

SENATE BILL NO. 469

May 20, 2021, Introduced by Senators OUTMAN, HORN, BAYER, DALEY, WOJNO, CHANG, ZORN and VICTORY and referred to the Committee on Environmental Quality.

A bill to establish the Michigan dam repair and improvement fund in the department of treasury; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan dam repair and improvement fund act".

3 Sec. 3. As used in this act:

4 (a) "Delegated authority" means that term as defined in
5 section 30701 of the natural resources and environmental protection

1 act, 1994 PA 451, MCL 324.30701. For purposes of this act, the four
2 lakes task force is the delegated authority for dam improvements
3 and repairs of the four lakes dams.

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

5 (c) "Four lakes dams" means the damaged or failed dams known
6 as the Secord Dam, Smallwood Dam, Wixom Dam, or Sanford Dam, as
7 determined by the department.

8 (d) "Four lakes task force" means the four lakes task force
9 recognized as the delegated authority for the four lakes dams under
10 a proceeding described in part 307 of the natural resources and
11 environmental protection act, 1994 PA 451, MCL 324.30701 to
12 324.30723.

13 (e) "Michigan dam repair and improvement fund" or "fund" means
14 the Michigan dam repair and improvement fund created in section 5.

15 (f) "Special assessment district" means the special assessment
16 district described in part 307 of the natural resources and
17 environmental protection act, 1994 PA 451, MCL 324.30701 to
18 324.30723.

19 Sec. 5. (1) The Michigan dam repair and improvement fund is
20 created in the department to provide funds for the repair or
21 replacement of the four lakes dams, other dams located in this
22 state, and other related costs as provided in this act.

23 (2) The state treasurer shall credit to the fund all amounts
24 described in section 17(11) of the local community stabilization
25 authority act, 2014 PA 86, MCL 123.1357.

26 (3) The fund shall consist of the money credited to the fund
27 under subsection (2), any interest and earnings accruing from the
28 saving and investment of that money, and other appropriations,
29 money, grants, or other things of value received by the fund.

1 (4) The state treasurer shall direct the investment of the
2 fund.

3 Sec. 7. (1) The money, interest, and earnings of the fund
4 shall be expended solely for the purposes described in this act.

5 (2) Money granted or received as a gift or donation to the
6 fund is available for distribution upon appropriation as determined
7 by the delegated authority.

8 Sec. 9. (1) Money from the fund shall be used only for 1 or
9 more of the following as determined by the four lakes task force
10 for the four lakes dams and by the delegated authority for other
11 dams located in this state:

12 (a) To pay the operational cost of the delegated authority.

13 (b) To pay the costs of design, engineering, administration,
14 and overhead for the repair or replacement of the four lakes dams
15 and other dams located in this state.

16 (c) To pay the total cost of bonding and all bond payments for
17 the bonds issued under part 307 of the natural resources and
18 environmental protection act, 1994 PA 451, MCL 324.30701 to
19 324.30723, in the special assessment district for repair or
20 replacement of the four lakes dams and other dams located in this
21 state.

22 (d) To make payments or to reimburse this state for payments,
23 to local units of government for property tax losses associated
24 with the dam failures of the four lakes dams and other dams located
25 in this state.

26 (2) Money from the fund may be used as matching funds for a
27 federal grant if those funds are to be used for the purposes
28 described under this act.

29 Sec. 11. (1) The money in the fund that is available for

1 distribution shall be appropriated each year. Money in the fund at
2 the close of the year shall remain in the fund and shall not lapse
3 to the general fund.

4 (2) Upon dissolution of the fund, all remaining assets of the
5 fund shall lapse to the general fund of this state.