

HOUSE BILL No. 5760

May 15, 1990, Introduced by Reps. Emmons, Sikkema, Fitzgerald, Crandall, Sparks, Bartnik, Gilmer, Bennett, Martin, Trim, Munsell, Krause, Dolan, Hoekman, Bandstra, Camp, Strand and Wartner and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 8 of Act No. 328 of the Public Acts of 1988, entitled

"Environmental protection bond implementation act,"

being section 299.678 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8 of Act No. 328 of the Public Acts of
2 1988, being section 299.678 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 8. (1) Except as provided in subsection (2), money in
5 the fund that is allocated under section 7 shall be used for the
6 following purposes:

7 (a) Money in the fund that is allocated under section
8 7(1)(a) shall be used AS FOLLOWS:

9 (i) \$170,000,000.00 OF THIS MONEY SHALL BE DEPOSITED INTO
10 THE ENVIRONMENTAL CLEANUP REVOLVING LOAN FUND CREATED IN

1 SECTION 9E OF THE ENVIRONMENTAL RESPONSE ACT, ACT NO. 307 OF THE
2 PUBLIC ACTS OF 1982, BEING SECTION 299.609E OF THE MICHIGAN
3 COMPILED LAWS.

4 (ii) \$255,000,000.00 OF THIS MONEY SHALL BE USED for sites
5 identified through ~~the environmental response act,~~ Act No. 307
6 of the Public Acts of 1982, being sections 299.601 to 299.611 of
7 the Michigan Compiled Laws, to be expended in the same manner as
8 provided in that act. Of the funds allocated under section
9 7(1)(a) FOR EXPENDITURE UNDER THIS SUBPARAGRAPH, the following
10 shall apply:

11 (A) ~~(i)~~ Not more than \$40,000,000.00 shall be used to
12 clean up sites of environmental contamination that have been
13 identified under Act No. 307 of the Public Acts of 1982; that
14 will not be funded in the next fiscal year; and THAT have been
15 approved by the commission as having economic development
16 potential. The commission, after consultation with the depart-
17 ment of commerce, shall promulgate rules that establish the cri-
18 teria and process by which sites will be selected and determined
19 to qualify as sites having economic development potential.

20 (B) ~~(ii)~~ Not more than \$5,000,000.00 may be used for
21 investigation of vacant manufacturing facilities and abandoned
22 industrial sites not identified under Act No. 307 of the Public
23 Acts of 1982, and subsequent certification, where appropriate,
24 that the site is free of environmental contamination and appro-
25 priate for redevelopment, and to make loans to local units of
26 government to redevelop and reuse vacant manufacturing facilities
27 or abandoned industrial sites for the purpose of discouraging

1 development of open space and undeveloped lands that on the
2 effective date of this act are not zoned for industrial use.

3 (b) Money in the fund that is allocated UNDER
4 SECTION 7(1)(B) for solid waste projects, including, but not
5 limited to, reducing, recycling, and properly disposing of solid
6 waste, shall be used to fund state projects, to provide grants
7 and loans to local units of government, and to provide grants and
8 loans to private entities for any of the programs identified in
9 the clean Michigan fund act, Act No. 249 of the Public Acts of
10 1986, being sections 299.371 to 299.393 of the Michigan Compiled
11 Laws, in the amounts appropriated pursuant to subsection (4).
12 However, the commission shall not use any of the money in the
13 fund for any of the costs associated with the advisory panel
14 described in section 20 of Act No. 249 of the Public Acts of
15 1986, being section 299.390 of the Michigan Compiled Laws. Not
16 less than \$17,500,000.00 of the money for solid waste projects
17 shall be used to fund the following purposes:

- 18 (i) To promote and expand markets for recycled materials.
19 (ii) To assist in the recycling of solid wastes, including,
20 but not limited to, plastics, metals, tires, wood, and paper.
21 (iii) To promote research on resource recovery.
22 (iv) To study marketing options for products that use recy-
23 cled materials.

24 (c) Money in the fund that is allocated UNDER
25 SECTION 7(1)(C) to capitalize a state water pollution control
26 revolving fund shall be used as provided in the state ~~statute~~
27 ~~implementing that fund~~ CLEAN WATER ASSISTANCE ACT, ACT NO. 317

1 OF THE PUBLIC ACTS OF 1988, BEING SECTIONS 323.451 TO 323.470 OF
2 THE MICHIGAN COMPILED LAWS.

3 (d) Money in the fund that is allocated UNDER
4 SECTION 7(1)(D) to fund this state's participation in a regional
5 Great Lakes protection fund shall be used as provided in the
6 ~~state statute implementing that fund~~ GREAT LAKES PROTECTION
7 FUND AUTHORIZATION ACT, ACT NO. 155 OF THE PUBLIC ACTS OF 1989,
8 BEING SECTIONS 3.671 TO 3.677 OF THE MICHIGAN COMPILED LAWS.

9 (2) Money provided in the fund may be used by the department
10 of treasury to pay for the cost of issuing bonds under the envi-
11 ronmental protection bond authorization act and by the department
12 to pay department costs as provided in this subsection. Not more
13 than 6% of the total amount specified in section 7(1)(a), (b),
14 and (d) shall be available for appropriation to the department to
15 pay department costs directly associated with the completion of a
16 project described in section 7(1)(a), (b), or (d), for which
17 bonds are issued as provided under this act. Any department
18 costs associated with a project described in section 7(1)(c) for
19 which bonds are issued under this act shall be paid as provided
20 in ~~the state statute implementing the state water pollution con-~~
21 ~~trol revolving fund~~ ACT NO. 317 OF THE PUBLIC ACTS OF 1988.
22 Bond proceeds shall not be available to pay indirect, administra-
23 tive overhead costs incurred by any organizational unit of the
24 department not directly responsible for the completion of a
25 project. It is the intent of the legislature that general fund
26 appropriations to the department shall not be reduced as a result
27 of department costs funded pursuant to this subsection.

1 (3) Except as provided in subsection (2), the commission
2 shall annually submit to the governor, the committee of the house
3 of representatives on conservation, RECREATION, and environment,
4 the committee of the senate on natural resources and environmen-
5 tal affairs, and the appropriations committees in the house of
6 representatives and the senate a list of all projects that are
7 recommended to be funded under this act. Beginning in fiscal
8 year 1990, this list shall be submitted to the legislature not
9 later than February 15 of each year. This list shall also be
10 submitted before any request for supplemental appropriation of
11 bond funds. The list shall include the name, address, and tele-
12 phone number of the eligible recipient or participant; the nature
13 of the eligible project; the county in which the eligible project
14 is located; an estimate of the total cost of the eligible
15 project; and other information considered pertinent by the
16 commission.

17 (4) The legislature shall appropriate prospective or actual
18 bond proceeds for projects proposed to be funded. Appropriations
19 shall be carried over to succeeding fiscal years until the
20 project for which the funds are appropriated is completed.
21 Environmental cleanup projects that are eligible for funding
22 under section ~~8(1)(a)~~ 8(1)(A)(ii), but not including section
23 ~~8(1)(a)(i) and (ii)~~ 8(1)(A)(ii)(A) AND (B), shall be priori-
24 tized and approved pursuant to the procedures outlined in the
25 environmental response act, Act No. 307 of the Public Acts of
26 1982, being sections 299.601 to 299.611 of the Michigan Compiled
27 Laws. Projects to which loans are provided from the state water

1 pollution control revolving fund shall be approved pursuant to
2 ~~state law implementing that fund~~ ACT NO. 317 OF THE PUBLIC ACTS
3 OF 1988. The capitalization of the regional Great Lakes protec-
4 tion fund PURSUANT TO SUBSECTION (1)(D) shall be a 1-time
5 appropriation.

6 (5) Not later than December 31 of each year, the commission
7 shall report to the governor, the committee of the house of rep-
8 resentatives on conservation, RECREATION, and environment, the
9 committee of the senate on natural resources and environmental
10 affairs, and the committees of the house of representatives and
11 the senate on appropriations for the department a list of the
12 projects financed under this act. The list shall include the
13 name, address, and telephone number of the recipient or partici-
14 pant; the nature of the project; the amount of money received;
15 the county in which the project is located; and other information
16 considered pertinent by the commission.

17 Section 2. This amendatory act shall not take effect unless
18 Senate Bill No. ____ or House Bill No. 5759 (request no. 05187'90)
19 of the 85th Legislature is enacted into law.