

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.13740 Disposition of receipts from civil fines and fees; appropriations; construction of section; expenditures required as result of release.

Sec. 13740.

(1) The department shall deposit all receipts from civil fines and fees collected pursuant to this part and from judgments, settlements, and any other payments collected pursuant to this part in the state treasury to the credit of the general fund.

(2) Funds credited to the general fund as required by this section shall be appropriated for the purposes provided in this section and if insufficient funds are available or appropriated from the general fund, the department may seek appropriations by the legislature from the low-level radioactive waste management fund for purposes authorized by this part, including, but not limited to, any of the following:

(a) Hiring personnel and any other operating and contingent expenses necessary for the proper administration of this part, to fulfill the state's obligations under the low-level radioactive waste policy act, Public Law 96-573, 42 U.S.C. 2021b to 2021d, and if this state is a member of a compact to assure adequate involvement by this state in any compact activities and responsibilities.

(b) Regulatory costs, including, but not limited to, the costs of promulgating and enforcing administrative rules if this state enters into an agreement with the United States nuclear regulatory commission as provided in section 13707.

(c) Contracting with any person or vendor for the purpose of carrying out this part and the rules promulgated under this part.

(d) Taking any actions necessary to protect the public health, safety, and welfare, and the environment from actual or threatened harm from activities regulated under this part.

(3) This section shall not be construed to limit the financial responsibilities of a person who holds a permit or license under this part, or establish or imply any liability on the part of the state.

(4) If expenditures are required as a result of a release or threatened release, the department, the attorney general on behalf of the department, the department of natural resources, and the authority shall seek to obtain funds from a responsible party including a surety bond, secured trust fund, or other instrument, mechanism, fund, or liability insurance held by that party.

History: Add. 1987, Act 203, Imd. Eff. Dec. 22, 1987 ;-- Am. 1994, Act 435, Imd. Eff. Jan. 6, 1995

Compiler's Notes: For transfer of powers and duties of radioactive materials program from department of health and human services to department of health and human services, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular Name: Act 368