

# HOUSE BILL No. 5133

October 18, 2017, Introduced by Rep. Lucido and referred to the Committee on Natural Resources.

A bill to levy an excise tax on the production of bottled drinking water; to provide for the levy, collection, and administration of the excise tax; to provide certain reporting requirements; to provide for certain penalties; to provide certain exemptions and refunds; 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       "Michigan bottled water excise tax act".

3       Sec. 2. As used in this act:

4       (a) "Bottled water operator" means a person engaged in  
5       producing bottled drinking water from a source in this state under  
6       a permit or approval under the safe drinking water act, 1976 PA

1 399, MCL 325.1001 to 325.1023.

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 operator engaged in the business of producing bottled  
9 drinking water in this state.

10 (2) The bottled water excise tax is imposed at a rate of 5  
11 cents per gallon.

12 Sec. 4. (1) Each bottled water operator 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 amount of water bottled during the preceding  
16 month and other information required by the department.

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

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

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

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

4           Sec. 7. In an action filed under the direction of the attorney  
5 general, the circuit court for the county of Ingham may restrain by  
6 injunction any bottled water operator or person who has failed to  
7 comply with this act and in the same manner to restrain any bottled  
8 water operator or person from continuing to bottle water while  
9 delinquent in the filing of any report or the paying of any tax,  
10 penalty, or cost required under this act.

11          Sec. 8. All taxes, penalties, or costs paid to the department  
12 under this act shall be paid into the state treasury and shall be  
13 placed in a restricted account to be used only for infrastructure  
14 improvements in this state as provided by law.