

Act No. 157
Public Acts of 1989
Approved by the Governor
July 25, 1989
Filed with the Secretary of State
July 27, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Reps. Bartnik, DeMars, Middaugh, Van Singel, Hoffman, Owen, Martin, Gire, Van Regenmorter, Giese, Hertel, Spaniola, Trim, Gagliardi, Mathieu, Pridnia, Dunaskiss, Weeks, Maynard, DeBeaussaert, Stupak, Gnodtke, Jacobetti, Palamara, Scott, Porreca, Law, Hart, Bennane, Leland, Profit, Webb, Joe Young, Jr., Gubow, Sofio, Brown, Ouwinga, Stabenow, Kosteva, Gire, Barns, Berman, Stopczynski, Jonker and Miller
Rep. Rocca named co-sponsor

ENROLLED HOUSE BILL No. 4246

AN ACT to amend the title of Act No. 307 of the Public Acts of 1982, entitled as amended "An act to provide for the identification, risk assessment, and priority evaluation of environmental contamination at certain sites in this state; to provide for response activity; to prescribe certain powers and duties of the governor; to provide for the promulgation of rules; to create an environmental response fund; and to provide certain remedies and penalties," as amended, being sections 299.601 to 299.611 of the Michigan Compiled Laws; and to add sections 9a, 9b, 9c, and 9d.

The People of the State of Michigan enact:

Section 1. The title of Act No. 307 of the Public Acts of 1982, as amended, being sections 299.601 to 299.611 of the Michigan Compiled Laws, is amended and sections 9a, 9b, 9c, and 9d are added to read as follows:

TITLE

An act to provide for the identification, risk assessment, and priority evaluation of environmental contamination at certain sites in this state; to provide for response activity; to prescribe certain powers and duties of the governor and certain state agencies and officials; to provide for the promulgation of rules; to create an environmental response fund, a Michigan unclaimed bottle fund, and a long-term maintenance trust fund; to create a long-term maintenance trust fund board and to prescribe its powers and duties; and to provide certain remedies and penalties.

Sec. 9a. (1) A Michigan unclaimed bottle fund is established as a separate revolving fund in the state treasury. The money in the Michigan unclaimed bottle fund shall not revert to the general fund. The Michigan unclaimed bottle fund shall be administered by the department of treasury.

(2) The Michigan unclaimed bottle fund shall receive money as disbursed by the department of treasury from the bottle deposit fund under section 3c of the Initiated Law of 1976, being section 445.573c of the Michigan Compiled Laws.

(3) The money deposited in the Michigan unclaimed bottle fund shall be used in the manner and for the purposes described in subsection (5).

(4) The Michigan unclaimed bottle fund shall consist of the following:

(a) Money received from the bottle deposit fund under section 3c of the Initiated Law of 1976.

(b) Any interest earned on the money described in subdivision (a) while that money is in the Michigan unclaimed bottle fund.

(5) During the first 10 years that money is disbursed by the bottle deposit fund under section 3c of the Initiated Law of 1976, the money received by the Michigan unclaimed bottle fund and any interest earned on that money shall remain permanently in the Michigan unclaimed bottle fund and shall not be disbursed except that the legislature may appropriate from the unclaimed bottle fund an amount sufficient to cover the reasonable administrative costs incurred by the long-term maintenance trust fund board created in section 9b. After the expiration of those first 10 years, all of the money thereafter deposited annually in the Michigan unclaimed bottle fund, interest earned on the money thereafter deposited annually in the Michigan unclaimed bottle fund, and any interest earned on the money already in that fund shall be disbursed annually by the department of treasury in the following manner:

(a) One-third to the environmental response fund created in section 9.

(b) One-third to the long-term maintenance trust fund created in section 9c.

(c) One-third to the clean Michigan fund created in section 5 of the clean Michigan fund act, Act No. 249 of the Public Acts of 1986, being section 299.375 of the Michigan Compiled Laws.

Sec. 9b. (1) Not earlier than 8 years after the effective date of the amendatory act that added this section, the long-term maintenance trust fund board shall be created within the department of natural resources and shall consist of 5 members, 1 of whom is the director of the department of natural resources, or his or her designee, as an ex officio voting member, and 4 of whom shall be appointed by the governor with the advice and consent of the senate in the following manner:

(a) One member of the general public representing the interests of persons involved in advancing the cause of conservation in all its phases including natural resources management, environmental education, enhancement of fish and wildlife population, and prevention of environmental degradation.

(b) One member of the general public representing the interests of environmentally concerned citizens and groups.

(c) Two members of the general public who are knowledgeable in scientific and technical areas of study that are relevant to the long-term monitoring and maintenance of environmental contamination sites.

(2) The term of each appointed member shall be 4 years, except that of those members first appointed 1 shall be appointed for a term of 4 years, 1 shall be appointed for a term of 3 years, 1 shall be appointed for a term of 2 years, and 1 shall be appointed for a term of 1 year. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

(3) Members of the long-term maintenance trust fund board shall receive per diem compensation and reimbursement for the actual and necessary expenses incurred through the performance of their duties as established annually by the legislature and shall not receive compensation for those expenses from any other source.

(4) The long-term maintenance trust fund board shall elect a chairperson and other officers as are necessary for conducting business.

(5) The long-term maintenance trust fund board shall promulgate rules pursuant to the administrative procedures act of 1969, Act No. 305 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, setting forth criteria for projects designed to implement the purposes for which the long-term maintenance trust fund was established.

(6) The long-term maintenance trust fund board shall meet not less than twice per year and shall consider and approve or disapprove recommendations by the department of natural resources for projects designed to implement the purposes for which the long-term maintenance trust fund was established.

(7) The business which the long-term maintenance trust fund board may perform shall be conducted at a public meeting held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in a manner required by Act No. 267 of the Public Acts of 1976.

(8) The long-term maintenance trust fund board shall annually file a report with the governor and the legislature summarizing the project proposals reviewed, the amount of expenditures authorized, and the effectiveness of the expenditures in attaining the goals for which the long-term maintenance trust fund is established.

Sec. 9c. (1) A long-term maintenance trust fund is established as a separate revolving fund in the state treasury. The money in the long-term maintenance trust fund shall not revert to the general fund. The long-term maintenance trust fund shall be administered by the long-term maintenance trust fund board.

(2) The long-term maintenance trust fund shall receive money as disbursed from the Michigan unclaimed bottle fund created in section 9a.

(3) The money deposited in the long-term maintenance trust fund shall be used in a manner and for the purposes described in rules promulgated by the department of natural resources pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, for 1 or more of the following:

(a) The operation, maintenance, and monitoring of sites where the department determines such activities are necessary.

(b) The enforcement of this act or the solid waste management act, Act No. 641 of the Public Acts of 1978, being sections 299.401 to 299.437 of the Michigan Compiled Laws, or both.

(c) Any project the long-term maintenance trust fund board determines by rule as having for its purpose the prevention of environmental contamination.

Sec. 9d. Within 5 months after the effective date of the amendatory act that added this section, the department of management and budget shall enter into a contract for the preparation of a study that analyzes the public and private costs associated with various levels of cleanup standards for response activities under this act. The study shall also include, but is not limited to, an analysis of how quickly various levels of cleanup have been and can be accomplished. The contract shall provide for the study to be completed within 6 months. Prior to entering into the contract, the department of management and budget shall consult with the department of natural resources, the chairperson of the house of representatives committee on conservation, recreation, and environment, and the chairperson of the senate committee on natural resources and environmental affairs regarding the design and the scope of the study. The study required under this section may be conducted in conjunction with other related studies. Upon completion of the study, the department of management and budget shall submit copies of the study to the legislature.

Section 2. This amendatory act shall not take effect unless House Bill No. 4704 of the 85th Legislature is enacted into law.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.