



# HOUSE BILL No. 5673

March 12, 1996, Introduced by Reps. Kukuk, Alley, Middaugh, DeHart, Sikkema, Freeman, Wetters, Bobier, Bodem, Hill, Byl and Yokich and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend the title and 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. The title and section 3c of the Initiated Law of  
2 1976, as added by Act No. 148 of the Public Acts of 1989, being  
3 section 445.573c of the Michigan Compiled Laws, are amended to  
4 read as follows:

**TITLE**

5  
6 A petition to initiate legislation to provide for the use of  
7 returnable containers for soft drinks, soda water, carbonated

1 natural or mineral water, ~~or other non-alcoholic~~ NONALCOHOLIC  
2 carbonated drink, ~~—~~ AND FOR beer, ale, or other malt drink of  
3 whatever alcoholic content, AND FOR CERTAIN OTHER BEVERAGE CON-  
4 TAINERS; TO PROVIDE FOR THE USE OF UNREDEEMED BOTTLE DEPOSITS; TO  
5 PRESCRIBE THE POWERS AND DUTIES OF CERTAIN STATE AGENCIES AND  
6 OFFICIALS; AND TO PRESCRIBE PENALTIES AND PROVIDE REMEDIES.

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

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

15       (a) Seventy-five percent to the ~~Michigan unclaimed bottle~~  
16 CLEANUP AND REDEVELOPMENT fund created in section ~~9a of the~~  
17 ~~environmental response act, Act No. 307 of the Public Acts of~~  
18 ~~1982, being section 299.609a of the Michigan Compiled Laws.~~  
19 ~~During the first 10 years that money is disbursed by the bottle~~  
20 ~~deposit fund under this section, the money received by the~~  
21 ~~Michigan unclaimed bottle fund and any interest earned on that~~  
22 ~~money shall remain permanently in the Michigan unclaimed bottle~~  
23 ~~fund and shall not be disbursed. After the expiration of those~~  
24 ~~first 10 years, all of the money thereafter deposited annually in~~  
25 ~~the Michigan unclaimed bottle fund, interest earned on the money~~  
26 ~~thereafter deposited annually in the Michigan unclaimed bottle~~  
27 ~~fund, and any interest earned on the money already in that fund~~

1 ~~shall be disbursed annually by the department of treasury in the~~  
2 ~~manner provided for by that section.~~ 20108 OF PART 201

3 (ENVIRONMENTAL REMEDIATION) OF THE NATURAL RESOURCES AND ENVIRON-  
4 MENTAL PROTECTION ACT, ACT NO. 451 OF THE PUBLIC ACTS OF 1994,  
5 BEING SECTION 324.20108 OF THE MICHIGAN COMPILED LAWS.

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

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

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

17 (5) The department of treasury may promulgate rules to  
18 implement sections 3a to 3d pursuant to the administrative proce-  
19 dures act of 1969, Act No. 306 of the Public Acts of 1969, being  
20 sections 24.201 to 24.328 of the Michigan Compiled Laws, if the  
21 department of treasury determines that rules are needed to prop-  
22 erly implement and administer sections 3a to 3d.

23 (6) In addition to any other provisions or penalties avail-  
24 able under law, the department of treasury may conduct a hearing  
25 pursuant to Act No. 306 of the Public Acts of 1969 in order to  
26 determine whether a distributor or manufacturer required to file  
27 a report under section 3a has failed to file or has

1 misrepresented the information in the report. Upon making such a  
2 finding, the department of treasury shall assess a civil penalty  
3 of not more than \$1,000.00 for failure to file a report or not  
4 more than \$5,000.00 for misrepresentation of the information con-  
5 tained in a report. The penalty for a second or subsequent  
6 instance of failure to file a report shall be not more than  
7 \$5,000.00 and for misrepresentation of the information contained  
8 in the report shall be not more than \$10,000.00.

9 Section 2. This amendatory act shall not take effect unless  
10 Senate Bill No. \_\_\_\_\_ or House Bill No. 5672 (request  
11 no. 06471'95) of the 88th Legislature is enacted into law.