

NATURAL RESOURCES AND ENVIRONMENT

Summary: Conference Report

FY 2010-11 SB 1161



Analyst: Viola Bay Wild

IDG/IDT	FY 2009-10 YTD as of 1/31/2010	FY 2010-11 Revised Executive	FY 2010-11 Senate	FY 2010-11 House	FY 2010-11 Conference	Difference: Conference From FY 2009-10 YTD	
						Amount	%
IDG/IDT	\$12,322,900	\$11,217,300	\$12,401,300	\$12,517,700	10,521,900	(\$1,801,000)	(14.6)
Federal	252,998,700	261,097,200	260,191,100	261,331,500	261,615,200	8,616,500	3.4
Local	0	0	0	0	0	0	0.0
Private	6,040,000	6,509,100	6,486,300	6,509,100	6,509,100	469,100	7.8
Restricted	396,617,100	397,500,800	391,635,000	398,191,300	399,012,800	2,395,700	0.6
GF/GP	43,949,400	41,800,000	41,341,500	40,797,400	41,309,400	(2,640,000)	(6.0)
Gross	\$711,928,100	\$718,124,400	\$712,055,200	\$719,347,000	\$718,968,400	\$7,040,300	1.0
FTEs	3,712.0	3,674.5	3,674.5	3,678.5	3,675.5	(36.5)	(1.0)

Note: (1) FY 2009-10 appropriation figures include the results of supplementals, Executive Order (EO) actions, and transfer adjustments through January 31, 2010. (Includes June 22 and August 26, 2010 Executive Recommendation Revisions.)

Overview

The Department of Natural Resources and Environment (DNRE) was created on January 17, 2010 by Executive Order 2009 - 45, which ordered the merger of the Department of Natural Resources and the Department of Environmental Quality. Through its natural resources programs, the DNRE manages, conserves, and protects Michigan's resources. Programs include forest management, land and minerals management, wildlife and fisheries management, conservation law enforcement, state parks and forest campgrounds, and Michigan historical programs and museums. The Department's environmental programs support environmental protection, conservation, cleanup and redevelopment programs and regulatory efforts established to protect, restore, and reuse Michigan's air, water, and land resources.

Major Budget Changes From FY 2009-10 YTD Appropriations

1. Department Consolidation Savings

Executive reduces funding by \$356,000 Gross and GF/GP for consolidation savings. Savings of \$200,000 generated from the eliminating 5.0 unclassified FTEs; rent savings total \$156,000. **Senate, House and Conference** concur with the Executive.

	FY 2009-10 YTD (as of 1/31/10)	Conference Change From YTD
FTE	11.0	(5.0)
Gross	N/A	(\$356,000)
GF/GP	N/A	(\$356,000)

2. Administrative GF/GP Reductions

Executive reduces GF/GP funding by \$1.0 million and eliminates 16.5 FTEs through efficiencies. Major reductions taken in State Historical Programs (\$394,300), Wildlife (\$151,000), Mackinac Island Park Commission (\$134,100), General Law Enforcement (\$116,800), and IT (\$103,900). **Senate, House and Conference** concur with the Executive.

FTE	N/A	(16.5)
Gross	N/A	(\$1,036,000)
GF/GP	N/A	(\$1,036,000)

3. Water Program GF/GP Reductions

Executive reduces 13.0 FTEs and \$1.3 million GF/GP in water programs. **Senate, House and Conference** concur with the Executive.

FTE	N/A	(13.0)
Gross	N/A	(\$1,299,400)
GF/GP	N/A	(\$1,299,400)

4. Additional GF/GP Funding Reductions

House includes \$1.35 million GF/GP funding reduction in various line items. Some of line items include: Executive Direction (\$81,900), Communications (\$232,700), Wildlife Management (\$95,100), Land and Water Interface Permit Program (\$285,100), Water Resource: Program Direction (\$119,500), Groundwater Discharge (\$94,700), Mackinac Island Park Operations (\$81,400), General Law Enforcement (\$79,600), and IT (\$96,200). **Conference** reduced GF/GP funding by \$590,600 throughout various line items.

FTE	N/A	(0.0)
Gross	N/A	(\$590,600)
GF/GP	N/A	(\$590,600)

5. Pittman-Robertson Federal Funding

Executive increases federal authorization in Communications and Law Enforcement line items for additional federal Pittman-Robertson funding. **Senate, House and Conference** concur with the Executive.

Gross	N/A	\$555,000
Federal	N/A	555,000

Major Budget Changes From FY 2009-10 YTD Appropriations		FY 2009-10 YTD (as of 1/31/10)	Conference Change From YTD
6. State Forest Campgrounds	FTE	51.0	(3.0)
Executive includes \$323,900 GF/GP reduction and elimination of 3.0 FTE positions to the forest recreation program. Savings will be realized by keeping 12 state forest campgrounds closed, reducing ski trail grooming, and decreasing pathway maintenance. Senate concurs with Executive; House reduces funding by \$83,900 but retains the 3.0 FTE positions and \$240,000 to fund the reopening of the 12 state forest campgrounds that were closed by E.O. 2009-22. Conference agrees with the Executive.	Gross	\$4,924,000	(\$323,900)
	Restricted	4,360,100	0
	GF/GP	\$563,900	(\$323,900)
7. Restricted Funds Reduction	Gross	N/A	(\$3,460,900)
Executive reduces restricted funding authorization for Game and Fish Fund -- Deer Habitat, Snowmobile Registration Fee revenue, and Marine Safety Fund to align with revenues. Senate, House and Conference concur with the Executive.	Restricted	N/A	(3,460,900)
8. Brownfield Redevelopment	Gross	\$5,500,000	(\$5,500,000)
Executive reduces for brownfield redevelopment grants and loans by \$5.5 million to eliminate one-time supplemental funding from previous year. Senate, House and Conference concur with the Executive.	Restricted	5,500,000	(5,500,000)
9. Additional Funding Adjustments	Gross	N/A	\$30,700
Executive reduces private funding authorization to align with expected revenue (\$75,900); increases funding for State Parks Improvement bond debt service payment (\$6,600); appropriates \$100,000 for public use and replacement deed program previously appropriated through boilerplate. Senate, House and Conference concur with the Executive.	Private	N/A	(75,900)
	Restricted	N/A	106,600
10. Waste and Hazardous Materials Funding	Gross	N/A	\$0
Executive replaces GF/GP support for Hazardous Waste Management program with restricted funding from the Hazardous Materials Transport Permit Fund. Senate, House and Conference concur with the Executive.	Restricted	N/A	400,000
	GF/GP	N/A	(\$400,000)
11. Aquifer Dispute Resolution	Gross	N/A	\$0
Senate includes a \$100 placeholder for the Aquifer Dispute Resolution Program. Conference does not include funding.	GF/GP	N/A	0
12. Michigan Historical Programs	Gross	N/A	\$699,000
Executive increases appropriation for Michigan Historical programs to adjust appropriation to actual expenditures and revenue and appropriations that were made by boilerplate. Revenue includes admission fees to Michigan Historical Museum. Senate, House and Conference concur with the Executive.	Federal	N/A	350,000
	Private	N/A	500,000
	Restricted	N/A	(151,000)
13. Aquatic Nuisance Control (ANC) Program	FTE	N/A	1.0
House includes \$84,600 GF/GP funding and 1.0 additional FTE to fund additional staff for program. Conference increases funding to \$100,000.	Gross	N/A	100,000
	GF/GP	N/A	100,000
14. Cormorant Control	Gross	\$0	\$50,000
House includes \$50,000 restricted funding from the Game and Fish Fund for activities related to controlling the cormorant population in Michigan. Conference concurs with the House.	Restricted	0	50,000
15. Fisheries	Gross	\$0	(\$50,000)
House reduces the Fisheries Resource Management line item by \$50,000 Game and Fish Fund funding. Conference concurs with the House.	Restricted	0	(50,000)
16. Information Technology Savings	Gross	N/A	(\$157,800)
Executive reduces funding to reflect information technology savings. Senate, House and Conference concur with the Executive.	Restricted	N/A	(52,000)
	GF/GP	N/A	(\$105,800)
17. Capital Outlay	Gross	\$16,991,200	\$1,987,400
Executive increases funding for state park, forestry, waterways construction and infrastructure projects by \$2.0 million; reduces State Park Endowment Fund support by \$2.0 million; increases federal funding authorization. Senate, House and Conference concur with the Executive.	Federal	5,067,100	4,007,900
	Private	2,000,000	0
	Restricted	9,924,100	(2,020,500)
18. Retail Sales System (RSS) Upgrade	Gross	N/A	\$2,000,000
Conference includes \$2.0 million Game and Fish Fund funding for the	Restricted	N/A	2,000,000

		FY 2009-10 YTD (as of 1/31/10)	Conference Change From YTD
Major Budget Changes From FY 2009-10 YTD Appropriations			
upgrade of software that runs the RRS which is used to sell hunting and fishing licenses.			
19. Conference Adjustments	Gross	N/A	(\$665,400)
Conference adjusted funding to reflect fund shifts and transfers from FY 2010, eliminated the Engineering Services IDG, and a federal fund shift for the underground storage tank program.	IDG	N/A	(695,400)
	Federal	N/A	518,000
	Restricted	N/A	(488,000)
20. Economic Adjustments	Gross	N/A	\$15,058,400
The Revised Executive Recommendation increases funding by \$15.1 million Gross and \$1.4 million GF/GP for economics including a 3.0% wage increase, retirement, building occupancy charges, and insurances (Wage increase does not include NERES). Senate includes \$9.0 million economic adjustments, but does not include funding for 3.0% pay increase. House concurs with Executive, but eliminates \$277,300 GF/GP funding for the NERE state employees 3.0% wage increase in a budgetary savings line. Conference agrees with the Executive.	IDG	N/A	(1,029,200)
	Federal	N/A	2,395,000
	Private	N/A	45,000
	Restricted	N/A	12,275,900
	GF/GP	N/A	\$1,371,700
Major Boilerplate Changes From FY 2009-10			
Sec. 207. Restricted Fund Revenue, Expenditures, Fund Balances, and FTE Information – RETAINED			
Requires report of revenue, spending, and estimated year-end balance for each restricted fund; requires report on funding of FTE positions by each line item. Executive and Senate delete language; House and Conference retain language (Sec. 222).			
Sec. 208. Department Grant and Loan Programs – DELETED			
Requires report including description of available grant/loan programs, criteria for awards, and a list of recipients. Executive , Senate , House and Conference delete language.			
Sec. 210. Waterways Fund Projects – RETAINED			
Requires DNRE to report on activities of Waterways Commission during the previous fiscal year; list of completed waterways fund projects to be provided to Legislature and State Budget Director by January 31, 2010. Executive and Senate delete language; House and Conference retain language (Sec. 223).			
Sec. 216. Disciplinary Action Against State Employees – RETAINED			
Prohibits DNRE from disciplining state employees for communicating with members of Legislature and their staffs. Executive deletes language; Senate , House and Conference retain language (Sec. 212).			
Sec. 217. Rule Promulgation – RETAINED			
Requires report on any policy changes made to implement a public act; DNRE is not allowed to adopt a rule that will apply to a small business if it has a disproportionate economic impact. Executive deletes language; Senate , House and Conference retain language (Sec. 213).			
Sec. 219. Restricted Fund Allocation Plan – DELETED			
Requires DNRE to develop a plan for allocating restricted funds among administrative and regulatory activities. Executive , Senate and Conference delete language; House retains language (Sec. 224).			
Sec. 221. Out-of-State State Employee Training – RETAINED			
Prohibits out-of-state travel to attend a conference or seminar for more than one employee unless the travel is funded by a federal or private source, or conference includes multiple issues in which one employee does not have expertise. Executive and Senate delete language; House and Conference retain language (Sec. 225).			
Sec. 221. Refined Petroleum Fund (RPF) – NEW			
Senate includes new language stating legislative intent that after FY 2011, revenues from the RPF be used solely for leaking underground storage tank program. Conference concurs with the Senate.			
Sec. 222. FTE Report – MODIFIED			
Requires DNRE to report bi-monthly on number of FTEs in pay status by civil service classification on the first day of the month. Executive and Senate delete language; House and Conference modify language to require quarterly reports (Sec. 233 (1)).			
Sec. 223. Detailed Appropriated and Supportable FTE Information – DELETED			
Requires DNRE to report on supportable FTEs including salary, wage and benefit costs for FTEs for each line item. Executive , Senate and Conference delete language; House retains language (Sec. 235).			
Sec. 227. Restricted Fund Allocation Plan for Administrative Units – DELETED			
Requires restricted fund allocation plan and a report. Executive , Senate , House and Conference delete language.			

Major Boilerplate Changes From FY 2009-10

Sec. 228. Intent to Consolidate DNR/DEQ – DELETED

States legislative intent to re-combine DEQ and DNR. **Executive, Senate, House and Conference** delete language.

Sec. 229. DNR/DEQ Department Consolidation Savings – DELETED

Provides that appropriations in part 1 assume acceptance of an executive order to re-combine DEQ and DNR; expected savings of \$2.0 million. **Executive, Senate, House and Conference** delete language.

Sec. 230. DEQ Spending Limitation – DELETED

Provides that after November 1, 2009, DEQ may not make part 1 expenditures unless a notice of intent to spend is provided to the Speaker of the House of Representatives 30 days in advance. **Executive, Senate, House and Conference** delete language.

Sec. 231. Pending Permits – RETAINED

Any permit application pending after a 2 year period shall be considered administratively complete on January 1, 2010. **Executive** deletes language; **Senate, House and Conference** retain language (Sec. 218).

Sec. 232. Expenditure Reports: FY 2008-09 – MODIFIED

Requires Department to report expenditures on web site, including purpose of the expenditures. **Executive** and **Senate** delete language; **House and Conference** modify language to include ARRA funding and deletes \$25,000 website expenditure limit (Sec. 233 (2)). (House and Conference include \$10,000 website spending limit in new Sec. 234 - see below.)

Sec. 232. Budgetary Savings – NOT INCLUDED

House includes language that requires that the negative appropriation for budgetary savings be satisfied from savings and reductions identified by department director and approved by state budget director; requires legislative transfers adjustments.

Sec. 233. Report Retention – DELETED

Requires Department to retain copies of all funded reports; reports are to be received and provided for public use. **Executive, Senate, House and Conference** delete language.

Sec. 234. Website Expenditure Postings – NEW

House and Conference include language requiring DNRE to spend less than \$10,000 to post expenditures on website.

Sec. 235. Criminal and Civil Fine Revenue – DELETED

Requires annual report on amount of criminal and civil fine revenue collected during FY 2008-09. **Executive, Senate, and Conference** delete language; **House** retains language (Sec. 227).

Sec. 236. General Fund Lapse – DELETED

Requires Department to report by September 30, 2010 the estimated amount of general fund lapse by program area. **Executive, Senate and Conference** delete language; **House** retains language (Sec. 228).

Sec. 237. Best Available Retrofit Technologies (BART) – DELETED

Requires Department to use BART standards in actions taken on air pollution permits. **Executive, House and Conference** delete language; **Senate** retains language (Sec. 220).

Sec. 238. Great Lakes Water Quality Bond – DELETED

Requires Great Lakes Water Quality Bond report. **Executive, Senate and Conference** delete language; **House** retains language (Sec. 229).

Sec. 239. Program Comparisons With Other States – DELETED

Requires Department to compare regulatory programs with other Great Lakes states. **Executive, Senate and Conference** delete language; **House** retains language (Sec. 230).

Sec. 240. Permit Program Efficiencies – DELETED

Requires examination of air permitting program to determine efficiencies; requires report. **Executive, Senate and Conference** delete language; **House** retains language (Sec. 231).

Sec. 241. Beverage Container Fraud – DELETED

Requires Department to implement 2008 PA 389 concerning reverse vending machines and beverage container standards. **Executive, Senate, House and Conference** delete language.

Sec. 242. Freedom of Information Act (FOIA) Requests – DELETED

Requires semiannual report on requests made under the FOIA. **Executive, Senate, House and Conference** delete language.

Sec. 301. Wetlands Protection Program Supplemental – DELETED

Gives legislative intent to address funding needs for the wetlands regulatory program through supplemental appropriation. **Executive, Senate, House and Conference** delete language.

Sec. 306. Refined Petroleum Fund \$70 Million Restoration – RETAINED

States legislative intent to restore \$70.0 million Refined Petroleum Fund transferred to General Fund in FY 2006-07. **Executive** deletes language; **Senate, House** and **Conference** retain language (Sec. 405).

Sec. 306. Historical Program Fees – NEW

Allows DNRE to charge fees for historical program services such as document production, conferences, workshops, facilities, and museum admissions. **Executive, Senate, House** and **Conference** include new language; **House** and **Conference** require that children under 18 be admitted free to Michigan Historical Museum; allows DNRE to receive voluntary contributions of \$2 per child.

Sec. 308. Operational Memoranda – RETAINED

Prohibits DNRE from using operational memoranda to impose regulations on individuals or businesses conducting cleanup projects - except with written consent. **Executive** deletes language; **Senate, House** and **Conference** retain language (Sec. 406).

Sec. 401. Restricted Fund Transfer: Solid Waste Management Fund – MODIFIED

Transfers \$1.5 million from the Solid Waste Management Fund Perpetual Care Account to the Solid Waste Management Fund Staff Account. **Executive** and **Senate** delete language; **House** and **Conference** revise to transfer \$2.0 million (Sec. 407).

Sec. 408. Refined Petroleum Cleanup Site List – NEW

House and **Conference** include language that lists cleanup projects funded through the Refined Petroleum Cleanup Program.

Sec. 501. Water Quality Enforcement Report – DELETED

Requires report on enforcement and program activities funded from National Pollution Discharge Elimination System (NPDES) Fund. **Executive, Senate, House** and **Conference** delete language.

Sec. 601. Scrap Tire Fire Suppression – DELETED

Provides \$100,000 for grants. **Executive, Senate** and **Conference** delete language; **House** retains language (Sec. 1004).

Sec. 651. Aquatic Nuisance Control Program – NEW

House requires \$84,600 be allocated to fund additional FTE; requires report. **Conference** increases amount to \$100,000.

Sec. 652. Aquifer Dispute Resolution – NEW

Conference includes new language that directs DNRE to fund an aquifer dispute resolution process if funds are available.

Sec. 704. Fishing Advisories – DELETED

Requires website be listed in fishing guide for DCH advisories. **Executive, Senate, House** and **Conference** delete language.

Sec. 705. Land Transactions – RETAINED

Requires report on land transactions. **Executive** and **Senate** delete language; **House** and **Conference** retain language (Sec. 308).

Sec. 801. Livestock Loss Indemnification – RETAINED

Requires DNRE to reimburse Department of Agriculture for livestock losses caused by wolves, coyotes, or cougars. **Executive** deletes language; **Senate, House** and **Conference** retain language (Sec. 502).

Sec. 807. Timber Industry Meetings – NEW

House includes new language that requires Director of DNRE to meet semiannually in a public forum with timber industry representatives to discuss strategic issues of the timber industry. **Conference** concurs with House.

Sec. 808. State Forest Campground Funding – NEW

House includes new language that requires that \$240,000 be allocated to reopen and support the 12 state forest campgrounds that were previously closed by E.O. 2009-22; requires report. **Conference** includes new language that requires the department to develop a strategic plan to incorporate selected state forest campgrounds into the state park system as mini-state parks and develop a pilot program using 6 of the state forest campgrounds closed by E.O. 2009-22.

Sec. 901. Water Control Structure Certification – DELETED

Directs Fisheries to not impede certification process for water control structures. **Executive, Senate, House** and **Conference** delete language.

Sec. 1002. State Park Campground Closures – RETAINED

Requires DNRE to notify Legislature before operation reductions at any state park or recreation area. **Executive** deletes language; **Senate, House** and **Conference** retain language (Sec. 702).

Sec. 1003. Porcupine Mountain Ski Hill – RETAINED

Prohibits Department from altering ski hill operations or related buildings in Porcupine Mountains Wilderness State Park. **Executive** and **Senate** delete language; **House** and **Conference** retain language (Sec. 703).

Sec. 1004. Defibrillators in State Parks – DELETED

Requires defibrillators in state parks. **Executive, Senate** and **Conference** delete language; **House** retains language (Sec. 704).

Sec. 1101. Mackinac Island State Park – DELETED

Requires revenue from admissions and store sales at Mackinac Island State Park (MISP) be deposited into MISP operation fund; remaining funds at end of year shall not lapse to the general fund. **Executive, Senate, House and Conference** delete language.

Sec. 1202. Contract Foresters – MODIFIED

Requires DNRE to hire contract foresters to mark timber. **Executive** and **Senate** delete language; **House** and **Conference** modify language to allow DNRE to hire or contract with a sufficient amount of foresters (Sec. 805).

Sec. 1203. Timber Marking – RETAINED

Directs DNRE, subject to forest certification process, to mark for harvest, 58,000 acres at an average rate of 12.5 to 15.0 cords per acre; DNRE must consider impact of timber harvest on wildlife habitat and recreation; requires quarterly report. **Executive** deletes language; **Senate, House and Conference** retain language (Sec. 802).

Sec. 1206. Horseback Riding Opportunities – RETAINED

Directs DNRE to work with horseback riding groups. **Executive** deletes language; **Senate, House and Conference** retain language (Sec. 804).

Sec. 1207. Timber Sale Bidding Process – DELETED

Requires DNRE to work with stakeholders to review bidding process and implement needed changes; requires report. **Executive, Senate and Conference** delete language; **House** retains language (Sec. 806).

Sec. 1301. Snowmobile Law Enforcement Grants – RETAINED

Provides snowmobile law enforcement grant funds to county law enforcement agencies in counties with state trails. **Executive** deletes language; **Senate, House and Conference** retain language (Sec. 901).

Sec. 1302. Island Lake Shooting Range Concession Contract – DELETED

Requires public notice of expiration date or amendments to concession contract for Island Lake Shooting Range. **Executive, Senate and Conference** delete language; **House** retains language (Sec. 902).

Sec. 1402. Off Road Vehicle (ORV) Trail Improvement Grants – RETAINED

Requires the expenditure of not less than \$980,000 for the development of new ORV trails. **Executive** deletes language; **Senate, House and Conference** retain language (Sec. 1003).

Sec. 1601. Federal Historic Preservation Grants: Work Project Designation – DELETED

Provides work project status to federal grants for historic preservation projects. **Executive, Senate, House and Conference** delete language.

Sec. 1602. Michigan Heritage Fund – DELETED

Revenues collected through the Michigan Heritage Fund are appropriated and available for expenditure upon receipt. **Executive, Senate, House and Conference** delete language.