

SENATE BILL No. 805

October 29, 2003, Introduced by Senators BIRKHOLZ, GEORGE, BROWN, KUIPERS, ALLEN, BRATER, JELINEK, STAMAS, JOHNSON, SIKKEMA, SANBORN, BISHOP, CROPSEY, CASSIS and GOSCHKA and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 19608 (MCL 324.19608), as added by 1998 PA
288.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 19608. (1) Money in the fund that is allocated under
2 section 19607 shall be used for the following purposes:

3 (a) Money allocated under section 19607(1)(a) shall be used
4 by the department to fund all of the following:

5 (i) Corrective actions undertaken by the department to
6 address releases from leaking underground storage tanks pursuant
7 to part 213.

8 (ii) Response activities undertaken by the department at
9 facilities pursuant to part 201 to address public health and
10 environmental problems or to promote redevelopment.

(iii) Assessment activities undertaken by the department to determine whether a property is a facility.

(iv) Not more than ~~-\$20,000,000.00-~~ **\$120,000,000.00** shall be used to provide grants and loans to local units of government and brownfield redevelopment authorities created under the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to

125.2672, for response activities at known or suspected

facilities with redevelopment potential. **Of the money provided**

for in this subparagraph, not more than \$60,000,000.00 shall be

used to provide grants and not more than \$60,000,000.00 shall be

used to provide loans.

(v) Not more than \$12,000,000.00 shall be used for grants pursuant to the municipal landfill grant program under section 20109a.

(b) Money allocated under section 19607(1)(b) shall be used for waterfront redevelopment grants pursuant to part 795.

(c) Money allocated under section 19607(1)(c) shall be used for response activities for the remediation of contaminated lake and river sediments pursuant to part 201.

(d) Money allocated under section 19607(1)(d) shall be used for nonpoint source pollution prevention and control grants or wellhead protection grants pursuant to part 88.

(e) Money allocated under section 19607(1)(e) shall be deposited into the clean water fund created in ~~part 88~~ **section 8807.**

(f) Money allocated under section 19607(1)(f) shall be expended as follows:

1 (i) \$10,000,000.00 shall be deposited into the retired
2 engineers technical assistance program fund created in section
3 14512.

4 (ii) \$5,000,000.00 shall be deposited into the small business
5 pollution prevention assistance revolving loan fund created in
6 section 14513.

7 (iii) \$5,000,000.00 shall be used by the department to
8 implement pollution prevention activities other than those funded
9 under subparagraphs (i) and (ii).

10 (g) Money that is allocated under section 19607(1)(g) shall
11 be used by the department of community health for remediation and
12 physical improvements to structures to abate or minimize exposure
13 of persons to lead hazards.

14 (h) Money allocated under section 19607(1)(h) shall be used
15 for infrastructure improvements at Michigan state parks as
16 determined by the department of natural resources. The
17 installation or upgrade of drinking water systems or rest room
18 facilities shall be the first priority.

19 (i) Money allocated under section 19607(1)(i) shall be used
20 to provide grants to local units of government for local
21 recreation projects pursuant to part 716.

22 (2) Of the money allocated under section 19607(1)(a), not
23 less than \$40,000,000.00 or more than \$60,000,000.00 shall be
24 used for facilities that pose an imminent or substantial
25 endangerment to the public health, safety, or welfare, or to the
26 environment. For purposes of this subsection, facilities that
27 pose an imminent or substantial endangerment shall include, but

1 are not limited to, those where public access poses hazards
2 because of potential exposure to chemicals or safety risks and
3 where drinking water supplies are threatened by contamination.

4 (3) Before expending any funds allocated under subsection
5 (1)(c) at a site that is an area of concern as designated by the
6 parties to the Great Lakes water quality agreement, the
7 department shall notify the public advisory council established
8 to oversee that area of concern regarding the development,
9 implementation, and evaluation of response activities to be
10 conducted with money in the fund at that area of concern.

11 (4) Money in the fund shall not be used to develop a
12 municipal or commercial marina.

13 (5) Money provided in the fund may be used by the department
14 of treasury to pay for the cost of issuing bonds and by the
15 department and the department of natural resources to pay
16 department costs as provided in this subsection. Not more than
17 3% of the total amount specified in section 19607(1)(a) to (f)
18 shall be available for appropriation to the department to pay its
19 costs directly associated with the completion of a project
20 authorized by section 19607(1)(a) to (f). Not more than 3% of
21 the total amount specified in section 19607(1)(h) and (i) shall
22 be available for appropriation to the department of natural
23 resources to pay its costs directly associated with the
24 completion of a project authorized by section 19607(1)(h) and
25 (i). It is the intent of the legislature that general fund
26 appropriations to the department and to the department of natural
27 resources shall not be reduced as a result of costs funded

1 pursuant to this subsection.

2 (6) A grant shall not be provided under this part for a
3 project that is located at any of the following:

4 (a) Land sited for use as a gaming facility or as a stadium
5 or arena for use by a professional sports team.

6 (b) Land or other facilities owned or operated by a gaming
7 facility or by a stadium or arena for use by a professional
8 sports team.

9 (c) Land within a project area described in a project plan
10 pursuant to the economic development corporations act, 1974
11 PA 338, MCL 125.1601 to 125.1636, for a gaming facility.

12 (7) The department, the department of natural resources, and
13 the department of community health shall each submit annually a
14 list of all projects that will be undertaken by that department
15 that are recommended to be funded under this part. The list
16 shall be submitted to the governor, the standing committees of
17 the house of representatives and the senate that primarily
18 address issues pertaining to the protection of natural resources
19 and the environment, and the appropriations committees in the
20 house of representatives and the senate. The list shall be
21 submitted to the legislative committees not later than
22 February 15 of each year. This list shall also be submitted
23 before any request for supplemental appropriation of bond funds.
24 For each eligible project, the list shall include the nature of
25 the eligible project; the county in which the eligible project is
26 located; an estimate of the total cost of the eligible project;
27 and other information considered pertinent by the administering

1 state department. A project that is funded by a grant or loan
2 with money from the fund does not need to be included on the list
3 submitted under this subsection. However, money in the fund that
4 is appropriated for grants and loans shall not be encumbered or
5 expended until the administering state department has reported
6 those projects that have been approved for a grant or a loan to
7 the standing committees of the house of representatives and the
8 senate that primarily address issues pertaining to the protection
9 of natural resources and the environment and to the
10 appropriations subcommittees in the house of representatives and
11 the senate on natural resources and environmental quality.
12 Before submitting the first cycle of recommended projects under
13 ~~section 19608(1)(a) pursuant to this~~ subsection **(1)(a)**, the
14 department shall publish and disseminate the criteria it will use
15 in evaluating and recommending these projects for funding.

16 (8) The legislature shall appropriate prospective or actual
17 bond proceeds for projects proposed to be funded. Appropriations
18 shall be carried over to succeeding fiscal years until the
19 project for which the funds are appropriated is completed.

20 (9) Not later than December 31 of each year, the department,
21 the department of natural resources, and the department of
22 community health shall each submit a list of the projects
23 financed under this part by that department to the governor, the
24 standing committees of the house of representatives and the
25 senate that primarily address issues pertaining to the protection
26 of natural resources and the environment, and the subcommittees
27 of the house of representatives and the senate on appropriations

1 on natural resources and environmental quality. Each list shall
2 include the name, address, and telephone number of the recipient
3 or participant, if appropriate; the name and location of the
4 project; the nature of the project; the amount of money allocated
5 to the project; the county in which the project is located; a
6 brief summary of what has been accomplished by the project; and
7 other information considered pertinent by the administering state
8 department.

9 Enacting section 1. This amendatory act does not take
10 effect unless Senate Bill No. 806
11 of the 92nd Legislature is enacted into
12 law.