

SENATE BILL NO. 535

April 21, 1999, Introduced by Senator DE BEAUSSAERT and referred
to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 8807 (MCL 324.8807), as added by 1998 PA 287,
and by adding section 8807a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8807. (1) The clean water fund is created within the
2 state treasury.

3 (2) The state treasurer may receive money or other assets
4 from any source for deposit into the fund. The state treasurer
5 shall direct the investment of the fund. The state treasurer
6 shall credit to the fund interest and earnings from fund
7 investments.

8 (3) Money in the fund at the close of the fiscal year shall
9 remain in the fund and shall not lapse to the general fund.

1 (4) Except as otherwise provided in this section, ~~the~~
2 ~~department shall expend~~ money in the fund ~~, upon appropriation,~~
3 ~~for any of the following~~ SHALL BE EXPENDED AS FOLLOWS:

4 ~~(a) To implement the programs described in the department's~~
5 ~~document entitled "A strategic environmental quality monitoring~~
6 ~~program for Michigan's surface waters", dated January 1997. In~~
7 ~~implementing these programs, the department may contract with any~~
8 ~~person.~~

9 ~~(b) Water pollution control activities.~~

10 ~~(c) Wellhead protection activities.~~

11 ~~(d) Storm water treatment projects and activities.~~

12 (A) \$20,000,000.00 SHALL BE TRANSFERRED TO THE WATER QUALITY
13 TRUST FUND CREATED IN SECTION 8807A.

14 (B) \$40,000,000.00 SHALL BE USED BY THE DEPARTMENT TO PRO-
15 VIDE GRANTS AND LOANS TO LOCAL UNITS OF GOVERNMENT FOR STORMWATER
16 CONTROL AND PREVENTION PROJECTS.

17 (C) \$15,000,000.00 SHALL BE USED BY THE DEPARTMENT TO PRO-
18 VIDE GRANTS AND LOANS TO LOCAL UNITS OF GOVERNMENT FOR RESIDEN-
19 TIAL SEPTIC TANK REPLACEMENT AND SUBSEQUENT CONNECTION TO A
20 MUNICIPAL SEWAGE TREATMENT SYSTEM. A PROJECT FUNDED UNDER THIS
21 SUBDIVISION SHALL NOT HAVE AS A PRIMARY PURPOSE THE CONSTRUCTION
22 OF OR EXPANSION OF A WATERWORKS SYSTEM TO ACCOMMODATE FUTURE
23 DEVELOPMENT.

24 (D) \$10,000,000.00 SHALL BE USED BY THE DEPARTMENT TO PRO-
25 VIDE GRANTS TO LOCAL UNITS OF GOVERNMENT TO REMEDY IMPAIRED
26 WATERS. PROJECTS ELIGIBLE FOR FUNDING UNDER THIS SUBDIVISION
27 INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE FOLLOWING:

1 (i) WETLAND RESTORATION.

2 (ii) STREAM BANK RESTORATION.

3 (iii) SOIL EROSION CONTROL PROJECTS ADDRESSING ROAD, PIPE-
4 LINE, OR STREAM CROSSINGS.

5 (iv) THE ESTABLISHMENT OF FILTER STRIPS ALONG WATERCOURSES.

6 (v) PROTECTION OF PUBLIC DRINKING WATER SUPPLIES THROUGH
7 REDUCTION OR ELIMINATION OF POTENTIAL SOURCES OF CONTAMINATION.

8 (E) \$5,000,000.00 SHALL BE USED BY THE DEPARTMENT FOR SPE-
9 CIAL WATER QUALITY INVESTIGATIONS. PROJECTS ELIGIBLE FOR FUNDING
10 UNDER THIS SUBDIVISION ARE 1-TIME PROJECTS TO TRACK SOURCES OF
11 SPILLS AND TO IDENTIFY SOURCES OF WATER QUALITY IMPAIRMENT THAT
12 LEAD TO RESTRICTED USES OF THE WATERS FOR SWIMMING, FISHING, OR
13 DRINKING.

14 (5) Money in the fund shall not be expended for combined
15 sewer overflow corrections.

16 ~~(6) The first priority for expenditure of money in the fund~~
17 ~~shall be for the programs described in subsection (4)(a).~~

18 (6) ~~(7)~~ Money in the fund shall not be expended until
19 rules are promulgated under section 8808.

20 SEC. 8807A. (1) THE WATER QUALITY TRUST FUND IS CREATED
21 WITHIN THE STATE TREASURY.

22 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
23 FROM ANY SOURCE FOR DEPOSIT INTO THE WATER QUALITY TRUST FUND.
24 THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE WATER
25 QUALITY TRUST FUND. THE STATE TREASURER SHALL CREDIT TO THE
26 WATER QUALITY TRUST FUND INTEREST AND EARNINGS FROM WATER QUALITY
27 TRUST FUND INVESTMENTS.

1 (3) MONEY IN THE WATER QUALITY TRUST FUND AT THE CLOSE OF
2 THE FISCAL YEAR SHALL REMAIN IN THE WATER QUALITY TRUST FUND AND
3 SHALL NOT LAPSE TO THE GENERAL FUND.

4 (4) INTEREST AND EARNINGS ONLY FROM THE WATER QUALITY TRUST
5 FUND SHALL BE EXPENDED, UPON APPROPRIATION, FOR WATER QUALITY
6 MONITORING.

7 (5) NOT LESS THAN 50% OF THE MONEY EXPENDED FROM THE WATER
8 QUALITY TRUST FUND EACH YEAR SHALL BE USED BY THE DEPARTMENT TO
9 PROVIDE GRANTS TO LOCAL UNITS OF GOVERNMENT FOR WATER QUALITY
10 MONITORING. THE DEPARTMENT SHALL GIVE PRIORITY TO GRANTS UNDER
11 THIS SUBSECTION FOR PROJECTS THAT WILL BE USED TO MONITOR WATERS
12 WITH SWIMMING AREAS, WATERS CONTAINING DRINKING WATER SUPPLIES,
13 AND OTHER WATERS WHERE THERE IS A RISK OF DIRECT CONTACT WITH
14 THESE WATERS BY THE GENERAL PUBLIC.

15 (6) ALL MONITORING DATA COLLECTED IN PROJECTS FUNDED UNDER
16 THIS SECTION SHALL BE MADE READILY ACCESSIBLE TO THE PUBLIC. THE
17 DEPARTMENT SHALL POST THE DATA ELECTRONICALLY IN A STANDARDIZED
18 FORMAT AS SOON AS PRACTICABLE AFTER ITS COLLECTION, SHALL PUBLISH
19 AN ANNUAL SUMMARY OF THE INFORMATION COLLECTED STATEWIDE, AND
20 SHALL REQUIRE RECIPIENTS OF GRANTS UNDER THIS SECTION TO PROVIDE
21 THE INFORMATION, UPON REQUEST, TO THE PUBLIC. ALL DATA COLLECTED
22 PURSUANT TO THIS SECTION ARE PUBLIC RECORDS AND ARE SUBJECT TO
23 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
24 MCL 15.231 TO 15.246.