

# SENATE BILL NO. 701

January 08, 2020, Introduced by Senators MCCANN, IRWIN, POLEHANKI, BAYER and MOSS  
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 sections 1, 2, 2a, 3c, 3e, and 3f (MCL 445.571, 445.572, 445.572a, 445.573c, 445.573e, and 445.573f), section 1 as

amended by 1989 PA 93, section 2 as amended by 1998 PA 473, section 2a as added by 2008 PA 389, section 3c as amended and sections 3e and 3f as added by 1996 PA 384, and by adding section 3g.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

Sec. 1. As used in this act:

(a) "Beverage" means ~~a soft drink, soda~~ **or other carbonated or noncarbonated** water; ~~, carbonated natural or mineral water, or other nonalcoholic carbonated drink; beer, ale, wine, spirits, or other malt drink of whatever alcoholic content; or a mixed wine drink or a mixed spirit drink;~~ **or a nonalcoholic carbonated or noncarbonated drink in liquid form and intended for internal human consumption, except for plant-based milks or dairy-derived products.**

(b) "Beverage container" means ~~an~~ **any of the following:**

(i) **An airtight metal, glass, paper, or plastic container, or a container composed of a combination of these materials, which, at the time of sale, contains 1 gallon or less of a carbonated or alcoholic beverage or more than 0.1 liters but less than 3 liters of a noncarbonated and nonalcoholic beverage.**

(ii) **An airtight metal, glass, or plastic container which at the time of sale contains 1 gallon or less of a nonalcoholic beverage other than a container composed in whole or in part of aluminum and plastic or aluminum and paper in combination if the aluminum content represents 10% or less of the unfilled container weight and the unfilled container weight is 5% or less of the filled container weight.**

(c) "Empty returnable container" means a beverage container ~~which~~ **that** contains nothing except the residue of its original contents.

1 (d) "Returnable container" means a beverage container upon  
2 which a deposit of at least 10 cents has been paid, or is required  
3 to be paid upon the removal of the **beverage** container from the sale  
4 or consumption area, and for which a refund of at least 10 cents in  
5 cash is payable by every dealer or distributor in this state of  
6 that beverage in beverage containers, as further provided in  
7 section 2.

8 (e) "Nonreturnable container" means a beverage container upon  
9 which no deposit or a deposit of less than 10 cents has been paid,  
10 or is required to be paid, upon the removal of the **beverage**  
11 container from the sale or consumption area, or for which no cash  
12 refund or a refund of less than 10 cents is payable by a dealer or  
13 distributor in this state of that beverage in beverage containers,  
14 as further provided in section 2.

15 (f) "Person" means an individual, partnership, corporation,  
16 **limited liability company**, association, or other legal entity.

17 (g) "Dealer" means a person who sells or offers for sale to  
18 consumers within this state a beverage in a beverage container,  
19 including an operator of a vending machine containing a beverage in  
20 a beverage container.

21 (h) "Operator of a vending machine" means equally its owner,  
22 the person who refills it, and the owner or lessee of the property  
23 upon which it is located.

24 (i) "Distributor" means a person, **including a manufacturer**,  
25 who sells beverages in beverage containers to a dealer within this  
26 state. ~~and includes a manufacturer who engages in such sales.~~

27 (j) "Manufacturer" means a person who bottles, cans, or  
28 otherwise places beverages in beverage containers for sale to  
29 distributors, dealers, or consumers.

1 (k) "Within this state" means within the exterior limits of  
2 the state of Michigan, and includes the territory within these  
3 limits owned by or ceded to the United States of America.

4 (l) "Commission" means the ~~Michigan~~ liquor control commission  
5 **created in section 209 of the Michigan liquor control code of 1998,**  
6 **1998 PA 58, MCL 436.1209.**

7 (m) "Sale or consumption area" means the premises ~~within-on~~  
8 the property of the dealer or of the dealer's lessor where the sale  
9 is made, ~~within which~~ **where** beverages in returnable containers may  
10 be consumed without payment of a deposit, and ~~, upon removing a~~  
11 ~~beverage container from which, the customer is required by~~ **where a**  
12 **consumer may not remove a beverage container without** the dealer  
13 **requiring him or her** to pay ~~the a~~ deposit.

14 (n) "Nonrefillable container" means a returnable container  
15 ~~which-that~~ is not intended to be refilled for sale by a  
16 manufacturer.

17 (o) "Mixed wine drink" means a drink or similar product  
18 marketed as a wine cooler and containing less than 7% alcohol by  
19 volume, consisting of wine and plain, sparkling, or carbonated  
20 water and containing any 1 or more of the following:

21 (i) Nonalcoholic beverages.

22 (ii) Flavoring.

23 (iii) Coloring materials.

24 (iv) Fruit juices.

25 (v) Fruit adjuncts.

26 (vi) Sugar.

27 (vii) Carbon dioxide.

28 (viii) Preservatives.

(p) "Mixed spirit drink" means a drink containing 10% or less alcohol by volume consisting of distilled spirits mixed with nonalcoholic beverages or flavoring or coloring materials and ~~which~~ **that** may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives; or ~~any spirits-based~~ **a spirit-based** beverage, regardless of the percent of alcohol by volume, that is manufactured for sale in a metal **beverage** container.

(q) "Plant-based milk" means a liquid intended for internal human consumption of which the primary protein source is soy, rice, almond, cashew, hazelnut, coconut, or oats, derivatives thereof, or any other product intended as a substitute for dairy milk in which the protein is derived primarily from plants.

Sec. 2. (1) A dealer within this state shall not sell, offer for sale, or give to a consumer a nonreturnable container or a beverage in a nonreturnable container.

(2) ~~A-Except as provided in subsection (14) for a dealer with a store footprint of less than 4,000 square feet,~~ a dealer who regularly sells beverages for consumption off the dealer's premises shall provide on the premises, or within 100 yards of the premises on which the dealer sells or offers for sale a beverage in a returnable container, a convenient means whereby the containers of any kind, size, and ~~brand~~ **material** sold or offered for sale by the dealer may be returned by, and the deposit refunded in cash to, a person whether or not the person is the original customer of that dealer, and whether or not the container was sold by that dealer.

(3) Regional centers for the redemption of returnable containers may be established, in addition to but not as substitutes for, the means established for refunds of deposits prescribed in ~~subsection~~ **subsections (2) and (14)**.

1           (4) Except as provided in subsections (5) and (7), a dealer  
2 shall accept from a person an empty returnable container of any  
3 kind, size, and ~~brand-material~~ sold or offered for sale by that  
4 dealer and pay to that person its full refund value in cash.

5           (5) A dealer who does not require a deposit on a returnable  
6 container when the contents are consumed in the dealer's sale or  
7 consumption area is not required to pay a refund for accepting that  
8 empty container.

9           (6) Except as provided in subsection (7), a distributor shall  
10 accept from a dealer an empty returnable container of any kind,  
11 size, and ~~brand-material~~ sold or offered for sale by that  
12 distributor and pay to the dealer its full refund value in cash.

13           (7) Each beverage container sold or offered for sale by a  
14 dealer within this state shall clearly indicate by embossing or by  
15 a stamp, a label, or other method securely affixed to the beverage  
16 container, the refund value of the container and the name of this  
17 state. A dealer or distributor may, but is not required to, refuse  
18 to accept from a person an empty returnable container which does  
19 not state on the container the refund value of the container and  
20 the name of this state. This subsection does not apply to a  
21 refillable container having a refund value of not less than 10  
22 cents, having a brand name permanently marked on it, and having a  
23 securely affixed method of indicating that it is a returnable  
24 container.

25           (8) A dealer within this state shall not sell, offer for sale,  
26 or give to consumers a metal beverage container, any part of which  
27 becomes detached when opened.

28           (9) A person, dealer, distributor, or manufacturer shall not  
29 return an empty container to a dealer for a refund of the deposit

1 if a dealer has already refunded the deposit on that returnable  
2 container. This subsection does not prohibit a dealer from  
3 refunding the deposit on an empty returnable container each time  
4 the returnable container is sanitized by the manufacturer and  
5 reused as a beverage container.

6 (10) A dealer **with a store footprint of 4,000 or more square**  
7 **feet** may accept, but is not required to accept, from a person,  
8 empty returnable containers for a refund in excess of \$25.00 on any  
9 given day. **A dealer with a store footprint of less than 4,000**  
10 **square feet may accept, but is not required to accept, from a**  
11 **person, empty returnable containers for a refund in excess of**  
12 **\$10.00 on any given day.**

13 (11) A manufacturer licensed by the commission shall not  
14 require a distributor licensed by the commission to pay a deposit  
15 to the manufacturer on a nonrefillable container. However, a  
16 manufacturer licensed by the commission and a distributor licensed  
17 by the commission may enter into an agreement providing that either  
18 or both may originate a deposit or any portion of a deposit on a  
19 nonrefillable container if the agreement is entered into freely and  
20 without coercion.

21 (12) A manufacturer shall refund the deposit paid on any  
22 container returned by a distributor for which a deposit has been  
23 paid by a distributor to the manufacturer.

24 (13) Subsections (4), (6), ~~and (7)~~, **(15), and (16)** apply only  
25 to a returnable container that was originally sold in this state as  
26 a filled returnable container.

27 (14) **A dealer with a store footprint of less than 4,000 square**  
28 **feet who regularly sells beverages for consumption off the dealer's**  
29 **premises shall provide on the premises, or within 100 yards of the**

premises on which the dealer sells or offers for sale a beverage in a returnable container, a convenient means whereby the containers of any kind, size, and brand sold or offered for sale by the dealer may be returned by, and the deposit refunded in cash to, a person whether or not the person is the original customer of that dealer, and whether or not the container was sold by that dealer.

(15) Except as provided in subsections (5) and (7), a dealer with a store footprint of less than 4,000 square feet shall accept from a person an empty returnable container of any kind, size, and brand sold or offered for sale by that dealer and pay to that person its full refund value in cash.

(16) Except as provided in subsection (7), a distributor shall accept from a dealer with a store footprint of less than 4,000 square feet an empty returnable container of any kind, size, and brand sold or offered for sale by that distributor and pay to the dealer its full refund value in cash.

Sec. 2a. (1) Except as provided in subsection (2), beginning ~~90 days after the effective date of the amendatory act that added this section,~~ **March 1, 2010**, a manufacturer of nonalcoholic beverages shall not sell, offer for sale, or give a nonalcoholic beverage to a consumer, dealer, or distributor in this state in a 12-ounce metal beverage container that is not a designated metal container if either of the following is met:

(a) Sales of that brand of beverage in 12-ounce metal beverage containers in this state in the preceding calendar year were at least 500,000 cases, as determined by the department of treasury.

(b) Sales of that brand of beverage in 12-ounce metal beverage containers in this state in the preceding calendar year were fewer than 500,000 cases, and 12-ounce metal beverage containers of that



1 brand of beverage were overredeemed by more than 600,000 containers  
2 in the preceding calendar year, as determined by the department of  
3 treasury.

4 (2) Beginning ~~90 days after the effective date of the~~  
5 ~~amendatory act that added this section, March 1, 2010,~~ a  
6 manufacturer of nonalcoholic beverages shall not sell, offer for  
7 sale, or give a nonalcoholic beverage to a consumer, dealer, or  
8 distributor in the Upper Peninsula in a 12-ounce metal beverage  
9 container that is not a designated metal container if either of the  
10 following is met:

11 (a) Sales of that brand of beverage in 12-ounce metal beverage  
12 containers in the Upper Peninsula were at least 500,000 cases, as  
13 determined by the department of treasury.

14 (b) Sales of that brand of beverage in 12-ounce metal beverage  
15 containers in the Upper Peninsula in the preceding calendar year  
16 were fewer than 500,000 cases, and 12-ounce metal beverage  
17 containers of that brand of beverage were overredeemed in the Upper  
18 Peninsula by more than 600,000 containers in the preceding calendar  
19 year, as determined by the department of treasury.

20 (3) Except as provided in subsection (4), beginning ~~450 days~~  
21 ~~after the effective date of the amendatory act that added this~~  
22 ~~section, February 24, 2011,~~ a manufacturer of nonalcoholic  
23 beverages shall not sell, offer for sale, or give a nonalcoholic  
24 beverage to a consumer, dealer, or distributor in this state in a  
25 12-ounce glass beverage container that is not a designated glass  
26 container if either of the following is met:

27 (a) Sales of that brand of beverage in 12-ounce glass beverage  
28 containers in this state in the preceding calendar year were at  
29 least 500,000 cases, as determined by the department of treasury.

1 (b) Sales of that brand of beverage in 12-ounce glass beverage  
2 containers in this state in the preceding calendar year were fewer  
3 than 500,000 cases, and 12-ounce glass beverage containers of that  
4 brand of beverage were overredeemed by more than 600,000 containers  
5 in the preceding calendar year, as determined by the department of  
6 treasury.

7 (4) Beginning ~~450 days after the effective date of the~~  
8 ~~amendatory act that added this section, February 24, 2011,~~ a  
9 manufacturer of nonalcoholic beverages shall not sell, offer for  
10 sale, or give a nonalcoholic beverage to a consumer, dealer, or  
11 distributor in the Upper Peninsula in a 12-ounce glass beverage  
12 container that is not a designated glass container if either of the  
13 following is met:

14 (a) Sales of that brand of beverage in 12-ounce glass beverage  
15 containers in the Upper Peninsula were at least 500,000 cases, as  
16 determined by the department of treasury.

17 (b) Sales of that brand of beverage in 12-ounce glass beverage  
18 containers in the Upper Peninsula in the preceding calendar year  
19 were fewer than 500,000 cases, and 12-ounce glass beverage  
20 containers of that brand of beverage were overredeemed in the Upper  
21 Peninsula by more than 600,000 containers in the preceding calendar  
22 year, as determined by the department of treasury.

23 (5) Except as provided in subsection (6), beginning ~~450 days~~  
24 ~~after the effective date of the amendatory act that added this~~  
25 ~~section, February 24, 2011,~~ a manufacturer of nonalcoholic  
26 beverages shall not sell, offer for sale, or give a nonalcoholic  
27 beverage to a consumer, dealer, or distributor in this state in a  
28 20-ounce plastic beverage container that is not a designated  
29 plastic container if either of the following is met:

1 (a) Sales of that brand of beverage in 20-ounce plastic  
2 beverage containers in this state in the preceding calendar year  
3 were at least 500,000 cases, as determined by the department of  
4 treasury.

5 (b) Sales of that brand of beverage in 20-ounce plastic  
6 beverage containers in this state in the preceding calendar year  
7 were fewer than 500,000 cases, and 20-ounce plastic beverage  
8 containers of that brand of beverage were overredeemed by more than  
9 600,000 containers in the preceding calendar year, as determined by  
10 the department of treasury.

11 ~~(6) Beginning 450 days after the effective date of the~~  
12 ~~amendatory act that added this section, **February 24, 2011**, a~~  
13 manufacturer of nonalcoholic beverages shall not sell, offer for  
14 sale, or give a nonalcoholic beverage to a consumer, dealer, or  
15 distributor in the Upper Peninsula in a 20-ounce plastic beverage  
16 container that is not a designated plastic container if either of  
17 the following is met:

18 (a) Sales of that brand of beverage in 20-ounce plastic  
19 beverage containers in the Upper Peninsula were at least 500,000  
20 cases, as determined by the department of treasury.

21 (b) Sales of that brand of beverage in 20-ounce plastic  
22 beverage containers in the Upper Peninsula in the preceding  
23 calendar year were fewer than 500,000 cases, and 20-ounce plastic  
24 beverage containers of that brand of beverage were overredeemed in  
25 the Upper Peninsula by more than 600,000 containers in the  
26 preceding calendar year, as determined by the department of  
27 treasury.

28 ~~(7) Beginning 90 days after the effective date of the~~  
29 ~~amendatory act that added this section, **March 1, 2010**, a~~

1 manufacturer of alcoholic beverages shall not sell, offer for sale,  
2 or give an alcoholic beverage to a consumer, dealer, or distributor  
3 in this state in a 12-ounce metal beverage container that is not a  
4 designated metal container if either of the following is met:

5 (a) Sales of that brand of beverage in this state in the  
6 preceding calendar year were at least 500,000 case equivalents, as  
7 determined by the department of treasury.

8 (b) Sales of that brand of beverage in this state in the  
9 preceding calendar year were fewer than 500,000 case equivalents,  
10 and beverage containers of that brand of beverage were overredeemed  
11 by more than 600,000 containers in the preceding calendar year, as  
12 determined by the department of treasury.

13 (8) Beginning ~~450 days after the effective date of the~~  
14 ~~amendatory act that added this section,~~ **February 24, 2011**, a  
15 manufacturer of alcoholic beverages shall not sell, offer for sale,  
16 or give an alcoholic beverage to a consumer, dealer, or distributor  
17 in this state in a 12-ounce glass beverage container that is not a  
18 designated glass container if either of the following is met:

19 (a) Sales of that brand of beverage in this state in the  
20 preceding calendar year were at least 500,000 case equivalents, as  
21 determined by the department of treasury.

22 (b) Sales of that brand of beverage in this state in the  
23 preceding calendar year were fewer than 500,000 case equivalents,  
24 and beverage containers of that brand of beverage were overredeemed  
25 by more than 600,000 containers in the preceding calendar year, as  
26 determined by the department of treasury.

27 (9) Beginning ~~450 days after the effective date of the~~  
28 ~~amendatory act that added this section,~~ **February 24, 2011**, a  
29 manufacturer of alcoholic beverages shall not sell, offer for sale,

1 or give an alcoholic beverage to a consumer, dealer, or distributor  
2 in this state in a 20-ounce plastic beverage container that is not  
3 a designated plastic container if either of the following is met:

4 (a) Sales of that brand of beverage in this state in the  
5 preceding calendar year were at least 500,000 case equivalents, as  
6 determined by the department of treasury.

7 (b) Sales of that brand of beverage in this state in the  
8 preceding calendar year were fewer than 500,000 case equivalents,  
9 and beverage containers of that brand of beverage were overredeemed  
10 by more than 600,000 containers in the preceding calendar year, as  
11 determined by the department of treasury.

12 (10) A symbol, mark, or other distinguishing characteristic  
13 that is placed on a designated metal container, designated glass  
14 container, or designated plastic container by a manufacturer to  
15 allow a reverse vending machine to determine if that container is a  
16 returnable container must be unique to this state, or used only in  
17 this state and 1 or more other states that have laws substantially  
18 similar to this act.

19 **(11) A distributor that purchases filled beverage containers**  
20 **of nonalcoholic beverages in another state for subsequent sale to a**  
21 **dealer within this state shall originate a deposit of 10 cents on**  
22 **those filled containers at the time of sale to the dealer and**  
23 **maintain a record of those deposits for purposes of its required**  
24 **annual filing under section 3a.**

25 **(12) A dealer or manufacturer that sells online and arranges**  
26 **for or delivers beverage containers to addresses within this state**  
27 **shall originate a deposit of 10 cents on those containers at the**  
28 **time of sale and maintain a record of those deposits for purposes**  
29 **of its required annual filing under section 3a.**

1       (13) ~~(11)~~—A person that violates this section is guilty of a  
2 misdemeanor punishable by imprisonment for not more than 180 days  
3 or a fine of not more than \$2,000.00, or both. Section 4 does not  
4 apply to a violation described in this subsection.

5       (14) ~~(12)~~—As used in this section:

6       (a) "Alcoholic beverage" means beer, ale, any other malt drink  
7 of whatever alcoholic content, a mixed wine drink, or a mixed  
8 spirit drink.

9       (b) "Brand" means any word, name, group of letters, symbol, or  
10 trademark, or any combination of them, adopted and used by a  
11 manufacturer to identify a specific flavor or type of beverage and  
12 to distinguish that flavor or type of beverage from another  
13 beverage produced or marketed by that manufacturer or another  
14 manufacturer.

15       (c) "Designated glass container" means a 12-ounce glass  
16 beverage container that contains a symbol, mark, or other  
17 distinguishing characteristic that allows a reverse vending machine  
18 to determine if the beverage container is or is not a returnable  
19 container.

20       (d) "Designated metal container" means a 12-ounce metal  
21 beverage container that contains a symbol, mark, or other  
22 distinguishing characteristic that allows a reverse vending machine  
23 to determine if the beverage container is or is not a returnable  
24 container.

25       (e) "Designated plastic container" means a 20-ounce plastic  
26 beverage container that contains a symbol, mark, or other  
27 distinguishing characteristic that allows a reverse vending machine  
28 to determine if the beverage container is or is not a returnable  
29 container.

1 (f) "Glass beverage container" means a beverage container  
2 composed primarily of glass.

3 (g) "Metal beverage container" means a beverage container  
4 composed primarily of metal.

5 (h) "Nonalcoholic beverage" means a soft drink, soda water,  
6 carbonated natural or mineral water, or other nonalcoholic  
7 carbonated drink.

8 (i) "Plastic beverage container" means a beverage container  
9 composed primarily of plastic.

10 (j) "Reverse vending machine" means a device designed to  
11 properly identify and process empty beverage containers and provide  
12 a means for a deposit refund on returnable containers.

13 Sec. 3c. (1) There is created in the department of treasury a  
14 bottle deposit fund which is a revolving fund administered by the  
15 department of treasury. The money in the bottle deposit fund shall  
16 not revert to the general fund.

17 (2) The amount paid to the department of treasury by  
18 underredeemers shall be deposited by the department of treasury in  
19 the bottle deposit fund created in subsection (1) for annual  
20 disbursement by the department of treasury in the following manner  
21 **and order of priority:**

22 ~~(a) Seventy five percent to the cleanup and redevelopment~~  
23 ~~trust fund created in section 3e.~~

24 ~~(b) Twenty five percent to dealers to be apportioned to each~~  
25 ~~dealer on the basis of the number of empty returnable containers~~  
26 ~~handled by a dealer as determined by the department of treasury.~~

27 **(a) An amount equal to \$0.005 per empty returnable container**  
28 **redeemed shall be deposited in the bottle handling fund created in**  
29 **section 3g.**

(b) From the balance remaining after the distribution under subdivision (a), to the department of attorney general for audit and fraud investigations under this act as follows:

(i) If the redemption rate is 95% or higher, \$1,000,000.00.

(ii) If the redemption rate is 90% or higher but less than 95%, \$2,000,000.00.

(iii) If the redemption rate is 85% or higher but less than 90%, \$3,000,000.00.

(iv) If the redemption rate is 80% or higher but less than 85%, \$4,000,000.00.

(v) If the redemption rate is below 80%, \$5,000,000.00.

(c) From the balance remaining after the distributions under subdivisions (a) and (b), \$25,000,000.00 to the renew Michigan fund created in section 51g of the income tax act of 1967, 1967 PA 281, MCL 206.51g, for environmental cleanup and redevelopment.

(d) The balance to the cleanup and redevelopment trust fund created in section 3e.

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

(4) The department of treasury may promulgate rules to implement sections 3a to 3d pursuant to the administrative procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969,~~ ~~being sections 24.201 to 24.328 of the Michigan Compiled Laws, 1969~~ **PA 306, MCL 24.201 to 24.328**, if the department of treasury determines that rules are needed to properly implement and administer sections 3a to 3d.

Sec. 3e. (1) The cleanup and redevelopment trust fund is



1 created within the state treasury.

2 (2) The state treasurer may receive money or other assets from  
3 any source for deposit into the trust fund. The state treasurer  
4 shall direct the investment of the trust fund. The state treasurer  
5 shall credit to the trust fund interest and earnings from fund  
6 investments.

7 (3) Money in the trust fund at the close of the fiscal year  
8 shall remain in the trust fund and shall not lapse to the general  
9 fund.

10 (4) The state treasurer shall annually disburse the following  
11 amounts from the trust fund:

12 ~~(a) For each of the state fiscal years 1996-1997, 1997-1998,~~  
13 ~~and 1998-1999, up to \$15,000,000.00 each year of money in the trust~~  
14 ~~fund to the cleanup and redevelopment fund created in section 20108~~  
15 ~~of part 201 (environmental remediation) of the natural resources~~  
16 ~~and environmental protection act, Act No. 451 of the Public Acts of~~  
17 ~~1994, being section 324.20108 of the Michigan Compiled Laws.~~

18 ~~(b) In addition to the disbursements under subdivision (a),~~  
19 ~~each state fiscal year, 80% 25% of the revenues received by the~~  
20 ~~trust fund from disbursements under section 3c to the cleanup and~~  
21 ~~redemption fund and 10% to the community pollution prevention~~  
22 ~~fund created in section 3f.~~

23 **(b) 25% of the revenues received by the trust fund to the**  
24 **renew Michigan fund created in section 51g of the income tax act of**  
25 **1967, 1967 PA 281, MCL 206.51g, for recycling.**

26 **(c) 25% of the revenues received to be distributed per capita**  
27 **to municipalities that have achieved 45% municipal recycling rate.**

28 **(d) 25% of the revenues received to be distributed per capita**  
29 **to all municipalities to be used for purposes described under**

1 **section 3f.**

2 (5) All money in the trust fund that is not disbursed pursuant  
 3 to subsection (4) shall remain in the trust fund until the trust  
 4 fund reaches an accumulated principal of \$200,000,000.00. After the  
 5 trust fund reaches an accumulated principal of \$200,000,000.00,  
 6 interest and earnings of the trust fund only shall be expended,  
 7 upon appropriation, for the purposes specified in section 20113(4)  
 8 ~~of part 201 (environmental remediation) of the natural resources~~  
 9 ~~and environmental protection act, Act No. 451 of the Public Acts of~~  
 10 ~~1994, being section 324.20113 of the Michigan Compiled Laws. 1994 PA~~  
 11 **451, MCL 324.20113.**

12 (6) As used in this section, "trust fund" means the cleanup  
 13 and redevelopment trust fund created in subsection (1).

14 Sec. 3f. (1) The community pollution prevention fund is  
 15 created within the state treasury.

16 (2) The state treasurer may receive money or other assets from  
 17 any source for deposit into the community pollution prevention  
 18 fund. The state treasurer shall direct the investment of the  
 19 community pollution prevention fund. The state treasurer shall  
 20 credit to the community pollution prevention fund interest and  
 21 earnings from fund investments.

22 (3) Money in the community pollution prevention fund at the  
 23 close of the fiscal year shall remain in the community pollution  
 24 prevention fund and shall not lapse to the general fund.

25 (4) The department of ~~environmental quality~~ **environment, Great**  
 26 **Lakes, and energy** shall expend interest and earnings of the  
 27 community pollution prevention fund only, upon appropriation, for  
 28 grants for the purpose of preventing pollution, with an emphasis on  
 29 the prevention of groundwater contamination and resulting risks to

the public health, ecological risks, and public and private cleanup costs. The department of ~~environmental quality~~ **environment, Great Lakes, and energy** shall enter into contractual agreements with grant recipients, who shall include county governments, local health departments, municipalities, and regional planning agencies. Activities to be performed by grant recipients and program objectives and deliverables shall be specified in the contractual agreements. Grant recipients shall provide a financial match of not less than 25% nor more than 50%. Not more than \$100,000.00 may be granted in any fiscal year to a single recipient. Eligible pollution prevention activities include, **but are not limited to**, all of the following:

(a) Drinking water wellhead protection, including the delineation of wellhead protection areas and implementation of wellhead protection plans pursuant to the safe drinking water act, ~~Act No. 399 of the Public Acts of 1976, being sections 325.1001 to 325.1023 of the Michigan Compiled Laws.~~ **1976 PA 399, MCL 325.1001 to 325.1023.**

(b) The review of pollution incident prevention plans prepared by, and the inspection of, facilities whose storage or handling of hazardous materials may pose a risk to the groundwater.

(c) The identification and plugging of abandoned wells other than oil and gas wells.

(d) Programs to educate the general public and businesses that use or handle hazardous materials on pollution prevention methods, technologies, and processes, with an emphasis on the direct reduction of toxic material releases or disposal at the source.

**(e) Programs and activities to monitor and respond to migration of contaminants and vapor intrusion.**

1           (f) Programs and activities regarding the reduction of plastic  
2 waste and pollution in this state.

3           (5) The department of ~~environmental quality~~ **environment, Great**  
4 **Lakes, and energy** shall annually prepare a report summarizing the  
5 grants made under this section, contractual commitments made and  
6 achieved, and a preliminary evaluation of the effectiveness of this  
7 section not later than September 30, 1997, and September 30 of each  
8 year thereafter, and shall provide a copy of this report to the  
9 chairs of the house and senate appropriations subcommittees for the  
10 department of ~~environmental quality~~ **environment, Great Lakes, and**  
11 **energy**.

12           Sec. 3g. (1) The bottle handling fund is created within the  
13 state treasury.

14           (2) The state treasurer may receive money or other assets from  
15 any source for deposit into the bottle handling fund. The state  
16 treasurer shall direct the investment of the bottle handling fund.  
17 The state treasurer shall credit to the bottle handling fund  
18 interest and earnings from bottle handling fund investments.

19           (3) Money in the bottle handling fund at the close of the  
20 fiscal year shall remain in the bottle handling fund and shall not  
21 lapse to the general fund.

22           (4) The department of treasury shall be the administrator of  
23 the bottle handling fund for auditing purposes.

24           (5) The department of treasury shall expend money from the  
25 bottle handling fund, upon appropriation, only for 1 or more of the  
26 following purposes:

27           (a) 80% of the yearly total to dealers to be apportioned to  
28 each dealer on the basis of the number of empty returnable  
29 containers redeemed by the dealer as determined by the department

1 of treasury.

2 (b) 20% of the yearly total to distributors to be apportioned  
3 to each distributor on the basis of the number of empty returnable  
4 containers redeemed by the distributor as determined by the  
5 department of treasury.

6 Enacting section 1. This amendatory act takes effect 2 years  
7 after the date it is enacted into law.