

**SUBSTITUTE FOR
SENATE BILL NO. 744**

A bill 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:

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

3 Sec. 3. As used in this act:

4 (a) "Fund" means the maritime and port facility assistance
5 fund created in section 7.

6 (b) "Grant program" means the maritime and port facility
7 assistance grant program created in section 5.

8 (c) "Green marine certification" means a certification issued

1 or awarded by a nationally recognized maritime organization
2 identified by the office that ranks or evaluates port facilities on
3 various criteria, including, but not limited to, any of the
4 following:

5 (i) Greenhouse gas and air pollutants.

6 (ii) Spill prevention and stormwater management.

7 (iii) Dry bulk handling and storage.

8 (iv) Community impacts.

9 (v) Environmental leadership.

10 (vi) Waste management.

11 (d) "Office" means the maritime and port facility assistance
12 office created in section 10s of 1951 PA 51, MCL 247.660s.

13 (e) "Port facility" means a commercial facility located
14 alongside a navigable waterway used for commercial vessels and
15 includes any of the following types of facilities:

16 (i) A seawall jetty, pier, wharf, or dock.

17 (ii) A warehouse, storehouse, elevator, grain bin, cold storage
18 plant, terminal icing plant, bunker, or oil tank.

19 (iii) A ferry, canal, lock, seaway, or conveyor.

20 (iv) A modern appliance for the economical handling, storage,
21 or transportation of freight and handling of passenger traffic.

22 (v) A transfer or terminal facility required for the efficient
23 operation or development of a port or harbor.

24 (vi) Any other port or harbor improvement to assist with
25 commercial operations.

26 (vii) An improvement, enlargement, remodeling, or extension of
27 a facility described in this section.

28 Sec. 5. (1) The maritime and port facility assistance grant

1 program is created. Subject to subsections (2) to (4), the office
2 shall administer the grant program and may award grants to owners
3 of port facilities that submit a grant application on a form
4 prescribed by the office that contains the information required by
5 the office. A grant awarded under this section by the office may be
6 used by the owner of a port facility for public purposes, including
7 1 or more of the following:

8 (a) Increasing the amount of either of the following:

9 (i) Direct port facility activity, including the amount or
10 value of freight moving through the port facility.

11 (ii) Overall maritime-related economic development or maritime-
12 related transportation opportunities in the port facility's region.

13 (b) Achieving or improving green marine certification.

14 (c) Matching federal funding opportunities.

15 (d) Dredging waterways and harbors.

16 (e) Repairing seawalls.

17 (f) Transitioning to cleaner technology.

18 (g) Other projects related to port facilities as determined by
19 the office.

20 (2) The office shall give higher priority in awarding a grant
21 to an owner of a port facility that has achieved green marine
22 certification or that has submitted a grant application to fund
23 achieving or improving green marine certification over other grant
24 applicants.

25 (3) A grant awarded by the office under this section must
26 include a statement defining measurable, annual goals for the grant
27 funding recipient. For the 3 years after a grant is awarded, the
28 office shall annually evaluate the grant funding recipient to
29 determine whether the grant funding recipient is meeting its annual

1 goals as defined in the grant award.

2 (4) The office may award grants of not more than \$2,500,000.00
3 per grant annually. The office shall not award more than 50% of the
4 amount available under the grant program in a single year to 1
5 grant applicant, unless there are no other grant applicants in that
6 year.

7 (5) A grant applicant must certify both of the following to
8 the office:

9 (a) When applying for a grant, both of the following:

10 (i) That the grant applicant is currently in compliance with
11 all state and federal environmental laws and regulations applicable
12 to the grant applicant's port facility.

13 (ii) That the grant applicant has not received notice of any
14 violation of a state or federal environmental law or regulation
15 applicable to the grant applicant's port facility in the 3 years
16 before the grant is applied for.

17 (b) Annually, if participating in the grant program for more
18 than 1 year, that the grant applicant has not received notice of
19 any violation of a state environmental law or regulation applicable
20 to the grant applicant's port facility in the past year.

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

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

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

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

1 the fund.

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

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