



**DNR / DEQ
H.B. 4446**

10/13/2009

Analyst: Josh Sefton

Phone: 3-2768

FULL-TIME EQUATED (FTE) POSITIONS/ FUNDING SOURCE	FY 2008-09 YEAR-TO-DATE	FY 2009-10 GOV'S REC.	FY 2009-10	FY 2009-10	FY 2009-10	CHANGES FROM FY 2008-09 YEAR-TO-DATE			
			SENATE PASSED	HOUSE PASSED	CONFERENCE / ENROLLED	GOVERNOR AMOUNT	SENATE AMOUNT	HOUSE AMOUNT	CONF/ENRLD AMOUNT
FTE Positions.....	3,688.6	3,687.6	3,586.6	2,108.9	3,701.0	(1.0)	(102.0)	(1,579.7)	12.4
GROSS.....	898,447,900	642,725,000	623,918,000	626,578,400	706,288,100	(255,722,900)	(274,529,900)	(271,869,500)	(192,159,800)
Less:									
Interdepartmental Grants Received.....	22,561,900	11,235,800	11,235,800	11,235,800	12,322,900	(11,326,100)	(11,326,100)	(11,326,100)	(10,239,000)
ADJUSTED GROSS.....	875,886,000	631,489,200	612,682,200	615,342,600	693,965,200	(244,396,800)	(263,203,800)	(260,543,400)	(181,920,800)
Less:									
Federal Funds.....	432,930,600	186,869,600	184,363,000	184,995,000	253,070,700	(246,061,000)	(248,567,600)	(247,935,600)	(179,859,900)
Local and Private.....	4,881,500	6,040,000	5,927,400	5,927,400	6,040,000	1,158,500	1,045,900	1,045,900	1,158,500
TOTAL STATE SPENDING.....	438,073,900	438,579,600	422,391,800	424,420,200	434,854,500	505,700	(15,682,100)	(13,653,700)	(3,219,400)
Less:									
Other State Restricted Funds.....	389,602,300	387,006,000	385,903,300	386,115,500	391,180,100	(2,596,300)	(3,699,000)	(3,486,800)	1,577,800
GENERAL FUND/GENERAL PURPOSE.....	48,471,600	51,573,600	36,488,500	38,304,700	43,674,400	3,102,000	(11,983,100)	(10,166,900)	(4,797,200)
PAYMENTS TO LOCALS.....	13,557,000	10,722,000	10,722,000	10,722,000	9,222,000	(2,835,000)	(2,835,000)	(2,835,000)	(4,335,000)

DEPARTMENT OF NATURAL RESOURCES

House, Senate, and Conference Gross and GF/GP Changes to FY 2009-10 Gov's Rec.

Budget Area/Program	House		Senate		Conference	
	Gross	GF/GP	Gross	GF/GP	Gross	GF/GP
DNR Remove HAL Programs	(10,014,100)	(6,619,800)	(10,014,100)	(6,619,800)	(510,700)	(510,800)
DNR History/Heritage Publications BOC Savings	0	0	0	0	(26,800)	(26,800)
DNR ORV Safety Training (FY 09 Cont.Fund Tran.)	0	0	71,000	0	71,000	0
DNR Executive Direction	(101,300)	(101,300)	(10,000)	(10,000)	(10,000)	(10,000)
DNR Communications	(10,400)	(10,400)	(10,400)	(10,400)	(10,400)	(10,400)
DNR Budget & Support Services	(49,700)	(49,700)	(5,000)	(5,000)	0	0
DNR Financial Services	(77,400)	(77,400)	(10,000)	(10,000)	0	0
DNR Grants Management	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)
DNR Land & Facilities	(16,900)	(16,900)	(16,900)	(16,900)	(16,900)	(16,900)
DNR Water Withdrawal Tool	(37,500)	(37,500)	(37,500)	(37,500)	(37,500)	(37,500)
DNR Wildlife Management	(345,900)	(345,900)	(150,000)	(150,000)	(150,900)	(150,900)
DNR Cooperative Resources Programs	(197,400)	(197,400)	(197,400)	(197,400)	(298,500)	(298,500)
DNR Forest Recreation	0	0	(200,000)	(200,000)	(100,000)	(100,000)
DNR Law Enforcement	(150,000)	(150,000)	(150,000)	(150,000)	(150,000)	(150,000)
DNR Cormorant Control	75,000	75,000	0	0	75,000	75,000
DNR Unclassified	(85,000)	(85,000)	*	*	(85,000)	(85,000)
DNR Gov's Rev. (7/13/09) - not in House or Senate	(1,171,600)	0	(1,171,600)	0	0	0
DNR Great Lakes Restoration Initiative	0	0	0	0	15,000,000	0
DNR Capital Outlay - Sleepy Hollow SP Imp.	0	0	0	0	776,200	0
DNR/DEQ Consolidation Savings	0	0	0	0	(350,000)	(350,000)
Consolidation Savings - Rent			(400,000)	(200,000)		
*Consolidation Savings - Unclassified (6.0)			(400,000)	(200,000)		
Total Changes to Governor DNR/DEQ	(\$12,232,200)	(\$7,666,300)	(\$12,751,900)	(\$7,857,000)	\$14,125,500	(\$1,721,800)

NOTE: House/Dept. of Natural Resources and Environmental Protection. Senate/Dept. of Conservation.

NATURAL RESOURCES/ENVIRONMENTAL QUALITY

**LANGUAGE SECTIONS: ITEMS OF DIFFERENCE
BETWEEN THE HOUSE AND THE SENATE**

FY 2009-10

	FY 2008-09 Year-to-Date	Governor	House	Senate	Conference
1. Hiring Freeze. Imposes a hiring freeze, allows the State Budget Director to make exceptions under certain circumstances and to report quarterly when exemptions are granted.	Sec. 205	Not Included	Not Included	Sec. 205	Not Included
2. Restricted Fund Balance Report. Requires the Department to provide an annual report on restricted fund balances, projected revenues, and expenditures for the current and immediately preceding fiscal years within 14 days of release of the executive budget recommendation. The Governor eliminated this section. The House restored it and added two new subsections. Subsection 2 provides that estimates of restricted revenue for FY 2009-10 shall be updated by September 30, 2009, and used for determinations of the number of funded positions authorized by this Act. Subsection 3 provides that this Act authorizes funding for 2,213.9 FTE classified positions. Line item appropriations include limitations on the number of payroll hours to be funded (2,088 per FTE). The Department is required to report the number of funded FTEs within 15 days after the effective date of this Act. Approximately 20.0 FTE will be reduced. Requires reports. The Senate maintained current year language and removed the House changes.	Sec. 207	Not Included	Sec. 207 Modified	Sec. 207	Sec. 207 Modified
3. Policy Change Reporting. (1) Directs the Department to report by April 1 on each specific policy change made to implement enacted legislation. (2) Prohibits funds from being used to prepare regulatory plans or promulgate rules that do not reduce the disproportionate economic impact on small businesses. (3) Defines "Rules" and "Small business". The Governor eliminated this section. The House restored subsections 2 and 3. The Senate restored all of the current year language.	Sec. 218	Not Included	Sec. 217 Modified	Sec. 217	Sec. 217 Modified
4. FTE Report. Requires the Department, on a bimonthly basis, to report the number of FTEs in pay status by civil service classification.	Not Included	Not Included	Sec. 222	Not Included	Sec. 222

**LANGUAGE SECTIONS: ITEMS OF DIFFERENCE
BETWEEN THE HOUSE AND THE SENATE**

FY 2009-10

	FY 2008-09 Year-to-Date	Governor	House	Senate	Conference
5. Appropriated and Supportable FTE Positions. Requires report on appropriated and supportable FTE positions by line item for FY 2009-10 by March 1, 2010.	Not Included	Not Included	Sec. 223	Not Included	Sec. 223
6. Beverage Container Antifraud. Requires the Department to implement 2008 PA 389.	Not Included	Not Included	Not Included	Sec. 241	Sec. 241
7. Comparison to Other States. Requires the Department to perform a review of its programs to determine how its programs compare to similar programs in other Great Lakes States. Requires report.	Not Included	Not Included	Not Included	Sec. 243	Sec. 243
8. Efficiency Evaluation. Requires the Department to engage in a process to determine efficiencies which can be made in the air permitting program. Requires report.	Not Included	Not Included	Not Included	Sec. 244	Sec. 244
9. Report on the Great Lakes Water Quality Bond. Requires the Department to report annually by July 1 on the State Revolving Fund and bonds issued under the Great Lakes Water Quality Bond authorized in 2002 to support this program.	Sec. 402	Not Included	Not Included	Sec. 240	Sec. 240
10. Retention of Reports. Requires the Department to retain copies of all reports funded from appropriations in the bill; requires that Federal and State guidelines for report and record retention be followed; allows electronic storage of the reports.	Sec. 207	Not Included	Not Included	Sec. 227	Sec. 227
11. Michigan Youth Conservation Council. Allocates \$5,000 from the environmental education fund appropriation to the Michigan State University Extension- 4H Youth Programs for the Michigan Youth Conservation Council.	Sec. 212	Not Included	Sec. 226	Not Included	Sec. 226
12. Settlement Funds Carryforward. Authorizes the carryforward of up to \$2.5 million in the Settlement Funds account to the succeeding fiscal year.	Sec. 218	Sec. 218	Not Included	Sec. 230	Sec. 230
13. Fine and Penalty Collections. Requires the Department to report annually by December 31 on the civil and criminal fine revenue collected during the year.	Sec. 221	Not Included	Not Included	Sec. 232	Sec. 232

**LANGUAGE SECTIONS: ITEMS OF DIFFERENCE
BETWEEN THE HOUSE AND THE SENATE**

FY 2009-10

	FY 2008-09 Year-to-Date	Governor	House	Senate	Conference
14. General Fund Lapse. Requires report by September 30, 2010, of estimated amount of General Fund lapses.	Not Included	Not Included	Not Included	Sec. 235	Sec. 235
15. Science and Data. Requires the Department to use sound science and actual data in managing and regulating best available retrofit technology.	Not Included	Not Included	Not Included	Sec. 236	Sec. 236
16. Computer System Replacement. Requires the Department to develop a plan for replacement of failing or obsolete computer and database systems, including a schedule for system replacement and cost estimates. The plan must be submitted to the Legislature by April 1, 2009.	Sec. 227	Not Included	Not Included	Sec. 237	Not Included
17. Posting of Expenditures. If funding is available to support it, the Department shall develop, post, and maintain a listing of all expenditures on a publicly accessible Internet site. The posting must include the purpose for which expenditures are made. The Senate maintained this language. The House included language requiring the Department to develop, post, and maintain on a user-friendly and publicly accessible Internet site, all expenditures made by the agency within a fiscal year. The posting must include the purpose for which each expenditure is made and limits the cost to implement this section to \$25,000.00. Also provides that this requirement shall not cause essential services to be diminished.	Sec. 228	Not Included	Sec. 232 Modified	Sec. 238	Sec. 232 House Version
18. FOIA Requests. Requires semiannual reports on FOIA requests made of the Department in the previous six months.	Sec. 229	Not Included	Not Included	Sec. 239	Sec. 239

**LANGUAGE SECTIONS: ITEMS OF DIFFERENCE
BETWEEN THE HOUSE AND THE SENATE**

FY 2009-10

	FY 2008-09 Year-to-Date	Governor	House	Senate	Conference
19. Intent to Consolidate DEQ/DNR. Provides that It is the intent of the Legislature that only one department, through its various programs, functions, and responsibilities, be mandated to conserve and develop the natural resources of the State in the interest of the health, safety, and welfare of the people and to provide for the protection of the air, water, and natural resources of the State from pollution, impairment, and destruction. The Legislature requests the Executive Office of the Governor to determine the feasibility of consolidating the responsibilities and administrative structures of DNR and DEQ into a single department. Requires that DNR and DEQ shall recommend legislation, if necessary, to implement an Executive Order consolidating these two departments including proposed legislation to create a stakeholder process for programs administered by the Department of Environmental Quality similar to the appeal procedure adopted by the commission.	Not Included	Not Included	Sec. 228	Not Included	Sec. 228 Modified based on pending legislation
20. Estimated Consolidation Savings. Provides that any efficiency savings realized programs supported by General Fund appropriations shall lapse and be credited to the State General Fund. The amount of efficiency savings potentially to be realized through the consolidation of field offices and elimination of duplicative positions will be approximately \$2,000,000.00.	Not Included	Not Included	Sec. 229	Not Included	Sec. 229
21. Limitation on DEQ Expenditures. Provides that effective November 1, 2009, expenditures from Section 102 shall not be allowed by the Director of the Department of Environmental Quality unless a notice of an intent to spend is provided to the Speaker of the House of Representatives, not later than 30 days before disbursements from allotted funds.	Not Included	Not Included	Sec. 230	Not Included	Sec. 230
22. Pending Permits. Provides that any permit application that has been submitted to and pending with the Department for a period of two years or more shall be considered administratively complete effective January 1, 2010.	Not Included	Not Included	Sec. 231	Not Included	Sec. 231

**LANGUAGE SECTIONS: ITEMS OF DIFFERENCE
BETWEEN THE HOUSE AND THE SENATE**

FY 2009-10

	FY 2008-09 Year-to-Date	Governor	House	Senate	Conference
23. Payments in Lieu of Taxes. Directs the Department to provide to the Department of Treasury all billing information received from local units of government for payments in lieu of taxes by January 15. Bills received after January 15 shall be forwarded as soon as practical. The Governor eliminated this section. The House revised this section to state that billing information from local units of government will be provided to the Department of Treasury within 10 days of receipt and requires the DNR to assist Treasury as needed.	Sec. 406	Not Included	Sec. 706 Modified	Not Included	Not Included
24. Fish Hatcheries. Requires the Department to continue operation of all six fish hatcheries that were in operation on September 30, 2007.	Sec. 603	Not Included	Not Included	Sec. 503	Not Included
25. Defibrillators in State Parks. Directs the Department to maintain an appropriate number of defibrillators in State parks. State parks shall accept donated defibrillators.	Sec. 703	Not Included	Not Included	Sec. 604	Sec. 604
26. Timber Marking for Harvest. Requires the Department to prescribe appropriate treatment on not less than 63,000 acres at an average rate of 12.5 to 13 cords per acre and put those cords up for sale in 2009, with consideration of wildlife and recreation impacts of timber harvesting; requires continued silvicultural analysis and a report on plans to address management limiting factors. The Department shall increase marking or treatment of hardwood timber by 10% over 2008 levels, subject to the forest certification process. Also, requires a quarterly report on the number of acres treated. The Governor eliminated this section. The House restored and modified the language to provide for preparing appropriate treatment for not less than 58,000 acres and requiring the Department to increase the number of prepared acres if it appears that the regional market demand requires increased volumes of harvested timber. The Senate removed this section.	Sec. 804	Not Included	Sec. 1203	Not Included	Sec. 1203

**LANGUAGE SECTIONS: ITEMS OF DIFFERENCE
BETWEEN THE HOUSE AND THE SENATE**

FY 2009-10

	FY 2008-09	FY 2009-10			
	Year-to-Date	Governor	House	Senate	Conference
27. State Timber. Requires the Department to work with stakeholders to review the current bidding process and implement changes as necessary to insure that it meets State standards and promotes the purchase of State timber. Required report.	Not Included	Not Included	Sec. 1207	Not Included	Sec. 1207
28. Island Lake Shooting Range. Requires the Department to notify in the least expensive method all residents within five miles of the shooting range and State and local elected officials representing Green Oak Township in Livingston County not less than six months before the expiration or adoption of amendments to an existing contract with the concessionaire at the range. If the Department intends to extend or amend the contract, it must hold a public hearing not less than 60 days before execution.	Sec. 902	Not Included	Not Included	Sec. 902	Not Included
29. Wetlands Protection Program. States legislative intent that funding for the Wetlands Protection Program shall be provided through a supplemental appropriation if the Legislature fails to repeal Part 303 of 1994 PA 451. Conference modified to state legislative intent to maintain funding at FY 2008-09 level.	Not Included	Not Included	Sec. 301	Not Included	Sec. 301
30. Refined Petroleum Fund Repayment. States the intent of the Legislature to repay the Refined Petroleum Fund for the \$70.0 million transferred to the Environmental Protection Fund as part of the FY 2006-07 budget resolution.	Sec. 704	Not Included	Not Included	Sec. 1706	Senate
31. LUST Advisory Workgroup. Creates an advisory workgroup to review and make recommendations on the use of administrative rules and operational memoranda in the LUST program. The 13 members are legislators and others representing petroleum-related interests appointed by legislative leaders. Recommendations are due December 31, 2008.	Sec. 705	Not Included	Not Included	Sec. 1707	Not Included

**LANGUAGE SECTIONS: ITEMS OF DIFFERENCE
BETWEEN THE HOUSE AND THE SENATE**

FY 2009-10

	FY 2008-09 Year-to-Date	Governor	House	Senate	Conference
32. Draft Memoranda. Prohibits the Department from using draft memoranda or documents to impose regulations on individuals conducting cleanup projects. Upon request, the Department must provide written proof of a regulation in statute or administrative rule. Provides exceptions for Part 213 or if both parties consent in writing.	Sec. 706	Not Included	Not Included	Sec. 1708	Sec. 1708
33. Cleanup and Redevelopment Trust Fund Transfer. Appropriates \$1.0 million from the Cleanup and Redevelopment Trust Fund to the Environmental Protection Fund.	Not Included	Sec. 702	Sec. 304	Not Included	Sec. 304
34. Community Pollution Prevention Fund Transfer. Appropriates \$1.0 million from the Community Pollution Prevention Fund to the Environmental Protection Fund.	Not Included	Sec. 703	Sec. 305	Not Included	Sec. 305
35. Solid Water Perpetual Care Account Transfer. Appropriates \$500,000 from the Solid Waste Perpetual Care account to the Solid Waste Management Fund staff account. The House increased the authorization to \$1.5 million.	Not Included	Sec. 801	Sec. 401	Not Included	Sec. 401
36. NPDES Fund Report. Requires an annual report by February 1 on the Department's use of the NPDES Fund and provides criteria for the report that focuses on compliance and enforcement activities.	Sec. 901	Not Included	Not Included	Sec. 1902	Sec. 1902
37. Federal 319 Grant. States the intent of the Legislature that the Department continues to provide Federal support for the MAEAP program in the Department of Agriculture. Any reduction in the level of Federal 319 funds shall be reduced proportionally from all programs that received support from that grant in FY 2007-08.	Sec. 903	Not Included	Not Included	Sec. 1903	Not Included
38. Groundwater Dispute Resolution Program. States legislative intent that funding for the Groundwater Dispute Resolution Program should be provided through a supplemental appropriation if the Legislature fails to repeal Part 317 of 1994 PA 451.	Not Included	Not Included	Sec. 501	Not Included	Not Included

**LANGUAGE SECTIONS: ITEMS OF DIFFERENCE
BETWEEN THE HOUSE AND THE SENATE**

FY 2009-10

	FY 2008-09	FY 2009-10			
	Year-to-Date	Governor	House	Senate	Conference
39. Real-Time Water Quality Monitoring. (1) Specifies that grant funding in Part 1 is for Macomb and St. Clair Counties for a real-time WQM program in the St. Clair watershed. Requires a report by September 30 from the grant recipients on the plan, implementation, and status of the project. (2) Makes the funding contingent on (a) the development of a plan by the grant recipients for long-term funding for operation and maintenance of the real-time water quality monitoring system for the Huron-Erie corridor. The funding plan shall not depend on State funds for more than 50% of the total project funding. The plan must be submitted by the grant recipients to the Department by December 31, 2008, and (b) submission of a status report and use of prior funding from all sources by October 1, 2008.	Sec. 1103	Not Included	Not Included	Sec. 2103	Not Included