

I.E.



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

Date: 9/29, 2019

Time: 3:08pm

To the President of the Senate:

Sir – I have this day approved and signed

Enrolled Senate Bill No. 137 (Public Act No. 57) being

AN ACT to make appropriations for the department of environment, Great Lakes, and energy for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

Respectfully,

Governor

2019 SEP 29 A 9:03
SECRETARY OF STATE
ENROLLING CLERKS
OCT 1

FILED WITH SECRETARY OF STATE

ON 9/30/19 AT 7:20 P.M.



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

September 30, 2019

Michigan State Senate
State Capitol
Lansing, MI 48909-7536

Senators,

I have signed Enrolled Senate Bill 137, which makes appropriations for the Department of Environment, Great Lakes, and Energy for the fiscal year ending September 30, 2020. I have, however, disapproved five items pursuant to article 5, section 19 of the Michigan Constitution of 1963. The specific item vetoes are detailed in the attached copy of the bill that has been filed with the secretary of state.

To provide direction regarding the implementation of this appropriations act, I note the following:

- Sections 221 and 601 violate article 4, section 25 of the Michigan Constitution of 1963, and are therefore unenforceable.
- Sections 220 and 601 violate article 4, section 24 of the Michigan Constitution of 1963, and are therefore unenforceable. These sections also violate the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and are therefore unenforceable on that basis as well.
- Finally, those provisions of this bill that express merely the intent, advice, preferences, or wishes of the legislature do not impose conditions upon appropriations and are non-binding.

Thank you for your attention to these matters.

Sincerely,

Gretchen Whitmer
Governor

cc: Michigan House of Representatives
The Honorable Jocelyn Benson

2019 SEP 31 A 9:04

OFFICE OF THE CLERK
ENROLLING CLERKS

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2019**

Introduced by Senator Bumstead

ENROLLED SENATE BILL No. 137

AN ACT to make appropriations for the department of environment, Great Lakes, and energy for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for the department of environment, Great Lakes, and energy for the fiscal year ending September 30, 2020, from the following funds:

**DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
APPROPRIATION SUMMARY**

Full-time equated unclassified positions	6.0		
Full-time equated classified positions	1,416.0		
GROSS APPROPRIATION		\$	616,140,800
Interdepartmental grant revenues:			
IDG, MDOT - Michigan transportation fund			1,383,000
IDG from department of state police			1,793,600
Total interdepartmental grants and intradepartmental transfers			3,176,600
ADJUSTED GROSS APPROPRIATION		\$	612,964,200
Federal revenues:			
Federal funds			175,269,900
Total federal revenues			175,269,900
Special revenue funds:			
Private funds			1,201,800
Total private revenues			1,201,800
Total other state restricted revenues			267,915,100
State general fund/general purpose		\$	168,577,400
FUND SOURCE SUMMARY			
Full-time equated unclassified positions	6.0		
Full-time equated classified positions	1,416.0		
GROSS APPROPRIATION		\$	616,140,800
Interdepartmental grant revenues:			
IDG, MDOT - Michigan transportation fund			1,383,000

For Fiscal Year
Ending Sept. 30,
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IDG from department of state police.....	\$	1,793,600
Total interdepartmental grants and intradepartmental transfers.....		3,176,600
ADJUSTED GROSS APPROPRIATION.....	\$	612,964,200
Federal revenues:		
Total federal revenues		175,269,900
Special revenue funds:		
Private funds		1,201,800
Total private revenues.....		1,201,800
Air emissions fees.....		12,613,200
Aquatic nuisance control fund.....		948,400
Campground fund.....		328,600
Clean Michigan initiative - clean water fund.....		2,617,100
Clean Michigan initiative - nonpoint source		2,000,000
Cleanup and redevelopment fund		21,253,900
Coal ash care fund		260,000
Community pollution prevention fund		1,250,000
Drinking water declaration of emergency reserve fund		100
Electronic waste recycling fund.....		339,700
Environmental education fund		176,500
Environmental pollution prevention fund.....		6,900,800
Environmental protection fund.....		521,400
Environmental response fund		5,012,200
Fees and collections		395,500
Financial instruments		9,555,400
Great Lakes protection fund		531,600
Groundwater discharge permit fees.....		1,793,900
Infrastructure construction fund		52,200
Laboratory services fees.....		6,637,000
Land and water permit fees		3,357,400
Landfill maintenance trust fund		31,000
Medical waste emergency response fund		344,200
Metallic mining surveillance fee revenue		101,100
Mineral well regulatory fee revenue.....		223,200
Native copper mine fund.....		50,000
Nonferrous metallic mineral surveillance		370,200
NPDES fees.....		4,689,700
Oil and gas regulatory fund		7,331,200
Orphan well fund		4,329,800
Public swimming pool fund		665,500
Public utility assessments		2,608,700
Public water supply fees		5,057,900
Refined petroleum fund.....		42,407,400
Renew Michigan fund		69,000,000
Retired engineers technical assistance program		498,200
Revitalization revolving loan fund.....		103,100
Revolving loan revenue bonds		15,000,000
Sand extraction fee revenue.....		93,000
Scrap tire regulatory fund		5,127,000
Septage waste program fund.....		530,600
Settlement funds.....		427,000
Sewage sludge land application fees		1,020,000
Small business pollution prevention revolving loan fund.....		167,400
Soil erosion and sedimentation control training fund		175,300
Solid waste management fund - staff account.....		5,304,600
Stormwater permit fees		2,527,000
Strategic water quality initiatives fund		1,220,500
Technologically enhanced naturally occurring radioactive material.....		250,000
Underground storage tank cleanup fund		20,044,300

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Wastewater operator training fees.....	\$	608,600
Water pollution control revolving fund.....		668,900
Water quality protection fund.....		100,000
Water use reporting fees.....		294,800
Total other state restricted revenues.....		267,915,100
State general fund/general purpose.....	\$	168,577,400

Sec. 102. DEPARTMENTAL ADMINISTRATION AND SUPPORT

Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions.....	83.0	
Unclassified salaries—6.0 FTE positions.....		\$ 824,100
Accounting service center.....		1,438,000
Administrative hearings officers.....		396,000
Central support services—39.0 FTE positions.....		5,239,500
Communications and community outreach—31.0 FTE positions.....		4,659,000
Environmental support projects.....		5,000,000
Executive direction—13.0 FTE positions.....		2,133,600
Facilities management.....		1,000,000
Property management.....		7,741,300
GROSS APPROPRIATION.....		\$ 28,431,500

Appropriated from:

Interdepartmental grant revenues:		
IDG from department of state police.....		76,500
Federal revenues:		
Federal funds.....		59,800
Special revenue funds:		
Private funds.....		364,100
Air emissions fees.....		1,534,000
Campground fund.....		15,800
Cleanup and redevelopment fund.....		1,611,300
Electronic waste recycling fund.....		15,300
Environmental education fund.....		176,500
Environmental pollution prevention fund.....		1,759,700
Environmental protection fund.....		327,000
Environmental response fund.....		531,600
Fees and collections.....		151,500
Financial instruments.....		7,369,100
Groundwater discharge permit fees.....		217,700
Laboratory services fees.....		309,100
Land and water permit fees.....		646,800
Medical waste emergency response fund.....		18,200
Metallic mining surveillance fee revenue.....		5,200
Mineral well regulatory fee revenue.....		9,100
Nonferrous metallic mineral surveillance.....		800
NPDES fees.....		278,400
Oil and gas regulatory fund.....		948,000
Orphan well fund.....		53,600
Public swimming pool fund.....		27,900
Public utility assessments.....		21,400
Public water supply fees.....		291,400
Refined petroleum fund.....		2,652,600
Retired engineers technical assistance program.....		7,000
Sand extraction fee revenue.....		4,300
Scrap tire regulatory fund.....		175,600
Septage waste program fund.....		20,500
Settlement funds.....		427,000
Sewage sludge land application fees.....		125,800
Small business pollution prevention revolving loan fund.....		19,700

For Fiscal Year
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2020

Soil erosion and sedimentation control training fund	\$	19,100
Solid waste management fund - staff account		371,400
Stormwater permit fees		266,400
Wastewater operator training fees		35,000
Water use reporting fees		25,000
State general fund/general purpose	\$	7,462,300

Sec. 103. OFFICE OF THE GREAT LAKES

Full-time equated classified positions	23.0	
Coastal management grants	\$	1,250,000
Great Lakes restoration initiative—11.0 FTE positions		8,444,800
Office of the Great Lakes—12.0 FTE positions		<u>2,263,100</u>
GROSS APPROPRIATION	\$	11,957,900
Appropriated from:		
Federal revenues:		
Federal funds		10,510,400
Special revenue funds:		
Great Lakes protection fund		506,600
State general fund/general purpose	\$	940,900

Sec. 104. WATER RESOURCES DIVISION

Full-time equated classified positions	312.0	
Aquatic nuisance control program—6.0 FTE positions	\$	948,400
Expedited water/wastewater permits—1.0 FTE position		52,200
Federal - Great Lakes remedial action plan grants		583,800
Federal - nonpoint source water pollution grants		4,083,300
Fish contaminant monitoring		316,100
Great Lakes restoration initiative		6,252,100
Groundwater discharge permit program—22.0 FTE positions		3,286,400
Land and water interface permit programs—82.0 FTE positions		12,037,700
Nonpoint source pollution prevention and control project program		2,000,000
NPDES nonstormwater program—83.0 FTE positions		13,467,800
Program direction and project assistance—27.0 FTE positions		3,164,500
Surface water—51.5 FTE positions		9,392,300
Sewage sludge land application program—7.0 FTE positions		859,600
Stormwater activities—27.5 FTE positions		5,100,000
Technology advancements for water monitoring		500,000
Water quality protection grants		100,000
Water withdrawal assessment program—5.0 FTE positions		829,200
Wetlands program		<u>1,000,000</u>
GROSS APPROPRIATION	\$	63,973,400
Appropriated from:		
Interdepartmental grant revenues:		
IDG, MDOT - Michigan transportation fund		1,296,900
Federal revenues:		
Federal funds		26,967,200
Special revenue funds:		
Aquatic nuisance control fund		948,400
Clean Michigan initiative - clean water fund		2,617,100
Clean Michigan initiative - nonpoint source		2,000,000
Environmental response fund		1,404,800
Groundwater discharge permit fees		1,479,900
Infrastructure construction fund		52,200
Land and water permit fees		2,359,400
NPDES fees		4,234,300
Refined petroleum fund		445,900
Sewage sludge land application fees		859,600
Soil erosion and sedimentation control training fund		143,200

	For Fiscal Year Ending Sept. 30, 2020
Stormwater permit fees	\$ 2,171,400
Wastewater operator training fees.....	293,200
Water pollution control revolving fund.....	146,800
Water quality protection fund.....	100,000
Water use reporting fees.....	253,400
State general fund/general purpose	\$ 16,199,700

Sec. 105. LAW ENFORCEMENT

Full-time equated classified positions.....	15.0
Environmental investigations—15.0 FTE positions.....	\$ 3,035,700
GROSS APPROPRIATION	\$ 3,035,700

Appropriated from:

Federal revenues:

Federal funds.....	575,800
Special revenue funds:	
Air emissions fees.....	58,000
Campground fund	2,100
Cleanup and redevelopment fund	192,500
Electronic waste recycling fund.....	1,600
Environmental pollution prevention fund	265,400
Environmental response fund	41,900
Fees and collections	4,100
Financial instruments	532,800
Groundwater discharge permit fees.....	19,600
Laboratory services fees.....	35,600
Land and water permit fees	79,900
Medical waste emergency response fund	2,400
Metallic mining surveillance fee revenue	700
Mineral well regulatory fee revenue	1,200
NPDES fees.....	33,100
Oil and gas regulatory fund	89,300
Orphan well fund	7,100
Public swimming pool fund	3,700
Public utility assessments	2,000
Public water supply fees	27,300
Refined petroleum fund.....	375,800
Sand extraction fee revenue.....	600
Scrap tire regulatory fund	30,200
Septage waste program fund.....	2,700
Sewage sludge land application fees	11,700
Small business pollution prevention revolving loan fund.....	2,600
Soil erosion and sedimentation control training fund	2,600
Solid waste management fund - staff account	42,400
Stormwater permit fees	18,300
Wastewater operator training fees.....	4,600
Water use reporting fees.....	3,100
State general fund/general purpose	\$ 565,000

Sec. 106. AIR QUALITY DIVISION

Full-time equated classified positions.....	187.0
Air quality programs—187.0 FTE positions.....	\$ 29,944,100
GROSS APPROPRIATION	\$ 29,944,100

Appropriated from:

Federal revenues:

Federal funds.....	7,392,300
Special revenue funds:	
Air emissions fees.....	10,340,700
Fees and collections	205,400

For Fiscal Year
Ending Sept. 30,
2020

Oil and gas regulatory fund	\$	142,400
Public utility assessments		150,000
Refined petroleum fund		3,697,100
State general fund/general purpose	\$	8,016,200

Sec. 107. REMEDIATION AND REDEVELOPMENT DIVISION

Full-time equated classified positions	308.0	
Contaminated site investigations, cleanup, and revitalization—130.0 FTE positions	\$	15,480,500
Emergency cleanup actions		2,000,000
Environmental cleanup support		1,000,000
Federal cleanup project management—40.0 FTE positions		7,163,300
Laboratory services—39.0 FTE positions		6,471,000
Refined petroleum product cleanup program—99.0 FTE positions		34,849,000
Superfund cleanup		1,000,000
GROSS APPROPRIATION	\$	67,963,800
Appropriated from:		
Federal revenues:		
Federal funds		6,480,300
Special revenue funds:		
Private funds		192,500
Cleanup and redevelopment fund		17,641,200
Community pollution prevention fund		1,000,000
Environmental protection fund		107,000
Environmental response fund		2,864,800
Laboratory services fees		6,153,200
Landfill maintenance trust fund		31,000
Public water supply fees		317,800
Refined petroleum fund		32,765,900
Revitalization revolving loan fund		103,100
State general fund/general purpose	\$	307,000

Sec. 108. UNDERGROUND STORAGE TANK AUTHORITY

Full-time equated classified positions	5.0	
Underground storage tank cleanup program—5.0 FTE positions	\$	20,044,300
GROSS APPROPRIATION	\$	20,044,300
Appropriated from:		
Special revenue funds:		
Underground storage tank cleanup fund		20,044,300
State general fund/general purpose	\$	0

Sec. 109. RENEWING MICHIGAN'S ENVIRONMENT

Full-time equated classified positions	133.0	
Mapping and other support—5.0 FTE positions	\$	4,300,000
Renew Michigan program—128.0 FTE positions		69,000,000
GROSS APPROPRIATION	\$	73,300,000
Appropriated from:		
Special revenue funds:		
Renew Michigan fund		69,000,000
State general fund/general purpose	\$	4,300,000

Sec. 110. INFORMATION TECHNOLOGY

Information technology services and projects	\$	9,679,200
GROSS APPROPRIATION	\$	9,679,200
Appropriated from:		
Interdepartmental grant revenues:		
IDG, MDOT - Michigan transportation fund		86,100
IDG from department of state police		25,800
Federal revenues:		
Federal funds		1,838,700

For Fiscal Year
Ending Sept. 30,
2020

Special revenue funds:	
Air emissions fees	\$ 680,500
Campground fund	8,400
Cleanup and redevelopment fund	808,900
Electronic waste recycling fund	6,500
Environmental pollution prevention fund	469,100
Environmental protection fund	87,400
Environmental response fund	169,100
Financial instruments	1,653,500
Great Lakes protection fund	25,000
Groundwater discharge permit fees	76,700
Laboratory services fees	139,100
Land and water permit fees	271,300
Medical waste emergency response fund	10,000
Metallic mining surveillance fee revenue	2,700
Mineral well regulatory fee revenue	4,900
Nonferrous metallic mineral surveillance	300
NPDES fees	143,900
Oil and gas regulatory fund	333,500
Orphan well fund	29,500
Public swimming pool fund	15,100
Public utility assessments	7,900
Public water supply fees	151,100
Refined petroleum fund	1,748,700
Sand extraction fee revenue	2,300
Scrap tire regulatory fund	64,300
Septage waste program fund	11,300
Sewage sludge land application fees	22,900
Small business pollution prevention revolving loan fund	10,700
Soil erosion and sedimentation control training fund	10,400
Solid waste management fund - staff account	174,700
Stormwater permit fees	70,900
Wastewater operator training fees	19,200
Water pollution control revolving fund	7,400
Water use reporting fees	13,300
State general fund/general purpose	\$ 478,100

Sec. 111. CLIMATE AND ENERGY

Full-time equated classified positions	21.0
Office of climate and energy—21.0 FTE positions	\$ 7,192,500
GROSS APPROPRIATION	\$ 7,192,500

Appropriated from:

Federal revenues:

Federal funds	3,810,200
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Special revenue funds:

Private funds	140,000
Public utility assessments	2,188,700
Retired engineers technical assistance program	491,200
State general fund/general purpose	\$ 562,400

Sec. 112. DRINKING WATER AND ENVIRONMENTAL HEALTH

Full-time equated classified positions	125.0
Drinking water—68.0 FTE positions	\$ 11,650,600
Environmental health—57.0 FTE positions	7,052,700
Drinking water program grants	830,000
Noncommunity water grants	1,905,700
Septage waste compliance grants	275,000
GROSS APPROPRIATION	\$ 21,714,000

Appropriated from:	
Federal revenues:	
Federal funds.....	\$ 10,417,100
Special revenue funds:	
Campground fund	302,300
Fees and collections	34,500
Public swimming pool fund	618,800
Public water supply fees	4,270,300
Refined petroleum fund	721,400
Septage waste program fund.....	496,100
Wastewater operator training fees.....	256,600
State general fund/general purpose	\$ 4,596,900

Sec. 113. MATERIALS MANAGEMENT DIVISION

Full-time equated classified positions.....	118.0	
Hazardous waste management program—45.0 FTE positions		\$ 6,977,000
Low-level radioactive waste authority—2.0 FTE positions		238,700
Medical waste program—2.0 FTE positions.....		313,600
Pollution prevention—7.0 FTE positions		2,289,400
Radiological protection program—12.0 FTE positions		2,004,600
Recycling initiative—3.0 FTE positions.....		1,000,000
Scrap tire grants.....		3,500,000
Scrap tire regulatory program—10.0 FTE positions		1,356,900
Solid waste management program—37.0 FTE positions		<u>5,292,400</u>
GROSS APPROPRIATION		\$ 22,972,600

Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of state police.....	1,691,300
Federal revenues:	
Federal funds.....	4,033,500
Special revenue funds:	
Private funds	505,200
Cleanup and redevelopment fund	1,000,000
Coal ash care fund	260,000
Community pollution prevention fund.....	250,000
Electronic waste recycling fund.....	316,300
Environmental pollution prevention fund	4,406,600
Medical waste emergency response fund	313,600
Public utility assessments	238,700
Scrap tire regulatory fund	4,856,900
Small business pollution prevention revolving loan fund	134,400
Solid waste management fund - staff account.....	4,716,100
Technologically enhanced naturally occurring radioactive material.....	250,000
State general fund/general purpose	\$ 0

Sec. 114. OIL, GAS, AND MINERALS DIVISION

Full-time equated classified positions.....	57.0	
Oil, gas, and mineral services—57.0 FTE positions		\$ 11,011,900
GROSS APPROPRIATION		\$ 11,011,900

Appropriated from:	
Special revenue funds:	
Metallic mining surveillance fee revenue	92,500
Mineral well regulatory fee revenue	208,000
Native copper mine fund.....	50,000
Nonferrous metallic mineral surveillance	369,100
Oil and gas regulatory fund	5,818,000
Orphan well fund	4,239,600
Sand extraction fee revenue.....	85,800
State general fund/general purpose	\$ 148,900

For Fiscal Year
Ending Sept. 30,
2020

Sec. 115. WATER INFRASTRUCTURE

Full-time equated classified positions.....	29.0	
Municipal assistance—29.0 FTE positions		\$ 4,919,800
Water state revolving funds		120,000,000
GROSS APPROPRIATION		\$ 124,919,800
Appropriated from:		
Federal revenues:		
Federal funds.....		103,184,600
Special revenue funds:		
Revolving loan revenue bonds		15,000,000
Strategic water quality initiatives fund		1,220,500
Water pollution control revolving fund.....		514,700
State general fund/general purpose		\$ 5,000,000

Sec. 116. ONE-TIME APPROPRIATIONS

Drinking water declaration of emergency		\$ 100
Lead and copper rule implementation		30,000,000
PFAS and emerging contaminants		40,000,000
Drinking water revolving fund loan forgiveness		35,000,000
Private well testing.....		7,500,000
Affordability and planning		7,500,000
GROSS APPROPRIATION		\$ 120,000,100
Appropriated from:		
Special revenue funds:		
Drinking water declaration of emergency reserve fund		100
State general fund/general purpose		\$ 120,000,000

PART 2

PROVISIONS CONCERNING APPROPRIATIONS
FOR FISCAL YEAR 2019-2020

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources under part 1 for the fiscal year ending September 30, 2020 is \$436,492,500.00 and state spending from state sources to be paid to local units of government for the fiscal year ending September 30, 2020 is \$19,646,000. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

Surface water	\$ 160,000
Technology advancements for water monitoring	500,000
Drinking water program grants	600,000
Medical waste program	70,000
Noncommunity water grants.....	1,830,000
Pollution prevention.....	250,000
Recycling initiative.....	500,000
Scrap tire grants.....	500,000
Septage waste compliance grants.....	120,000
Emergency cleanup actions	116,000
Renewing Michigan's environment.....	15,000,000
TOTAL.....	\$ 19,646,000

Sec. 202. The appropriations authorized under this part and part 1 are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this part and part 1:

- (a) "Department" means the department of environment, Great Lakes, and energy.
- (b) "Director" means the director of the department.
- (c) "FTE" means full-time equated.
- (d) "IDG" means interdepartmental grant.
- (e) "NPDES" means national pollution discharge elimination system.

Sec. 204. The departments and agencies receiving appropriations in part 1 shall use the internet to fulfill the reporting requirements of this part. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an internet or intranet site.

Sec. 205. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference shall be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality. In addition, preference shall be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Sec. 206. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 207. The departments and agencies receiving appropriations in part 1 shall prepare a report on out-of-state travel expenses not later than January 1 of each year. The travel report shall be a listing of all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the house and senate appropriations committees, the house and senate fiscal agencies, and the state budget director. The report shall include the following information:

- (a) The dates of each travel occurrence.
- (b) The total transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

Sec. 208. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 209. Not later than November 30, the state budget office shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the prior fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas. The report shall be transmitted to the chairpersons of the senate and house appropriations committees and the senate and house fiscal agencies.

Sec. 210. In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$3,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in part 1 under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 211. The department shall cooperate with the department of technology, management, and budget to maintain a searchable website accessible by the public at no cost that includes, but is not limited to, all of the following for each department or agency:

- (a) Fiscal year-to-date expenditures by category.
- (b) Fiscal year-to-date expenditures by appropriation unit.
- (c) Fiscal year-to-date payments to a selected vendor, including the vendor name, payment date, payment amount, and payment description.
- (d) The number of active department employees by job classification.
- (e) Job specifications and wage rates.

Sec. 212. Within 14 days after the release of the executive budget recommendation, the department shall cooperate with the state budget office to provide the senate and house appropriations chairs, the senate and house appropriations subcommittee chairs, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the fiscal years ending September 30, 2019 and September 30, 2020.

Sec. 213. The department shall maintain, on a publicly accessible website, a department scorecard that identifies, tracks, and regularly updates key metrics that are used to monitor and improve the agency's performance.

Sec. 214. Total authorized appropriations from all sources under part 1 for legacy costs for the fiscal year ending September 30, 2020 are estimated at \$31,893,100.00. From this amount, total agency appropriations for pension-related legacy costs are estimated at \$15,504,000.00. Total agency appropriations for retiree health care legacy costs are estimated at \$16,389,100.00.

Sec. 216. (1) The department shall report all of the following information relative to allocations made from appropriations for the environmental cleanup and redevelopment program, state cleanups, emergency actions, superfund cleanups, the revitalization revolving loan program, the brownfield grants and loans program, the leaking underground storage tank cleanup program, the contaminated lake and river sediments cleanup program, the refined petroleum product cleanup program, and the environmental protection bond projects under section 19508(7) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19508, to the state budget director, the senate and house appropriations subcommittees on environmental quality, and the senate and house fiscal agencies:

- (a) The name and location of the site for which an allocation is made.
- (b) The nature of the problem encountered at the site.
- (c) A brief description of how the problem will be resolved if the allocation is made for a response activity.
- (d) The estimated date that site closure activities will be completed.
- (e) The amount of the allocation, or the anticipated financing for the site.
- (f) A summary of the sites and the total amount of funds expended at the sites by September 30, 2020.
- (g) The number of brownfield projects that were successfully redeveloped.
- (2) The report prepared under subsection (1) shall also include all of the following:

(a) The status of all state-owned facilities that are on the list compiled under section 20108c of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20108c.

(b) The report shall include the total amount of funds expended during the fiscal year and the total amount of funds awaiting expenditure.

(c) The total amount of bonds issued for the environmental protection bond program pursuant to part 193 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19301 to 324.19306, and bonds issued pursuant to the clean Michigan initiative act, 1998 PA 284, MCL 324.95101 to 324.95108.

- (3) The report shall be made available by March 31 of each year.

Sec. 217. (1) The department may expend amounts remaining from the current and prior fiscal year appropriations to meet funding needs of legislatively approved sites for the environmental cleanup and redevelopment program, the refined petroleum product cleanup program, brownfield grants and loans, waterfront grants, and the environmental bond site reclamation program.

(2) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection bond fund contained in 2003 PA 173, 2005 PA 109, 2006 PA 343, 2011 PA 63, and 2012 PA 236 are appropriated for expenditure for any site listed in this part and part 1 and any site listed in the public acts referenced in this section.

(3) Unexpended and unencumbered amounts remaining from appropriations from the clean Michigan initiative fund - response activities contained in 2000 PA 52, 2004 PA 309, 2005 PA 11, 2006 PA 343, 2007 PA 121, 2011 PA 63, 2013 PA 59, 2014 PA 252, 2015 PA 84, 2016 PA 268, and 2017 PA 107 are appropriated for expenditure for any site listed in this part and part 1 and any site listed in the public acts referenced in this section.

(4) Unexpended and unencumbered amounts remaining from appropriations from the refined petroleum fund activities contained in 2007 PA 121, 2008 PA 247, 2009 PA 118, 2010 PA 189, 2011 PA 63, 2012 PA 200, 2013 PA 59, 2014 PA 252, 2015 PA 84, 2016 PA 268, 2017 PA 107, and 2018 PA 207 are appropriated for expenditure for any site listed in this part and part 1 and any site listed in the public acts referenced in this section.

(5) Unexpended and unencumbered amounts remaining from the appropriations from the strategic water quality initiatives fund contained in 2011 PA 50, 2011 PA 63, 2012 PA 200, 2013 PA 59, 2014 PA 252, 2015 PA 84, 2016 PA 268, 2017 PA 107, and 2018 PA 207 are appropriated for expenditure for any site listed in this part and part 1 and any site listed in the public acts referenced in this section.

Sec. 219. Unexpended settlement revenues at the end of the fiscal year may be carried forward into the settlement fund in the succeeding fiscal year up to a maximum carryforward of \$2,500,000.00.

Sec. 220. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 221. (1) Funds appropriated in part 1 shall not be used by the department to promulgate a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(2) As used in this section:

(a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) "Small business" means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

Sec. 235. The department shall prepare an annual report to the legislature by March 31 that details all of the following for each of the allocations from the clean Michigan initiative bond fund as described in section 19607(1)(a) to (i) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19607:

(a) The progress of each project funded in each category.

(b) The current cost to date of each project funded in each category.

(c) The estimated remaining cost of each project funded in each category.

(d) The remaining balance of money in the fund allocated for each category.

(e) The total debt obligation on all clean Michigan initiative bonds and the length of time remaining until full bond repayment is achieved.

Sec. 236. The department shall provide a report detailing the expenditure of departmental funds appropriated in 2015 PA 143, 2016 PA 3, 2016 PA 268, and 2016 PA 340. The report shall include the following:

(a) The names and locations of entities receiving funds.

(b) The purpose for each expenditure.

(c) The status of programs supported by this funding.

(d) A brief description of how related problems have been or will be resolved if expenditures are made for immediate response.

(e) The job titles and number of departmental FTEs engaged in the Flint declaration of emergency response effort.

Sec. 237. From the funds appropriated in part 1, the department shall be responsible for the necessary and reasonable attorney fees and costs incurred by private and independent legal counsel chosen by current and former classified and unclassified department employees in the defense of the department employees named as a party in any state or federal lawsuits or investigations related to the city of Flint municipal water system.

Sec. 238. From funds appropriated in part 1, the department shall post the following on the department's publicly accessible website:

(a) By November 1, a report listing each fee the department assessed during the previous fiscal year. The report shall include the dollar amount of each fee, the amount of revenue that was projected to be received from each fee at the beginning of the previous fiscal year, and the actual revenue received for each fee. If the actual revenue for a particular fee is not available by November 1, the department may use an unaudited or estimated figure and indicate it as such in the report.

(b) By November 1, a report listing all fees currently assessed by the department. The report shall include the dollar amount of each fee, projected revenue for each fee, and the program areas within the department that each fee will support. The report shall also list the fund into which each fee is deposited. By May 1, the department shall update this report with year-to-date revenue for each fee.

(c) By November 1, a report listing all federal and state fund sources utilized by the department during the previous fiscal year. The report shall include the amount of revenue that was projected to be received from each fund source at the beginning of that fiscal year, the current balance of each fund source, and the actual revenue received for each fund source during that fiscal year. If actual revenue for a particular fund or the actual balance of a particular fund is not available by November 1, the department may use an unaudited or estimated figure and indicate it as such in the report.

(d) By November 1, a report listing the federal and state fund sources that will be utilized by the department during the current fiscal year. The report shall contain the following for each fund source: an estimate of revenue that will be collected during the fiscal year, the balance of the fund source at the beginning of the fiscal year, and the program areas within the department that each fund source will support. If the actual fund balance is not available on November 1, the department may use an unaudited or estimated figure and indicate it as such in the report. By May 1, the department shall update this report with year-to-date figures for each item in the report, and include year-to-date revenue for each fund source.

(e) Any audits conducted on department programs or funds.

~~Sec. 239. From the funds appropriated in part 1 for central support services, not more than \$150,000.00 is designated for the chair of the environmental rules review committee to contract with consultants pursuant to section 65 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.266, to assist with business before the committee.~~ *del*

REMEDATION AND REDEVELOPMENT DIVISION

Sec. 301. Revenues remaining in the laboratory services fees fund at the end of the fiscal year shall carry forward into the succeeding fiscal year.

Sec. 305. It is the intent of the legislature to repay the refined petroleum fund for the \$70,000,000.00 that was transferred to the environmental protection fund created in section 503a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.503a, as part of the resolution for the fiscal year 2006-2007 budget.

Sec. 306. (1) The funds appropriated in part 1 for the refined petroleum cleanup program shall be used to fund corrective actions performed by the department pursuant to section 21320 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.21320.

(2) By January 1, the department shall provide a report to the house and senate subcommittees on environmental quality and the state budget director on the refined petroleum product cleanup program containing the following information:

(a) A list of sites the department intends to work on during the current fiscal year, including the fiscal year the project began.

(b) A list of sites at which the department performed corrective actions during the previous fiscal year.

(c) A list of sites the department closed during the previous fiscal year.

Sec. 308. The unexpended funds appropriated in part 1 for emergency cleanup actions, the environmental cleanup and redevelopment program, and the refined petroleum product cleanup program are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

(a) The purpose of the projects to be carried forward is to provide contaminated site cleanup.

(b) The projects will be accomplished by contract.

(c) The total estimated cost of all projects is identified in each line-item appropriation.

(d) The tentative completion date is September 30, 2022.

Sec. 310. (1) Upon approval by the state budget director, the department may expend from the general fund of the state an amount to meet the cash-flow requirements of projects funded under any of the following that are financed from bond proceeds and for which bonds have been authorized but not yet issued:

(a) Part 52 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.5201 to 324.5206.

(b) Part 193 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19301 to 324.19306.

(c) Part 196 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19601 to 324.19616.

(2) Upon the sale of bonds for projects described in subsection (1), the department shall credit the general fund of the state an amount equal to that expended from the general fund.

WATER RESOURCES DIVISION

Sec. 405. If a certified health department does not exist in a city, county, or district or does not fulfill its responsibilities under part 117 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11701 to 324.11720, then the department may spend funds appropriated in part 1 under the septage waste compliance program in accordance with section 11716 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11716.

Sec. 410. From the funds appropriated in part 1, the department shall compile a report on the status of the implementation plan for the western Lake Erie basin collaborative agreement. In an effort to learn more about the presence and timing of harmful algal blooms, the report shall contain all of the following:

- (a) An estimated cost of removal of total phosphorus per pound at the 4 major wastewater treatment plants.
- (b) A description of the grants that have been awarded.
- (c) A description of the work that has commenced on the issue of dissolved reactive phosphorus, the expected objectives and outcomes of that work, and a list of the parties involved in that effort.
- (d) A description of the efforts and outcomes aimed at the total phosphorus reduction for the River Raisin watershed.

~~Sec. 412. (1) From the funds appropriated in part 1 for surface water, \$675,000.00 in grant funds shall be awarded to watershed councils for education, administration, and conservation efforts. A grant to an individual watershed council shall not exceed \$40,000.00.~~

~~(2) On or before April 1, the department shall transmit to the appropriations subcommittees, the fiscal agencies, and the state budget office and post on the department's website a report on the previous calendar year's activities of the watershed grant program. The report shall include a list of all grantees and award amounts.~~

~~Sec. 413. From funds appropriated in part 1 for surface water, \$150,000.00 is allocated to the continuation of the department's contract for the cooperative lakes monitoring program to ensure the continued operation of the program.~~

RENEWING MICHIGAN'S ENVIRONMENT

~~Sec. 503. From the funds appropriated in part 1 for renewing Michigan's environment program, \$500,000.00 is allocated for the Michigan geological survey.~~

CLIMATE AND ENERGY

Sec. 601. The department shall enter into a memorandum of understanding with the public service commission to outline the responsibilities to be served by the office of climate and energy.

UNDERGROUND STORAGE TANK AUTHORITY

Sec. 701. The unexpended funds appropriated in part 1 for the underground storage tank cleanup program are designated as a work project appropriation, and any unencumbered or unallotted funds shall not lapse at the end of the fiscal year and shall be available for expenditures for projects under this section until the projects have been completed. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the project is to provide contaminated site cleanup.
- (b) The project will be accomplished by contract.
- (c) The total estimated cost of the project is \$20,000,000.00.
- (d) The tentative completion date is September 30, 2023.

ONE-TIME APPROPRIATIONS

Sec. 1001. (1) From the funds appropriated in part 1 for lead and copper rule implementation, the department shall award grants as follows:

(a) Grants for asset management plan creation and distribution system materials inventory. A grant under this subdivision shall not exceed \$2,000,000.00.

(b) Grants for public awareness and education efforts related to lead and other potential drinking water contaminants. A grant to an individual water supply advisory council under this subdivision shall not exceed \$25,000.00. Not more than \$1,000,000.00 shall be allocated for grants under this subdivision.

(2) On or before April 1, the department shall transmit to the appropriations subcommittees, the fiscal agencies, and the state budget office and post on the department's website a report on the previous calendar year's activities funded with lead and copper rule implementation funds. The report shall include a list of all grantees and award amounts.

Sec. 1002. (1) From the funds appropriated in part 1 for PFAS and emerging contaminants, ~~\$15,000,000.00 is allocated for a grant program for municipal airports for costs of monitoring and additional testing related to PFAS testing results. From the remaining funds,~~ the department shall award grants for up to \$5,000,000.00 to drinking water systems for contaminant remediation efforts or connection to an alternate system as well as to invest in technologies to address contaminants in public water systems. Jho

(2) On or before April 1, the department shall transmit to the appropriations subcommittees, the fiscal agencies, and the state budget office and post on the department's website a report on the previous calendar year's activities funded with PFAS and emerging contaminants funds. The report shall include a list of all grantees and award amounts.

Sec. 1003. (1) From the funds appropriated in part 1 for drinking water revolving fund loan forgiveness, the department shall award grants for drinking water infrastructure upgrades included in community asset management plans. An applicant is eligible for annual grant funding for 30% of the total project cost or \$2,000,000.00, whichever is less.

(2) On or before April 1, the department shall transmit to the appropriations subcommittees, the fiscal agencies, and the state budget office and post on the department's website a report on the previous calendar year's activities funded with drinking water revolving fund loan forgiveness funds. The report shall include a list of all grantees and award amounts.

Sec. 1004. (1) From the funds appropriated in part 1 for affordability and planning, the department shall award grants to communities for 1 or more of the following:

- (a) To enhance asset management plans.
- (b) To develop sustainable water rate plans.
- (c) To develop watershed plans.

(2) Grants under subsection (1) shall be awarded on a competitive basis and shall not exceed \$500,000.00 for an individual grant applicant. If a region applies on behalf of multiple community water supplies, the maximum grant shall not exceed \$2,000,000.00.

(3) On or before April 1, the department shall transmit to the appropriations subcommittees, the fiscal agencies, and the state budget office and post on the department's website a report on the previous calendar year's activities funded with affordability and planning funds. The report shall include a list of all grantees and award amounts.

Sec. 1005. (1) From the funds appropriated in part 1 for private well testing, the department shall award grants to local health departments to provide free or low-cost water testing to private well owners. Testing offered shall include coliforms, nitrates/nitrites, arsenic, and other contaminants as determined by application.

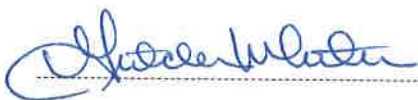
(2) On or before April 1, the department shall transmit to the appropriations subcommittees, the fiscal agencies, and the state budget office and post on the department's website a report on the previous calendar year's activities funded with private well testing funds. The report shall include a list of all grantees and award amounts.

This act is ordered to take immediate effect.


Secretary of the Senate


Clerk of the House of Representatives

Approved 9/29/19 3:08pm



Governor