

SENATE BILL No. 90

January 25, 2007, Introduced by Senators BASHAM, JACOBS, PRUSI, GLEASON, BRATER and OLSHOVE and referred to the Committee on Energy Policy.

A bill to amend 1984 PA 431, entitled
"The management and budget act,"
(MCL 18.1101 to 18.1594) by adding section 214.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 214. (1) BEGINNING OCTOBER 1, 2007, ALL NONROAD SPECIALTY
2 VEHICLES OWNED OR LEASED BY A STATE AGENCY THAT ARE USED IN A
3 COUNTY IN WHICH ALL OR A PART OF THAT COUNTY HAS BEEN DETERMINED BY
4 THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AS NOT BEING IN
5 ATTAINMENT WITH THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR
6 OZONE UNDER THE CLEAN WATER ACT, 42 USC 7511, SHALL UTILIZE ULTRA-
7 LOW-SULFUR DIESEL FUEL AND THE BEST AVAILABLE TECHNOLOGY FOR
8 REDUCING THE EMISSION OF POLLUTANTS.

9 (2) BEGINNING OCTOBER 1, 2007, IF A STATE AGENCY ENTERS INTO A
10 PROCUREMENT CONTRACT OR ANY OTHER CONTRACT IN WHICH THE CONTRACTOR

1 MAY UTILIZE NONROAD SPECIALTY VEHICLES IN THE FULFILLMENT OF THE
2 CONTRACT THAT ARE USED IN A COUNTY IN WHICH ALL OR A PART OF THAT
3 COUNTY HAS BEEN DETERMINED BY THE UNITED STATES ENVIRONMENTAL
4 PROTECTION AGENCY AS NOT BEING IN ATTAINMENT WITH THE NATIONAL
5 AMBIENT AIR QUALITY STANDARDS FOR OZONE UNDER THE CLEAN WATER ACT,
6 42 USC 7511, THE CONTRACT SHALL PROVIDE THAT THE CONTRACTOR SHALL
7 UTILIZE ONLY NONROAD SPECIALTY VEHICLES THAT UTILIZE ULTRA-LOW-
8 SULFUR DIESEL FUEL AND THE BEST AVAILABLE TECHNOLOGY FOR REDUCING
9 THE EMISSION OF POLLUTANTS IN FULFILLMENT OF THE CONTRACT.

10 (3) NOT LATER THAN OCTOBER 1, 2007, THE DIRECTOR SHALL ISSUE
11 DIRECTIVES TO EACH STATE AGENCY AS TO WHAT CONSTITUTES THE BEST
12 AVAILABLE TECHNOLOGY FOR REDUCING THE EMISSION OF POLLUTANTS OF
13 NONROAD SPECIALTY VEHICLES.

14 (4) TO THE EXTENT THEY ARE AVAILABLE, FEDERAL FUNDS SHALL BE
15 USED TO RETROFIT NONROAD SPECIALTY VEHICLES OWNED OR LEASED BY A
16 STATE AGENCY TO MAKE THEM COMPATIBLE WITH THE USE OF ULTRA-LOW-
17 SULFUR DIESEL FUEL.

18 (5) AS USED IN THIS SECTION:

19 (A) "NONROAD SPECIALTY VEHICLE" MEANS A VEHICLE THAT IS
20 POWERED BY AN INTERNAL COMBUSTION ENGINE THAT IS 50-HORSEPOWER OR
21 GREATER AND FUELED BY DIESEL FUEL THAT IS NOT A MOTOR VEHICLE OR A
22 VEHICLE USED SOLELY FOR COMPETITION, WHICH SHALL INCLUDE, BUT IS
23 NOT LIMITED TO, AN EXCAVATOR, BACKHOE, CRANE, COMPRESSOR,
24 GENERATOR, BULLDOZER, AND SIMILAR EQUIPMENT.

25 (B) "ULTRA-LOW-SULFUR DIESEL FUEL" MEANS DIESEL FUEL THAT HAS
26 A SULFUR CONTENT OF NO MORE THAN 15 PARTS PER MILLION.