

SENATE BILL No. 788

September 9, 2009, Introduced by Senators JELINEK, VAN WOERKOM, BROWN and RICHARDVILLE and referred to the Committee on Appropriations.

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 is created in the department of treasury a~~
2 ~~bottle deposit fund which is a revolving fund administered by the~~
3 ~~department of treasury. The money in the bottle deposit fund shall~~
4 ~~not revert to the general fund. THE BOTTLE DEPOSIT FUND IS CREATED~~
5 ~~IN THE STATE TREASURY. ALL OF THE FOLLOWING APPLY TO THE BOTTLE~~

1 DEPOSIT FUND:

2 (A) THE FUND IS A REVOLVING FUND ADMINISTERED BY THE
3 DEPARTMENT OF TREASURY.

4 (B) THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE
5 FUND. THE STATE TREASURER SHALL CREDIT TO THE FUND INTEREST AND
6 EARNINGS FROM FUND INVESTMENTS.

7 (C) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
8 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

9 (D) THE DEPARTMENT OF TREASURY IS THE ADMINISTRATOR OF THE
10 FUND FOR AUDITING PURPOSES.

11 (2) ~~The amount paid to the department of treasury by~~
12 ~~underredeemers shall be deposited by the department of treasury~~
13 **SHALL DEPOSIT MONEY PAID BY UNDERREDEEMERS UNDER SECTION 3B** in the
14 bottle deposit fund created in subsection (1). ~~for annual~~
15 ~~disbursement by~~ **SUBJECT TO SUBSECTION (3)**, the department of
16 treasury **SHALL ANNUALLY DISBURSE THE MONEY IN THE FUND** in the
17 following manner:

18 (a) Seventy-five percent to the cleanup and redevelopment
19 trust fund created in section 3e.

20 (b) Twenty-five percent to dealers. ~~to be apportioned to each~~
21 ~~dealer on the basis of~~ **THE DEPARTMENT OF TREASURY SHALL DETERMINE**
22 **THE AMOUNT PAID TO EACH DEALER UNDER THIS SUBDIVISION BASED ON** the
23 number of empty returnable containers handled by ~~a~~ **THAT** dealer, as
24 determined by the department of treasury.

25 (3) **BEGINNING IN THE 2010-2011 STATE FISCAL YEAR, IN ANY STATE**
26 **FISCAL YEAR THAT THE DEPARTMENT OF TREASURY DEPOSITS MORE THAN**
27 **\$14,000,000.00 PAID BY UNDERREDEEMERS UNDER SECTION 3B IN THE**

1 BOTTLE DEPOSIT FUND, THE DEPARTMENT OF TREASURY SHALL DISBURSE
2 \$14,000,000.00 IN THE MANNER DESCRIBED IN SUBSECTION (2) AND THE
3 BALANCE OF THE MONEY TO THOSE PERSONS THAT HAVE CONTRIBUTED MONEY
4 TO THE BEVERAGE CONTAINER REDEMPTION ANTIFRAUD FUND CREATED IN
5 SECTION 7 OF THE BEVERAGE CONTAINER REDEMPTION ANTIFRAUD ACT, 2008
6 PA 338, MCL 445.637. IN DISBURSING MONEY TO CONTRIBUTORS TO THE
7 BEVERAGE CONTAINER REDEMPTION ANTIFRAUD FUND UNDER THIS SUBSECTION,
8 THE DEPARTMENT OF TREASURY SHALL MEET ALL OF THE FOLLOWING:

9 (A) DISBURSE THE MONEY ON A PRO RATA BASIS BASED ON THE
10 AMOUNTS DESCRIBED IN SUBDIVISION (B).

11 (B) THE AGGREGATE AMOUNT A CONTRIBUTOR RECEIVES FROM THE FUND
12 SHALL EQUAL THE SUM OF THE FOLLOWING:

13 (i) THE PRINCIPAL AMOUNT OF THE CONTRIBUTOR'S CONTRIBUTION TO
14 THE BEVERAGE CONTAINER REDEMPTION ANTIFRAUD FUND.

15 (ii) AN ADDITIONAL AMOUNT EQUAL TO 24% OF THE CONTRIBUTION
16 DESCRIBED IN SUBPARAGRAPH (i).

17 (C) SUBJECT TO SUBDIVISION (D), DISBURSE THE AGGREGATE AMOUNT
18 DESCRIBED IN SUBDIVISION (B) TO A CONTRIBUTOR IN 4 EQUAL ANNUAL
19 INSTALLMENTS, BEGINNING IN THE STATE FISCAL YEAR IN WHICH THE
20 CONTRIBUTION IS MADE.

21 (D) THE DEPARTMENT OF TREASURY MAY DISBURSE THE AGGREGATE
22 AMOUNT DESCRIBED IN SUBDIVISION (B) TO A CONTRIBUTOR IN FEWER THAN
23 4 ANNUAL INSTALLMENTS IF THE AMOUNT OF EACH PAYMENT, EXCEPT THE
24 FINAL PAYMENT, EQUALS OR EXCEEDS 25% OF THE AGGREGATE AMOUNT
25 DESCRIBED IN SUBDIVISION (B).

26 (E) IF THE AMOUNT AVAILABLE FOR DISBURSEMENT TO CONTRIBUTORS
27 UNDER THIS SUBSECTION IN A STATE FISCAL YEAR EXCEEDS THE TOTAL

1 AMOUNT OF PAYMENTS CONTRIBUTORS SHOULD RECEIVE UNDER THIS
2 SUBSECTION, THE DEPARTMENT OF TREASURY SHALL DISBURSE THAT EXCESS
3 AMOUNT IN THE MANNER DESCRIBED IN SUBSECTION (2).

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

8 (5) ~~(4)~~—The department of treasury may promulgate rules to
9 implement sections 3a to 3d ~~pursuant to~~ **UNDER** the administrative
10 procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969,~~
11 ~~being sections 24.201 to 24.328 of the Michigan Compiled Laws, 1969~~
12 **PA 306, MCL 24.201 TO 24.328**, if the department of treasury
13 determines that rules are needed to properly implement and
14 administer **THOSE** sections. ~~3a to 3d.~~

15 (6) **IF THE AMOUNT DEPOSITED BY THE DEPARTMENT OF TREASURY INTO**
16 **THE BOTTLE DEPOSIT FUND FROM MONEY PAID BY UNDERREDEEMERS UNDER**
17 **SECTION 3B IN ANY STATE FISCAL YEAR BEGINNING WITH THE 2010-2011**
18 **STATE FISCAL YEAR IS \$14,000,000.00 OR LESS, OR IF THE DEPARTMENT**
19 **DEPOSITED MORE THAN \$14,000,000.00 PAID BY UNDERREDEEMERS UNDER**
20 **SECTION 3B IN THAT STATE FISCAL YEAR BUT THE LEGISLATURE FAILS TO**
21 **APPROPRIATE MONEY FOR PURPOSES OF MAKING THE PAYMENTS TO**
22 **CONTRIBUTORS DESCRIBED IN SUBSECTION (3), A PERSON THAT HAS**
23 **CONTRIBUTED MONEY TO THE BEVERAGE CONTAINER REDEMPTION ANTIFRAUD**
24 **FUND CREATED IN SECTION 7 OF THE BEVERAGE CONTAINER REDEMPTION**
25 **ANTIFRAUD ACT, 2008 PA 338, MCL 445.637, IS ELIGIBLE FOR A**
26 **REFUNDABLE TAX CREDIT UNDER SECTION 468 OF THE MICHIGAN BUSINESS**
27 **TAX ACT, 2007 PA 36, MCL 208.1468, OR UNDER SECTION 278 OF THE**

1 INCOME TAX ACT OF 1967, 1967 PA 281, MCL 206.278.

2 Enacting section 1. This amendatory act does not take effect
3 unless all of the following bills of the 95th Legislature are
4 enacted into law:

5 (a) Senate Bill No. 789.

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7 (b) Senate Bill No. 790.

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