

HOUSE BILL No. 5264

November 5, 2003, Introduced by Rep. Bisbee and referred to the Committee on Commerce.

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~~ **\$80,000,000.00** 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 \$40,000,000.00 shall be used to provide grants and not more than \$40,000,000.00 shall be used to provide loans pursuant to the clean Michigan initiative revolving loan program created in section 19608a.**

(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

1 expended as follows:

2 (i) \$10,000,000.00 shall be deposited into the retired
3 engineers technical assistance program fund created in section
4 14512.

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

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

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

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

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

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

1 pose an imminent or substantial endangerment shall include, but
2 are not limited to, those where public access poses hazards
3 because of potential exposure to chemicals or safety risks and
4 where drinking water supplies are threatened by contamination.

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

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

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

1 resources shall not be reduced as a result of costs funded
2 pursuant to this subsection.

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

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

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

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

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

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

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

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

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

10 Enacting section 1. This amendatory act does not take
11 effect unless Senate Bill No. _____ or House Bill No. 5270
12 (request no. 04904'03) of the 92nd Legislature is enacted into
13 law.