



HOUSE BILL No. 5324

October 25, 1995, Introduced by Rep. Alley and referred to the Committee on Conservation, Environment and Great Lakes.

A bill 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:

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

5 Sec. 3c. (1) There is created in the department of treasury
6 a bottle deposit fund which is a revolving fund administered by

1 the department of treasury. The money in the bottle deposit fund
2 shall not revert to the general fund.

3 (2) The amount paid to the department of treasury by under-
4 redeemers shall be deposited by the department of treasury in the
5 bottle deposit fund created in subsection (1) for annual dis-
6 bursement by the department of treasury in the following manner:

7 (a) Seventy-five percent to the Michigan unclaimed bottle
8 fund created in section ~~9a of the environmental response act,~~
9 ~~Act No. 307 of the Public Acts of 1982, being section 299.609a-~~
10 ~~20109 OF PART 201 (ENVIRONMENTAL REMEDIATION) OF THE NATURAL~~
11 ~~RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT NO. 451 OF THE~~
12 ~~PUBLIC ACTS OF 1994, BEING SECTION 324.20109 of the Michigan~~
13 ~~Compiled Laws.~~ During the first 10 years that money is disbursed
14 by the bottle deposit fund under this section, the money received
15 by the Michigan unclaimed bottle fund and any interest earned on
16 that money shall remain permanently in the Michigan unclaimed
17 bottle fund and shall not be disbursed. After the expiration of
18 those first 10 years, all of the money thereafter deposited annu-
19 ally in the Michigan unclaimed bottle fund, interest earned on
20 the money thereafter deposited annually in the Michigan unclaimed
21 bottle fund, and any interest earned on the money already in that
22 fund shall be disbursed annually by the department of treasury in
23 the manner provided for by that section.

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.

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

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

9 (5) The department of treasury may promulgate rules to
10 implement sections 3a to 3d pursuant to the administrative proce-
11 dures act of 1969, Act No. 306 of the Public Acts of 1969, being
12 sections 24.201 to 24.328 of the Michigan Compiled Laws, if the
13 department of treasury determines that rules are needed to prop-
14 erly implement and administer sections 3a to 3d.

15 (6) In addition to any other provisions or penalties avail-
16 able under law, the department of treasury may conduct a hearing
17 pursuant to Act No. 306 of the Public Acts of 1969 in order to
18 determine whether a distributor or manufacturer required to file
19 a report under section 3a has failed to file or has misrep-
20 sented the information in the report. Upon making such a find-
21 ing, the department of treasury shall assess a civil penalty of
22 not more than \$1,000.00 for failure to file a report or not more
23 than \$5,000.00 for misrepresentation of the information contained
24 in a report. The penalty for a second or subsequent instance of
25 failure to file a report shall be not more than \$5,000.00 and for
26 misrepresentation of the information contained in the report
27 shall be not more than \$10,000.00.