



# SENATE BILL No. 2

January 17, 1995, Introduced by Senator DE BEAUSSAERT and  
A. SMITH and referred to the Committee on Natural  
Resources and Environmental Affairs.

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 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  
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 shall be deposited by the department of treasury  
11 in the bottle deposit fund created in subsection (1) for annual

1 disbursement by the department of treasury in the following  
2 manner:

3       (a) ~~Seventy-five percent to the Michigan unclaimed bottle~~  
4 ~~fund created in section 9a of the environmental response act, Act~~  
5 ~~No. 307 of the Public Acts of 1982, being section 299.609a of the~~  
6 ~~Michigan Compiled Laws. During the first 10 years that money is~~  
7 ~~disbursed by the bottle deposit fund under this section, the~~  
8 ~~money received by the Michigan unclaimed bottle fund and any~~  
9 ~~interest earned on that money shall remain permanently in the~~  
10 ~~Michigan unclaimed bottle fund and shall not be disbursed. After~~  
11 ~~the expiration of those first 10 years, all of the money thereaf-~~  
12 ~~ter deposited annually in the Michigan unclaimed bottle fund,~~  
13 ~~interest earned on the money thereafter deposited annually in the~~  
14 ~~Michigan unclaimed bottle fund, and any interest earned on the~~  
15 ~~money already in that fund shall be disbursed annually by the~~  
16 ~~department of treasury in the manner provided for by that~~  
17 ~~section. STATE WATER POLLUTION CONTROL REVOLVING FUND ESTAB-~~  
18 ~~LISHED PURSUANT TO SECTION 16A OF THE SHARED CREDIT RATING ACT,~~  
19 ~~ACT NO. 227 OF THE PUBLIC ACTS OF 1985, BEING SECTION 141.1066A~~  
20 ~~OF THE MICHIGAN COMPILED LAWS.~~

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

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

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

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

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