

# HOUSE BILL No. 5954

September 11, 1990, Introduced by Rep. Emerson and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend 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.

**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  
3 section 445.573c of the Michigan Compiled Laws, is amended to  
4 read as 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  
7 the department of treasury. The money in the bottle deposit fund  
8 shall not revert to the general fund.

9 (2) The amount paid to the department of treasury by  
10 underredeemers UNDER THIS ACT shall be deposited by the  
11 department of treasury in the bottle deposit fund created in

1 subsection (1) for annual disbursement by the department of  
2 treasury in the following manner:

3 (a) Seventy-five percent ~~to~~ SHALL BE DISBURSED AS  
4 FOLLOWS:

5 (i) FOR A PERIOD OF 10 YEARS AFTER THE EFFECTIVE DATE OF THE  
6 AMENDATORY ACT THAT ADDED THIS SUBPARAGRAPH, THE MONEY ALLOCATED  
7 UNDER THIS SUBDIVISION SHALL BE DEPOSITED IN THE MUNICIPAL POLLU-  
8 TION CONTROL FUND ESTABLISHED IN SECTION 16B OF THE SHARED CREDIT  
9 RATING ACT, ACT NO. 227 OF THE PUBLIC ACTS OF 1985, BEING  
10 SECTION 141.1066B OF THE MICHIGAN COMPILED LAWS.

11 (ii) AFTER THE 10-YEAR PERIOD DESCRIBED IN SUBPARAGRAPH (i),  
12 THE MONEY ALLOCATED UNDER THIS SUBDIVISION SHALL BE DEPOSITED IN  
13 the Michigan unclaimed bottle fund created in section 9a of the  
14 environmental response act, Act No. 307 of the Public Acts of  
15 1982, being section 299.609a of the Michigan Compiled Laws.

16 ~~During the first 10 years that money is disbursed by the bottle~~  
17 ~~deposit fund under this section, the money received by the~~  
18 ~~Michigan unclaimed bottle fund and any interest earned on that~~  
19 ~~money shall remain permanently in the Michigan unclaimed bottle~~  
20 ~~fund and shall not be disbursed. After the expiration of those~~  
21 ~~first 10 years, all of the money thereafter deposited annually in~~  
22 ~~the Michigan unclaimed bottle fund, interest earned on the money~~  
23 ~~thereafter deposited annually in the Michigan unclaimed bottle~~  
24 ~~fund, and any interest earned on the money already in that fund~~  
25 ~~shall be disbursed annually by the department of treasury in the~~  
26 ~~manner provided for by that section.~~

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

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

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

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

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

1 ADMINISTRATIVE FINE for a second or subsequent instance of  
2 failure to file a report shall be not more than \$5,000.00 and for  
3 misrepresentation of the information contained in the report  
4 shall be not more than \$10,000.00.

5 Section 2. This amendatory act shall not take effect unless  
6 all of the following bills of the 85th Legislature are enacted  
7 into law:

8 (a) House Bill No. 5765.

9 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 5955

10 (request no. 03965'89 a).