



# HOUSE BILL No. 4980

August 17, 1993, Introduced by Rep. Bryant and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to control air pollution in the state; to regulate the production of certain gases; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties and provide remedies; and to provide for certain appropriations.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1      Sec. 1. As used in this act:

2      (a) "Annual level" means the amount of carbon dioxide  
3 produced by industry, electrical utilities, and motor vehicles in  
4 the state in any year minus the amount of carbon dioxide consumed  
5 by plant life in the state during that year.

6      (b) "Baseline level" means the 1991 calendar year annual  
7 level.

8      (c) "Department" means the department of natural resources.

1 (d) "Person" means an individual, partnership, corporation,  
2 association, governmental entity, or any other legal entity.

3 (e) "Rule" means a rule promulgated pursuant to the adminis-  
4 trative procedures act of 1969, Act No. 306 of the Public Acts of  
5 1969, being sections 24.201 to 24.328 of the Michigan Compiled  
6 Laws.

7 Sec. 2. (1) The department shall quantify the annual com-  
8 bined carbon dioxide production of all industry, electrical util-  
9 ities, and registered motor vehicles in the state. The depart-  
10 ment shall also annually quantify the consumption of carbon diox-  
11 ide by plant life within the state. By January 31 of each year,  
12 the department shall compute and publish the expected annual  
13 level. This computation shall be based upon a consideration of  
14 the production and consumption of carbon dioxide that occurred  
15 during the prior year, any orders issued under section 3 that  
16 were in effect during the prior year, and expected changes in the  
17 production and consumption of carbon dioxide during the current  
18 year.

19 (2) The department shall assure that the annual level in any  
20 year does not exceed the baseline level. If the expected annual  
21 level computed under subsection (1) exceeds the baseline level,  
22 the department shall issue orders under section 3 as are neces-  
23 sary to avoid exceeding the baseline level.

24 Sec. 3. If the department determines under section 2 that  
25 the expected annual level in any year exceeds the baseline level,  
26 the department may issue administrative orders to do 1 or more of  
27 the following:

1 (a) Order fair and equitable reductions in carbon dioxide  
2 generating industries.

3 (b) Order the use of alternative fuels that produce less  
4 carbon dioxide by industry and in motor vehicles.

5 (c) Require a person who owns a motor vehicle registered in  
6 the state to keep his or her motor vehicle engine tuned.

7 (d) Order reductions in the production of electricity or  
8 curtail or prohibit the production of electricity for sale or  
9 resale outside of the state.

10 (e) Order such other and reasonable measures as the depart-  
11 ment determines necessary to reduce the production or increase  
12 the consumption, or both, of carbon dioxide.

13 Sec. 4. A person ordered under section 3 to reduce carbon  
14 dioxide production may apply to the department for a full or par-  
15 tial temporary exemption from the order if 1 or more of the fol-  
16 lowing exist:

17 (a) The person shows that an activity of the person has  
18 increased the consumption of carbon dioxide in excess of any  
19 increase in the production of carbon dioxide from the previous  
20 year.

21 (b) The person is not producing a greater amount of carbon  
22 dioxide than that person produced in the previous year, the  
23 activity to which the order applies is critical to the health,  
24 safety, or welfare of the public, and the order's impact on the  
25 activity would seriously jeopardize the health, safety, or wel-  
26 fare of the public.

1 (c) The person has taken measures that reduce consumption of  
2 fuel or electricity resulting in a net decrease in the production  
3 of carbon dioxide from the previous year by that person by doing  
4 1 or more of the following:

5 (i) Producing more energy efficient products.

6 (ii) Insulating buildings owned or operated by the person.

7 (iii) Using more energy efficient or otherwise less carbon  
8 dioxide producing motor vehicles, by reducing mileage, or by  
9 other proof of direct or indirect reduction of carbon dioxide  
10 production.

11 (d) The person has leased or purchased and kept in its natu-  
12 ral state property containing tropical rain forests in an amount  
13 to offset increased production of carbon dioxide by the person  
14 from the previous year.

15 Sec. 5. (1) The department shall designate and manage 1 or  
16 more forests on state owned land as carbon dioxide offset  
17 forests. The department shall plant trees in these forests that  
18 are suitable for use in the production of furniture and for  
19 building construction. These trees shall be harvested in a  
20 manner that maximizes the trees' consumption of carbon dioxide  
21 and release of oxygen.

22 (2) The department shall compute all of the following:

23 (a) The average net annual amount of carbon dioxide that is  
24 consumed by each species of tree during its expected lifetime.

25 (b) The average annual amount of carbon dioxide that is  
26 produced by an individual, including carbon dioxide produced  
27 through the individual's personal use of an automobile.

1 (c) The number of trees of each species that if planted  
2 would offset an individual's annual production of carbon  
3 dioxide.

4 (3) The department shall establish a program whereby indi-  
5 viduals may contribute money to the department for the planting  
6 of trees in carbon dioxide offset forests to counter that  
7 individual's personal production of carbon dioxide.

8 Sec. 6. (1) The department shall plant or cause to be  
9 planted not less than 10 trees for every tree that is cut from  
10 state owned land.

11 (2) The department shall determine the amount of oxygen that  
12 is produced by plant life in the state in the calendar year  
13 1991. The department shall assure that the annual production of  
14 oxygen in the state increases annually through the planting of  
15 such additional trees as are necessary.

16 Sec. 7. The legislature shall appropriate not less than  
17 1/100 of 1% of the total annual general fund appropriations to be  
18 used to lease and leave in its natural state tropical rain forest  
19 land or to be used to protect rain forests from substantial cut-  
20 ting, burning, or other destruction.

21 Sec. 8. (1) An individual who violates this act is guilty  
22 of a felony punishable by a fine of not more than \$1,000.00 per  
23 day of violation.

24 (2) A person other than an individual who violates this act  
25 is guilty of a felony punishable by a fine of not more than  
26 \$10,000.00 per day of violation.

1       (3) In addition to the corporation or other entity liable  
2 under this act, a member of the board of directors of a  
3 corporation or a member of a governing body of an entity governed  
4 by this act is liable for a violation of this act.

5       Sec. 9. In addition to any other penalty provided in this  
6 act, if the department determines that a person has violated or  
7 has failed to comply with an administrative order issued under  
8 section 3, the attorney general, on behalf of the department, may  
9 commence a civil action seeking any of the following:

10       (a) A temporary or permanent injunction.

11       (b) Compliance with the administrative order.

12       (c) Any equitable remedy consistent with the administrative  
13 order.

14       (d) All costs incurred by the state in enforcing the admin-  
15 istrative order.