund is created in the**
6 **department of treasury. The fund is a revolving fund administered**
7 **by the department of treasury. The money deposited in the bottle**
8 **bill enforcement fund does not revert to the general fund.**

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

14 (a) ~~Seventy-five percent to the cleanup and redevelopment~~
15 ~~trust fund created in section 3e.~~ **The first \$1,000,000.00 to the**
16 **bottle bill enforcement fund created in subsection (2). The**
17 **department of treasury shall disburse the money deposited into the**
18 **bottle bill enforcement fund to the department of state police for**
19 **use in enforcing this act and investigating violations of this act.**
20 **If the bottle bill enforcement fund balance at the end of the**
21 **fiscal year is greater than \$3,000,000.00, deposits in the fund**
22 **required under this subdivision are suspended until the fund**
23 **balance falls below \$2,000,000.00.**

24 (b) **After the disbursement of the first \$1,000,000.00 to the**
25 **bottle bill enforcement fund as described in subdivision (a), the**
26 **remaining amount must be disbursed as follows:**

27 (i) **Seventy-five percent to the cleanup and redevelopment trust**
28 **fund created in section 3e.**

29 (ii) **Twenty-five percent to dealers to be apportioned to each**

1 dealer on the basis of the number of empty returnable containers
2 handled by a dealer as determined by the department of treasury.

3 **(4) Three years after the effective date of the amendatory act**
4 **that added this subsection, the department of state police shall**
5 **report to the legislature on the efficacy of the state police in**
6 **enforcing this act. The report must contain at least the minimum**
7 **number of beverage and deposit containers seized and the deposit**
8 **value in this state of those containers.**

9 **(5) ~~(3)~~**—Not later than June 1 of each year, the department of
10 treasury shall publish and make available to the public information
11 related to **subsection (3) (a) and** section 3b(1) and send a report of
12 that information to the legislature.

13 **(6) ~~(4) The~~** **If the department of treasury determines that**
14 **rules are needed to properly implement and administer sections 3a**
15 **to 3d, the** department of treasury may promulgate rules to implement
16 **and administer those** sections 3a to 3d pursuant to **under** the
17 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
18 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
19 ~~Compiled Laws, if the department of treasury determines that rules~~
20 ~~are needed to properly implement and administer sections 3a to~~
21 ~~3d.~~ **1969 PA 306, MCL 24.201 to 24.328.**

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

24 Enacting section 2. This amendatory act does not take effect
25 unless all of the following bills of the 101st Legislature are
26 enacted into law:

27 (a) Senate Bill No. ____ or House Bill No. 4781 (request no.
28 01243'21).

29 (b) Senate Bill No. ____ or House Bill No. 4783 (request no.

1 01245'21).

2 (c) Senate Bill No. _____ or House Bill No. 4782 (request no.

3 01246'21).