

# SENATE BILL No. 396

May 3, 1989, Introduced by Senator EHLERS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to provide for the participation of the state in a regional Great Lakes protection fund; to create a fund and provide for its use; and to prescribe the powers and duties of certain state agencies and officials.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "Great Lakes protection fund authorization act".

3       Sec. 2. The legislature finds and declares that:

4       (a) The Great Lakes protection fund has been created to  
5 advance the principle goals and objectives of the Great Lakes  
6 toxic substances control agreement and the Great Lakes water  
7 quality agreement of 1978.

8       (b) The Great Lakes protection fund has been created to  
9 finance and support state and regional projects for the  
10 protection, research, and cleanup of the Great Lakes.

1 (c) There is a need for a stable and predictable funding  
2 commitment for the preservation of Great Lakes water quality.

3 (d) The protection of the Great Lakes is of paramount public  
4 concern in the interest of the health, safety, and general wel-  
5 fare of the citizens of the state and the participation of the  
6 state in the Great Lakes protection fund will assist in achieving  
7 this protection.

8 Sec. 3. As used in this act:

9 (a) "Agreement" means the document entitled "Great Lakes  
10 protection fund agreement" signed by the governor on February 26,  
11 1989.

12 (b) "Commission" means the commission of natural resources.

13 (c) "Director" means the director of the department of natu-  
14 ral resources.

15 (d) "Fund" means the Michigan Great Lakes protection fund  
16 created in section 7.

17 (e) "Great Lakes protection fund" means the Great Lakes pro-  
18 tection fund approved in the agreement.

19 (f) "Great Lakes toxic substances control agreement" means  
20 the document entitled "Great Lakes toxic substances control  
21 agreement" signed by the governor May 21, 1986.

22 (g) "Great Lakes water quality agreement of 1978" means the  
23 "Great Lakes water quality agreement of 1978" between the United  
24 States and Canada signed November 22, 1978, including the phos-  
25 phorous load reduction supplement signed October 7, 1983, and as  
26 amended by protocol signed November 18, 1987.

1       Sec. 4. (1) The governor, on behalf of this state, is  
2 authorized to take all steps necessary to join with other states  
3 in the formation and operation of the Great Lakes protection fund  
4 provided that the Great Lakes protection fund does both of the  
5 following:

6       (a) Provides for the Great Lakes protection fund to receive  
7 money from each of the participating states and to expend only  
8 the interest and earnings of the Great Lakes protection fund for  
9 the purposes of subdivision (b).

10       (b) Provides for the funding of activities related to the  
11 Great Lakes including but not limited to:

12       (i) The economic, environmental, and human health effects of  
13 contamination in the Great Lakes.

14       (ii) The collection and analysis of data on the Great  
15 Lakes.

16       (iii) The development of new or improved environmental  
17 cleanup technologies.

18       (iv) Research to assess the effectiveness of pollution con-  
19 trol policies.

20       (v) The assessment of the health of Great Lakes fish, water-  
21 fowl, and other organisms.

22       (2) The governor shall do all things necessary to carry out  
23 the agreement.

24       Sec. 5. (1) If, by February 28, 1991, fewer than 4 states  
25 whose representatives signed the agreement have enacted legisla-  
26 tion and provided funding as required by the agreement to  
27 participate in the Great Lakes protection fund, the governor

1 shall take all steps necessary to withdraw the participation of  
2 the state in the Great Lakes protection fund, to dissolve the  
3 Great Lakes protection fund, and to equitably distribute the  
4 assets of the Great Lakes protection fund.

5 (2) If 2/3 of the states whose representatives signed the  
6 agreement agree to extend the deadline provided in  
7 subsection (1), the governor shall not withdraw the participation  
8 of the state during the extension period.

9 Sec. 6. The governor may delegate his or her responsibili-  
10 ties under this act to the director of the department of natural  
11 resources.

12 Sec. 7. (1) The Michigan Great Lakes protection fund is  
13 created in the state treasury.

14 (2) The fund shall receive money from the following  
15 sources:

16 (a) Money received by the state from the Great Lakes protec-  
17 tion fund.

18 (b) Gifts and contributions to the fund.

19 (c) Other sources provided by law.

20 (3) The state treasurer shall direct the investment of the  
21 fund. Interest and earnings of the fund shall be credited to the  
22 fund. Money in the fund at the end of the fiscal year shall  
23 remain in the fund and shall not revert to the general fund.

24 (4) The state treasurer shall annually report to the commis-  
25 sion and the director on the amount of money in the fund.

26 Sec. 8. The state treasurer shall credit all money the  
27 state receives from the Great Lakes protection fund to the fund.

1       Sec. 9. Money in the fund shall be used only for programs  
2 or grants to supplement existing Great Lakes protection programs  
3 consistent with the purposes of the Great Lakes protection fund  
4 including, but not limited to, the following:

5       (a) The economic, environmental, and human health effects of  
6 contamination in the Great Lakes.

7       (b) The collection and analysis of data on the Great Lakes.

8       (c) The development of new or improved environmental cleanup  
9 technologies.

10       (d) Research to assess the effectiveness of pollution con-  
11 trol policies.

12       (e) The assessment of the health of Great Lakes fish, water-  
13 fowl, and other organisms.

14       (f) Other programs consistent with the purposes of the Great  
15 Lakes protection fund.

16       Sec. 10. (1) The director shall annually determine the pro-  
17 grams or grants that should be funded by the fund and shall  
18 submit a list of these programs or grants to the commission for  
19 its approval. This list shall be compiled in order of priority.  
20 After approving the list, the commission shall submit the list to  
21 the legislature in January of each year.

22       (2) The commission shall include with each list submitted  
23 under subsection (1), a statement of the guidelines used in list-  
24 ing and assigning the priority of the proposed programs or  
25 grants.

26       (3) The legislature shall annually appropriate money from  
27 the fund for programs or grants pursuant to this act.