

HOUSE BILL No. 5388

September 17, 2009, Introduced by Rep. Cushingberry and referred to the Committee on Tax Policy.

A bill to levy an excise tax on the wholesale distribution of bottled water; to provide for the levy, collection, and administration of the excise tax; to provide certain reporting requirements; and to provide for the distribution of the excise tax.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "wholesale bottled water excise tax act".

3 Sec. 2. As used in this act:

4 (a) "Bottled water wholesaler" means a person engaged in the
5 business of the wholesale distribution of bottled water for retail

1 sale.

2 (b) "Bottled water excise tax" means the excise tax imposed
3 under section 3.

4 (c) "Department" means the department of treasury.

5 (d) "Person" means an individual, partnership, corporation,
6 association, governmental entity, or other legal entity.

7 Sec. 3. (1) The bottled water excise tax is levied on each
8 bottled water wholesaler engaged in the business of wholesale
9 distribution of bottled water for retail sale in this state.

10 (2) The bottled water excise tax is imposed at a rate of 1
11 cent per bottle or other container.

12 Sec. 4. (1) Each bottled water wholesaler shall prepare and
13 submit to the department a report on or before the twenty-fifth day
14 of each month in the form and manner required by the department,
15 showing the total number of water bottles or other containers
16 distributed for retail sale during the preceding month and other
17 information required by the department.

18 (2) The bottled water excise tax shall be paid each month to
19 the department at the same time the report is submitted.

20 Sec. 5. Each bottled water wholesaler shall prepare, keep, and
21 preserve a full and complete record of all bottled water
22 distributed in this state, and that record shall be open at all
23 times to the inspection of the state tax commission.

24 Sec. 6. (1) The bottled water excise tax imposed by this act
25 shall be administered by the department of treasury, under 1941 PA
26 122, MCL 205.1 to 205.31, and this act. In case of conflict between
27 1941 PA 122, MCL 205.1 to 205.31, and this act, the provisions of

1 this act shall prevail.

2 (2) The department may promulgate rules to implement this act
3 pursuant to the administrative procedures act of 1969, 1969 PA 306,
4 MCL 24.201 to 24.328.

5 Sec. 7. All taxes, penalties, or costs paid to the department
6 under this act shall be paid into the state treasury and shall be
7 credited to the general fund of the state.