

# SENATE BILL NO. 470

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

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 31528a, 31528b, and 31528c.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 31528a. (1) The dam risk reduction revolving loan fund is  
2    created within the state treasury. The state treasurer may receive  
3    money or other assets from any source for deposit into the  
4    revolving loan fund. The state treasurer shall direct the

1 investment of the revolving loan fund and credit to the revolving  
2 loan fund interest and earnings from revolving loan fund  
3 investments. Money in the revolving loan fund at the end of the  
4 fiscal year remains in the revolving loan fund and does not lapse  
5 to the general fund. The department is the administrator of the  
6 revolving loan fund for auditing purposes.

7 (2) Upon appropriation, the department shall expend money from  
8 the revolving loan fund to provide loans to owners for projects  
9 that address dam infrastructure and risk reduction.

10 (3) As used in this section, "revolving loan fund" means the  
11 dam risk reduction revolving loan fund created under subsection  
12 (1).

13 Sec. 31528b. (1) The emergency dam safety action fund is  
14 created within the state treasury. The state treasurer may receive  
15 money or other assets from any source for deposit into the fund.  
16 The state treasurer shall direct the investment of the fund and  
17 credit to the fund interest and earnings from fund investments.  
18 Money in the fund at the end of the fiscal year remains in the fund  
19 and does not lapse to the general fund. The department is the  
20 administrator of the fund for auditing purposes.

21 (2) Upon appropriation, the department shall expend money from  
22 the fund for either of the following purposes:

23 (a) To take remedial or corrective actions that remove or  
24 reduce significant safety risks posed by dams when an owner is  
25 unable or unwilling to take remedial or corrective action. The  
26 department and the department of attorney general may recover costs  
27 expended from the fund under this subsection from an owner.

28 (b) To administer the emergency dam safety grant program  
29 created under section 31528c.

1           (3) As used in this section and section 31528c, "fund" means  
2 the emergency dam safety action fund created under subsection (1).

3           Sec. 31528c. (1) The department shall establish an emergency  
4 dam safety grant program as provided in this section.

5           (2) The program must provide grants to owners to complete any  
6 of the following projects:

7           (a) Repair or alteration of a dam.

8           (b) Reconstruction of a failed dam.

9           (c) Removal of a dam.

10          (3) An owner shall apply to the program on an application and  
11 in a manner prescribed by the department. To be eligible to receive  
12 a grant from the program, the owner must be able to contribute  
13 matching funds of at least 25%.

14          (4) By December 31 of each year, the department shall prepare  
15 a report that contains all of the following information:

16          (a) The fund's starting and ending balances for the preceding  
17 fiscal year.

18          (b) A list of each dam in this state that required emergency  
19 action from the fund including, but not limited to, all of the  
20 following information for each dam:

21           (i) Location.

22           (ii) The name of the owner.

23           (iii) A description of the action or actions taken.

24           (iv) The total expenditures.

25           (v) A summary of the enforcement actions taken and the status  
26 of fund recovery.

27          (c) A summary of the total expenditures from the fund made in  
28 the previous fiscal year.

29          (d) Department recommendations for appropriations that reflect

1 anticipated fund needs.

2 (5) The department shall post a copy of a report prepared  
3 under subsection (4) on the department's website and provide copies  
4 to all of the following:

5 (a) The relevant house of representatives and senate  
6 appropriations subcommittees.

7 (b) The relevant house of representatives and senate standing  
8 committees.

9 (c) The budget director.

10 (6) As used in this section, "program" means the emergency dam  
11 safety grant program created under subsection (1).

12 Enacting section 1. This amendatory act does not take effect  
13 unless Senate Bill No. 468 of the 101st Legislature is enacted into  
14 law.