

# SENATE BILL No. 1395

June 17, 2008, Introduced by Senators JELINEK, PAPPAGEORGE, GARCIA and BROWN and referred to the Committee on Commerce and Tourism.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20113 (MCL 324.20113), as amended by 1996 PA 383.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 20113. (1) Money required to implement the programs  
2 described under this part and to pay for response activities  
3 recommended under this part shall be appropriated from the fund and  
4 any other source the legislature considers necessary to implement  
5 the requirements of this part.

6           (2) Money from the fund shall be appropriated only for  
7 response activities at sites that have been subjected to the risk

1 assessment process described in section 20105.

2 (3) The department shall annually submit to the governor a  
3 request for appropriation from the fund. The request will include a  
4 lump sum amount for the purposes of subsection (4)(a) and a lump  
5 sum amount for the purposes of subsection (4)(f). For the purposes  
6 set forth in subsection (4)(b), (c), (d), and (e), the request  
7 shall include a list of sites where the department is proposing to  
8 expend funds. ~~The~~ **FOR EACH SITE, THE** list shall include ~~the~~  
9 ~~following information for each site:~~ the **SITE'S** common name, ~~of the~~  
10 ~~site,~~ the response activities that are planned to be conducted, and  
11 the estimated amount of money that is needed to conduct the  
12 response activities. The legislature shall approve by law the list  
13 of sites to be addressed and shall provide a lump sum appropriation  
14 for these sites based on the total estimated amount needed for the  
15 approved sites.

16 (4) Money from the fund may be used, upon appropriation, for  
17 the following as determined by the department:

18 (a) National priority list municipal landfill cost-share  
19 grants to be approved by the board pursuant to section 20109a.

20 (b) Superfund match, which includes funding for any response  
21 activity that is required to match federal dollars at a superfund  
22 site as required under the comprehensive environmental response,  
23 compensation, and liability act of 1980, Public Law 96-510. ~~94~~  
24 ~~Stat. 2767.~~

25 (c) Response activities to address actual or potential public  
26 health or environmental problems.

27 (d) Completion of response activities initiated by ~~the~~ **THIS**

1 state using environmental protection bond funds or completion of  
2 response activities at facilities initiated by a person who was  
3 liable under this part ~~prior to Public Act 71~~ **BEFORE THE EFFECTIVE**  
4 **DATE** of 1995 **PA 71** but is not liable under section 20126, ~~of this~~  
5 ~~part,~~ where such response activities have ceased.

6 (e) Response activities at sites that will facilitate  
7 redevelopment.

8 (f) Emergency response actions for sites to be determined by  
9 the department.

10 (G) **GRANTS FOR 1 OR MORE OF THE FOLLOWING PURPOSES:**

11 (i) **RESEARCH AND DEVELOPMENT OF NEW TECHNOLOGIES FOR DEALERS TO**  
12 **PROCESS RETURNABLE CONTAINERS UNDER 1976 IL 1, MCL 445.571 TO**  
13 **445.576.**

14 (ii) **RETROFITTING REVERSE VENDING MACHINES TO ACCOMMODATE**  
15 **TECHNOLOGIES DESCRIBED IN SUBPARAGRAPH (i).**

16 (5) Money in the fund shall be expended first for the purposes  
17 described in subsection (4)(b) and (f) and health or environmental  
18 problems under subsection (4)(c) that are related to acute health  
19 or environmental problems. Following these expenditures, not less  
20 than 50% of the remaining money expended under this section shall  
21 be expended for response activities that facilitate redevelopment  
22 of urbanized areas. All additional expenditures under this section  
23 shall be expended following the expenditures described in this  
24 subsection. As used in this subsection, "urbanized area" means an  
25 urbanized area as determined by the economics and statistics  
26 administration, United States bureau of census, according to the  
27 ~~1990-2000~~ census.

1           (6) The total amount of funds expended by the department for  
2 national priority list municipal landfill cost-share grants **IN A**  
3 **FISCAL YEAR** shall not exceed the lesser of 12% of the funds  
4 appropriated from the fund ~~in a~~ **FOR THAT** fiscal year or  
5 \$6,000,000.00. ~~in a fiscal year.~~

6           (7) Not later than December 31 of each year, the department  
7 shall provide to the governor, the senate and house of  
8 representatives standing committees with jurisdiction over issues  
9 pertaining to natural resources and the environment, and the senate  
10 and house of representatives appropriations committees a list of  
11 all projects financed under this part through the preceding fiscal  
12 year. The list shall include the project site and location, the  
13 nature of the project, the total amount of money authorized, the  
14 total amount of money expended, and project status.