

Act No. 73
Public Acts of 1996
Approved by the Governor
February 25, 1996
Filed with the Secretary of State
February 26, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Rep. Alley

ENROLLED HOUSE BILL No. 5324

AN ACT to amend section 3c of the Initiated Law of 1976, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water or other non-alcoholic carbonated drink; beer, ale or other malt drink of whatever alcoholic content," as added by Act No. 148 of the Public Acts of 1989, being section 445.573c of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 3c of the Initiated Law of 1976, as added by Act No. 148 of the Public Acts of 1989, being section 445.573c of the Michigan Compiled Laws, is amended to read as follows:

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

(2) The amount paid to the department of treasury by underredeemers shall be deposited by the department of treasury in the bottle deposit fund created in subsection (1) for annual disbursement by the department of treasury in the following manner:

(a) Seventy-five percent to the Michigan unclaimed bottle fund created in section 20109 of part 201 (environmental remediation) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.20109 of the Michigan Compiled Laws. During the first 10 years that money is disbursed by the bottle deposit fund under this section, the money received by the Michigan unclaimed bottle fund and any interest earned on that money shall remain permanently in the Michigan unclaimed bottle fund and shall not be disbursed. After the expiration of those first 10 years, all of the money thereafter deposited annually in the Michigan unclaimed bottle fund, interest earned on the money thereafter deposited annually in the Michigan unclaimed bottle fund, and any interest earned on the money already in that fund shall be disbursed annually by the department of treasury in the manner provided for by that section.

(b) 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.

(3) The department of treasury may audit the records of a distributor or manufacturer required to file a report pursuant to section 3a for the purpose of determining the accuracy of the information contained in the report.

(4) Not later than June 1 of each year, the department of treasury shall publish and make available to the public the findings made pursuant to section 3b(1) and send a report of those findings to the legislature.

(5) 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, if the department of treasury determines that rules are needed to properly implement and administer sections 3a to 3d.

(6) In addition to any other provisions or penalties available under law, the department of treasury may conduct a hearing pursuant to Act No. 306 of the Public Acts of 1969 in order to determine whether a distributor or manufacturer required to file a report under section 3a has failed to file or has misrepresented the information in the report. Upon making such a finding, the department of treasury shall assess a civil penalty of not more than \$1,000.00 for failure to file a report or not more than \$5,000.00 for misrepresentation of the information contained in a report. The penalty for a second or subsequent instance of failure to file a report shall be not more than \$5,000.00 and for misrepresentation of the information contained in the report shall be not more than \$10,000.00.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.