

BEVERAGE CONTAINERS (EXCERPT)
Initiated Law 1 of 1976

445.573c Bottle deposit fund and bottle bill enforcement fund; creation; administration; deposits; disbursements; report of effectiveness and information; rules.

Sec. 3c.

(1) The bottle deposit fund is created in the department of treasury. The fund is a revolving fund administered by the department of treasury. All of the following apply to the bottle deposit fund:

(a) The fund consists of money paid to the department of treasury by underredeemers under section 3b. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(b) The department of treasury is the administrator of the fund for auditing purposes.

(c) The money deposited in the fund at the close of the fiscal year remains in the fund and does not lapse to the general fund.

(2) The bottle bill enforcement fund is created in the department of treasury. The fund is a revolving fund administered by the department of treasury. All of the following apply to the bottle bill enforcement fund:

(a) The fund consists of money disbursed to the fund under subsection (3)(a). The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(b) The department of treasury is the administrator of the fund for auditing purposes.

(c) The money deposited in the fund at the close of the fiscal year remains in the fund and does not lapse to the general fund.

(3) The department of treasury shall deposit the amount paid to the department of treasury by underredeemers under section 3b, less any amount refunded by the department of treasury to overredeemers under section 3b, into the bottle deposit fund created in subsection (1) for annual disbursement by the department of treasury in the following manner:

(a) The first \$1,000,000.00 to the bottle bill enforcement fund created in subsection (2). The department of treasury shall disburse the money deposited into the bottle bill enforcement fund to the department of state police for use in enforcing this act and investigating violations of this act. If the bottle bill enforcement fund balance at the end of the fiscal year is greater than \$3,000,000.00, deposits in the fund required under this subdivision are suspended until the fund balance falls below \$2,000,000.00.

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

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

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

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

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

(6) If the department of treasury determines that rules are needed to properly implement and administer sections 3a to 3d, the department may promulgate rules to implement and administer those sections under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: Add. 1989, Act 148, Eff. July 27, 1989 ;-- Am. 1996, Act 73, Imd. Eff. Feb. 26, 1996 ;-- Am. 1996, Act 384, Imd. Eff. July 24, 1996 ;-- Am. 2021, Act 139, Eff. Mar. 27, 2022 ;-- Am. 2022, Act 198, Eff. Jan. 1, 2023

Popular Name: Bottle Bill