

# HOUSE BILL No. 5808

March 1, 2006, Introduced by Reps. Leland, Plakas, Lemmons, Jr., Waters, Tobocman,  
Bieda, Wojno, Condino and Lemmons, III and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding sections 8637 and 8639.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 8637. (1) THE CAFO CLEANUP AND ENFORCEMENT FUND IS  
2        CREATED WITHIN THE STATE TREASURY.

3        (2) THE STATE TREASURER SHALL DEPOSIT INTO THE FUND REVENUE AS  
4        SPECIFIED UNDER SECTIONS 3115, 3120, AND 8623. THE STATE TREASURER  
5        MAY RECEIVE MONEY OR OTHER ASSETS FROM ANY OTHER SOURCE FOR DEPOSIT  
6        INTO THE FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF  
7        THE FUND. THE STATE TREASURER SHALL CREDIT TO THE FUND INTEREST AND  
8        EARNINGS FROM FUND INVESTMENTS.

9        (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL  
10       REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

1           (4) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON  
2 APPROPRIATION, ONLY FOR 1 OR MORE OF THE FOLLOWING PURPOSES:

3           (A) FOR CLEANUP AND REMEDIATION REQUIRED DUE TO DISCHARGES  
4 FROM CAFOS.

5           (B) FOR ENFORCEMENT OF THIS PART AND PART 31 AGAINST OWNERS OR  
6 OPERATORS OF CAFOS THAT ARE IN VIOLATION OF THIS PART.

7           (C) FOR THE COSTS OF THE DEVELOPMENT AND ISSUANCE OF NPDES  
8 PERMITS FOR CAFOS.

9           SEC. 8639. A PERSON WHO VIOLATES THIS PART, A RULE PROMULGATED  
10 UNDER THIS PART, OR AN ORDER OR PERMIT ISSUED UNDER THIS PART IS  
11 SUBJECT TO THE SAME CIVIL SANCTIONS, CRIMINAL PENALTIES, AND  
12 REMEDIES AS PROVIDED IN PART 31.

13           Enacting section 1. This amendatory act does not take effect  
14 unless all of the following bills of the 93rd Legislature are  
15 enacted into law:

16           (a) Senate Bill No.\_\_\_\_ or House Bill No. 5801(request no.  
17 01066'05).

18           (b) Senate Bill No.\_\_\_\_ or House Bill No. 5803(request no.  
19 01074'05).

20           (c) Senate Bill No.\_\_\_\_ or House Bill No. 5802(request no.  
21 01075'05).

22           (d) Senate Bill No.\_\_\_\_ or House Bill No. 5809(request no.  
23 01081'05).

24           (e) Senate Bill No.\_\_\_\_ or House Bill No. 5807(request no.  
25 02008'05).

26           (f) Senate Bill No.\_\_\_\_ or House Bill No. 5806(request no.  
27 02010'05).

1 (g) Senate Bill No.\_\_\_\_ or House Bill No. 5804(request no.  
2 02011'05).

3 (h) Senate Bill No.\_\_\_\_ or House Bill No. 5805(request no.  
4 02032'05).