

Act No. 159
Public Acts of 2022
Approved by the Governor
July 19, 2022
Filed with the Secretary of State
July 19, 2022
EFFECTIVE DATE: July 19, 2022

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Senators Chang and Schmidt

ENROLLED SENATE BILL No. 744

AN ACT to create the maritime and port facility assistance grant program to award grants to owners of port facilities; to provide the powers and duties of certain state governmental officers and entities; and to create certain funds.

The People of the State of Michigan enact:

Sec. 1. This act may be cited as the “maritime and port facility assistance grant program act”.

Sec. 3. As used in this act:

- (a) “Fund” means the maritime and port facility assistance fund created in section 7.
- (b) “Grant program” means the maritime and port facility assistance grant program created in section 5.
- (c) “Green marine certification” means a certification issued or awarded by a nationally recognized maritime organization identified by the office that ranks or evaluates port facilities on various criteria, including, but not limited to, any of the following:
 - (i) Greenhouse gas and air pollutants.
 - (ii) Spill prevention and stormwater management.
 - (iii) Dry bulk handling and storage.
 - (iv) Community impacts.
 - (v) Environmental leadership.
 - (vi) Waste management.
- (d) “Office” means the maritime and port facility assistance office created in section 10s of 1951 PA 51, MCL 247.660s.
- (e) “Port facility” means a commercial facility located alongside a navigable waterway used for commercial vessels and includes any of the following types of facilities:
 - (i) A seawall jetty, pier, wharf, or dock.
 - (ii) A warehouse, storehouse, elevator, grain bin, cold storage plant, terminal icing plant, bunker, or oil tank.
 - (iii) A ferry, canal, lock, seaway, or conveyor.

- (iv) A modern appliance for the economical handling, storage, or transportation of freight and handling of passenger traffic.
- (v) A transfer or terminal facility required for the efficient operation or development of a port or harbor.
- (vi) Any other port or harbor improvement to assist with commercial operations.
- (vii) An improvement, enlargement, remodeling, or extension of a facility described in this section.

Sec. 5. (1) The maritime and port facility assistance grant program is created. Subject to subsections (2) to (4), the office shall administer the grant program and may award grants to owners of port facilities that submit a grant application on a form prescribed by the office that contains the information required by the office. A grant awarded under this section by the office may be used by the owner of a port facility for public purposes, including 1 or more of the following:

- (a) Increasing the amount of either of the following:
 - (i) Direct port facility activity, including the amount or value of freight moving through the port facility.
 - (ii) Overall maritime-related economic development or maritime-related transportation opportunities in the port facility's region.
 - (b) Achieving or improving green marine certification.
 - (c) Matching federal funding opportunities.
 - (d) Dredging waterways and harbors.
 - (e) Repairing seawalls.
 - (f) Transitioning to cleaner technology.
 - (g) Other projects related to port facilities as determined by the office.
- (2) The office shall give higher priority in awarding a grant to an owner of a port facility that has achieved green marine certification or that has submitted a grant application to fund achieving or improving green marine certification over other grant applicants.
- (3) A grant awarded by the office under this section must include a statement defining measurable, annual goals for the grant funding recipient. For the 3 years after a grant is awarded, the office shall annually evaluate the grant funding recipient to determine whether the grant funding recipient is meeting its annual goals as defined in the grant award.
- (4) The office may award grants of not more than \$2,500,000.00 per grant annually. The office shall not award more than 50% of the amount available under the grant program in a single year to 1 grant applicant, unless there are no other grant applicants in that year.
- (5) A grant applicant must certify both of the following to the office:
- (a) When applying for a grant, both of the following:
 - (i) That the grant applicant is currently in compliance with all state and federal environmental laws and regulations applicable to the grant applicant's port facility.
 - (ii) That the grant applicant has not received notice of any violation of a state or federal environmental law or regulation applicable to the grant applicant's port facility in the 3 years before the grant is applied for.
 - (b) Annually, if participating in the grant program for more than 1 year, that the grant applicant has not received notice of any violation of a state environmental law or regulation applicable to the grant applicant's port facility in the past year.

Sec. 7. (1) The maritime and port facility assistance fund is created in the state treasury.

(2) The state treasurer shall deposit money and other assets received from any source into the fund. The state treasurer shall direct the investment of money in the fund and credit interest and earnings from the investments to the fund.

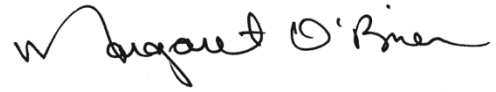
(3) Money in the fund at the close of the fiscal year does not lapse to the general fund.

(4) The office is the administrator of the fund for audits of the fund.

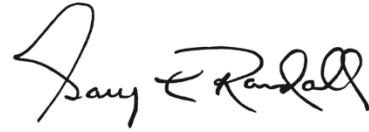
(5) The office shall expend money from the fund, on appropriation, only for the purposes described in section 5, and in section 10s of 1951 PA 51, MCL 247.660s.

Enacting section 1. This act does not take effect unless House Bill No. 5291 of the 101st Legislature is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor

Compiler's note: House Bill No. 5291, referred to in enacting section 1, was filed with the Secretary of State July 19, 2022, and became 2022 PA 158, Imd. Eff. July 19, 2022.