

SENATE BILL No. 695

February 10, 1988, Introduced by Senators POSTHUMUS, EHLERS,
BINSFELD, GAST and CHERRY and referred to the Committee on
Natural Resources and Environmental Affairs.

A bill to reduce property damages and threat to life from
flooding; to control the alteration of floodplains; to prescribe
the powers and duties of certain state and local agencies and
officials; to provide for an appropriation; and to provide for
remedies and prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "flood damage reduction act".

3 Sec. 2. For the purposes of this act, the words and phrases
4 used in sections 3 to 6 have the meanings ascribed to them in
5 those sections.

6 Sec. 3. (1) "Alteration" means the placement of structures
7 on, the filling of, or the grading of land.

8 (2) "Authorized community" means a community which has been
9 designated as an authorized community under section 18.

1 (3) "Authorized public agency" means a public agency that
2 has been designated as an authorized public agency under
3 section 20.

4 (4) "Community" means a county, city, village, township, or
5 any combination of those entities.

6 (5) "Critical storm water runoff area" means an area where
7 storm water studies have shown that increases in storm water
8 runoff have caused, or are projected to cause, a harmful
9 interference.

10 (6) "Department" means the department of natural resources.

11 (7) "Emergency operation plan" means a disaster plan devel-
12 oped and maintained by a community pursuant to section 10(1)(c)
13 of the emergency preparedness act, Act No. 390 of the Public Acts
14 of 1976, being section 30.410 of the Michigan Compiled Laws.

15 Sec. 4. (1) "Flood" means a temporary increase in the water
16 level of a lake, watercourse, or other body of water resulting in
17 the inundation of land not normally covered with water.

18 (2) "Floodplain" means an area of land adjoining a lake or
19 watercourse which will be inundated by a 100-year flood.

20 (3) "Floodplain design standards and procedures" means stan-
21 dards and procedures to be utilized for construction in, or the
22 alteration of, a floodplain that will avoid adverse impacts to
23 the floodplains.

24 (4) "Floodplain management" means an overall program of pre-
25 ventive and corrective flood-related measures within floodplains
26 intended to enhance the quality of life and protect the public's
27 health, safety, and welfare.

1 (5) "Floodplain regulations" means zoning ordinances,
2 subdivision regulations, building codes, health regulations, spe-
3 cial purpose ordinances, or other measures adopted by a community
4 to control the occupation or alteration of floodplains.

5 (6) "Floodplain study" means a detailed hydrologic engineer-
6 ing study that delineates floodplains on a map based upon flood
7 elevation information contained in the study.

8 (7) "Flood preparedness planning" means the development of
9 those portions of the Michigan emergency preparedness plan and
10 emergency operation plans which include mitigation of future
11 flood damages, flood recognition and warning, response, flood
12 fighting, evacuation and rescue, and recovery.

13 (8) "Floodway" means the channel of a watercourse and those
14 portions of the floodplain which are reasonably likely to carry
15 and discharge the 100-year flood.

16 (9) "Fund" means the flood damage mitigation fund created in
17 section 11.

18 Sec. 5. (1) "Harmful interference" means causing an
19 increased water level, an increased velocity, or a change in
20 direction of flow of a lake or watercourse which causes, or is
21 likely to cause, damage to property; a threat to life; a threat
22 of personal injury; or pollution, impairment, or destruction of
23 water or other natural resources.

24 (2) "Lake" means a natural or artificial body of water with
25 a surface area of 5 acres or greater, including the Great Lakes.

26 (3) "Michigan emergency preparedness plan" means the plan
27 developed and continuously updated pursuant to sections 7(7) and

1 8(1) of the emergency preparedness act, Act No. 390 of the Public
2 Acts of 1976, being sections 30.407 and 30.408 of the Michigan
3 Compiled Laws, for the purpose of the prevention, mitigation, or
4 relief of, or recovery from, disaster.

5 (4) "Mitigate" means to eliminate or reduce the long-term
6 risk to human life, health, and property from flooding.

7 (5) "National geodetic vertical datum" means the national
8 elevation datum used as a reference in elevation surveys as rec-
9 ognized by the national ocean survey of the national oceanic and
10 atmospheric administration and formally called the national geo-
11 detic vertical datum of 1929.

12 (6) "100-year flood" means a flood which has a 1% chance of
13 being equaled or exceeded in any given year.

14 (7) "Person" means an individual, sole proprietorship, part-
15 nership, corporation, association, community, this state, an
16 instrumentality or agency of this state, the federal government,
17 an instrumentality or agency of the federal government, or any
18 other legal entity.

19 (8) "Public agency" means the state, a community, or a
20 political subdivision of the state or a community.

21 (9) "Rule" means a rule promulgated pursuant to the adminis-
22 trative procedures act of 1969, Act No. 306 of the Public Acts of
23 1969, being sections 24.201 to 24.328 of the Michigan Compiled
24 Laws.

25 Sec. 6. (1) "State of disaster" means a declaration by the
26 governor pursuant to section 3(3) of the emergency preparedness
27 act, Act No. 390 of the Public Acts of 1976, being section 30.403

1 of the Michigan Compiled Laws, that a disaster has occurred or
2 the threat of disaster is imminent due, in part or in whole, to
3 flood or wave action.

4 (2) "Storm water management" means an overall program of
5 preventive and corrective measures for the collection, convey-
6 ance, storage, and release of storm water that includes regula-
7 tion of site drainage for development, utilization of storage
8 areas for storm water purposes, and design, implementation, and
9 maintenance of a community storm water system.

10 (3) "Storm water runoff" means water resulting from precipi-
11 tation, snowmelt, or ice melt that flows across the landscape and
12 moves through the network of watercourses, wetlands, drains, and
13 lakes that forms a watershed.

14 (4) "Storm water study" means a detailed hydrologic engi-
15 neering study of a watershed that details the impact of storm
16 water runoff on flood stages and discharge relationships of
17 receiving waters.

18 (5) "Substantial improvement" means any repair, reconstruc-
19 tion, or improvement of a structure, the cost of which equals or
20 exceeds 50% of the market value of the structure either:

21 (a) Before the improvement or repair is started.

22 (b) If the structure has been damaged, and is being
23 restored, before the damage occurred.

24 (6) "Watercourse" means an open conduit either naturally or
25 artificially created which periodically or continually contains
26 moving water.

1 (7) "Watershed" means an area of land that contributes
2 runoff to a given point in a drainage system.

3 Sec. 7. (1) The department is designated as the state
4 agency to cooperate and negotiate with the federal government,
5 other state agencies, communities, or private agencies on matters
6 concerning flood control and floodplain, floodway, and storm
7 water management activities. The department may enter into
8 agreements with any of these entities or combinations of these
9 entities, or may enter into contracts for the purpose of making
10 studies and plans for the efficient use, development, preserva-
11 tion, or management of the state's floodplains.

12 (2) The department may determine the location and extent of
13 floodplains, floodways, and critical storm water runoff areas and
14 the stage and discharge characteristics of lakes and watercourses
15 at various times and circumstances.

16 Sec. 8. The department shall do all of the following:

17 (a) Create a technical reference center with information on
18 the state's floodplains and critical storm water runoff areas.

19 (b) Develop an information dissemination and education pro-
20 gram to provide information about flood hazards, floodplain man-
21 agement, and storm water management.

22 (c) Prepare a guidebook for flood preparedness planning.

23 (d) Prepare a guidebook for floodplain regulations and storm
24 water management programs.

25 (e) Prepare a guidebook for floodplain studies and storm
26 water studies.

1 (f) Prepare a guidebook and outline procedures for
2 establishing floodplain design standards for use by authorized
3 public agencies.

4 (g) Assist communities in the preparation of floodplain reg-
5 ulations and storm water management programs.

6 (h) Review, for approval, floodplain and storm water studies
7 completed by federal, state, community, or private agencies.

8 (i) Prepare a standardized permit application form for
9 floodplain alterations for use by the department and authorized
10 communities.

11 (j) Prepare a priority list for determining the order in
12 which floodplain studies and storm water studies shall be com-
13 pleted by federal or state agencies. This list shall be reviewed
14 and updated annually.

15 Sec. 9. Consistent with the Michigan emergency preparedness
16 plan created under the emergency preparedness act, Act No. 390 of
17 the Public Acts of 1976, being sections 30.401 to 30.420 of the
18 Michigan Compiled Laws, the department shall cooperate in
19 disaster planning and preparedness activities and shall do all of
20 the following:

21 (a) Participate in the integration of the flood damage
22 reduction resources of the department into the Michigan emergency
23 preparedness plan developed under section 8 of Act No. 390 of the
24 Public Acts of 1976, being section 30.408 of the Michigan
25 Compiled Laws.

26 (b) Participate in the integration of the flood damage
27 reduction resources of communities and available private flood

1 damage reduction resources into the emergency operation plans of
2 the communities as developed under section 10 of Act No. 390 of
3 the Public Acts of 1976, being section 30.410 of the Michigan
4 Compiled Laws.

5 Sec. 10. In case of actual disasters and disaster training
6 drills and exercises, the department shall provide flood damage
7 reduction resources pursuant to the Michigan emergency prepared-
8 ness plan, or as prescribed by the director of emergency services
9 pursuant to the emergency preparedness act, Act No. 390 of the
10 Public Acts of 1976, being sections 30.401 to 30.420 of the
11 Michigan Compiled Laws.

12 Sec. 11. (1) The flood damage mitigation fund is created in
13 the state treasury. The fund shall consist of appropriations by
14 the legislature, as provided by law, and any gifts and donations
15 to the fund.

16 (2) The amount accumulated in the fund shall not exceed
17 \$1,000,000.00, exclusive of interest and earnings. Any amount of
18 money that would be a part of the fund but for the limitation
19 stated in this subsection shall be deposited into the general
20 fund.

21 (3) The state treasurer shall direct the investment of the
22 fund. Interest and earnings shall be credited to the fund.

23 (4) The unencumbered balance remaining in the fund at the
24 close of the fiscal year shall remain in the fund and shall not
25 revert to the general fund.

26 (5) Money in the fund shall be expended by the department in
27 the form of grants to individuals for flood-proofing measures in

1 areas declared to be in a state of disaster. A grant under this
2 section shall not exceed 50% of the cost of the flood-proofing
3 measures and shall not exceed \$5,000.00. The department shall
4 administer these grants in consultation with the department of
5 state police.

6 (6) The legislature shall appropriate \$100,000.00 for this
7 fiscal year to the fund and shall appropriate \$100,000.00 in each
8 succeeding fiscal year until the fund's limit as stated in
9 subsection (2) is reached.

10 Sec. 12. A person shall not cause the alteration of a
11 floodplain unless he or she is in possession of a permit from the
12 department or an authorized community under this act or is exempt
13 from needing a permit under this act. A permit for the alter-
14 ation of a floodplain may be issued under this act if all of the
15 following conditions are met:

16 (a) The proposed alteration, acting alone or in combination
17 with existing or future similar works, is not likely to cause
18 harmful interference.

19 (b) The proposed alteration uses construction methods and
20 materials that minimize flood damage and any buildings in the
21 affected floodplain are constructed so that the lowest portion of
22 all horizontal structural members supporting floors are elevated
23 above the 100-year flood elevation. All basement floor surfaces
24 shall be located at or above the 100-year flood elevation.
25 However, commercial buildings need only be flood-proofed to the
26 100-year flood elevation.

1 (c) The proposed alteration does not consist of the
2 construction of a residence, the substantial improvement of a
3 residence, or the renovation of a structure into a residence in a
4 floodway.

5 (d) The proposed alteration does not provide for the dis-
6 posal or storage of highly volatile, toxic, or water reactive
7 materials as defined by rules promulgated by the department
8 within the floodplain.

9 Sec. 13. A permit shall not be required under this act for
10 any of the following:

11 (a) The tilling of land for agricultural uses.

12 (b) A flood control project authorized by a federal agency.

13 (c) An improvement to, or maintenance of, an existing county
14 or intercounty drain under the drain code of 1956, Act No. 40 of
15 the Public Acts of 1956, being sections 280.1 to 280.630 of the
16 Michigan Compiled Laws.

17 (d) A floodplain alteration by an authorized public agency.

18 (e) Stream crossings for logging purposes that are permitted
19 by the department under the inland lakes and streams act of 1972,
20 Act No. 346 of the Public Acts of 1972, being sections 281.951 to
21 281.965 of the Michigan Compiled Laws.

22 Sec. 14. (1) The application for a permit issued under this
23 act shall be on a form prescribed or approved by the department
24 and shall include information that may be required by the depart-
25 ment or an authorized community to assess the proposed
26 alteration's impact on the floodplain. If an alteration includes

1 activities at multiple locations in a floodplain, 1 application
2 may be filed for combined activities.

3 (2) An application for a permit issued by the department
4 shall be accompanied by a fee of \$50.00 which shall be credited
5 to the flood damage mitigation fund. An application for a permit
6 that is submitted by a governmental unit created by law shall not
7 be required to be accompanied by a fee.

8 (3) An application for a permit issued by an authorized com-
9 munity shall be accompanied by a fee based on the authorized
10 community's administrative costs as determined by the authorized
11 community. This fee may be retained by the authorized
12 community.

13 Sec. 15. (1) Upon receiving an application for a permit for
14 the alteration of a floodplain, the department shall submit
15 copies of the application to the following persons for review:

16 (a) The director of public health or the local health
17 department designated by the director of public health.

18 (b) The city, village, township, and county where the
19 project is to be located.

20 (c) The local soil conservation district where the project
21 is to be located.

22 (d) The county drain commissioner, or the person or persons
23 designated to perform the responsibilities related to county
24 drains in the county where the project is to be located.

25 (e) The local watershed council organized under the local
26 river management act, Act No. 253 of the Public Acts of 1964,

1 being sections 323.301 to 323.320 of the Michigan Compiled Laws,
2 if one exists where the project is proposed to be located.

3 (f) Adjacent property owners.

4 (2) The application for a permit for the alteration of a
5 floodplain issued by the department shall contain a notice that,
6 unless a written objection from a person receiving a copy of the
7 application under subsection (1) is filed with the department
8 within 20 days after the submission for review, the department
9 may grant the application. The department shall review all writ-
10 ten objections received under this subsection and shall attempt
11 to resolve these objections prior to issuing a permit. The
12 department may hold a public meeting to try to resolve the objec-
13 tions that have been raised.

14 Sec. 16. The department, by rule, may establish minor
15 project categories of activities and projects that are similar in
16 nature and have a minimal potential for causing harmful
17 interference. The department may act upon an application
18 received for a minor project without providing public notice.

19 Sec. 17. The department shall determine whether floodplain
20 mapping in a community is sufficient to allow it to apply for
21 designation as an authorized community. A map of the floodplain
22 area within a community shall be sent to the community with a
23 letter of notification that outlines powers, duties, and respon-
24 sibilities of an authorized community.

25 Sec. 18. (1) A community may apply for designation as an
26 authorized community after notification by the department under
27 section 17 if it does all of the following:

1 (a) Prepares floodplain regulations that meet or exceed
2 rules for floodplain management standards promulgated under this
3 act, and submits them to the department for review.

4 (b) Agrees to maintain a file of all floodplain permits with
5 certifications indicating that the project was built in accord-
6 ance with approved plans and indicating the elevation at national
7 geodetic vertical datum to which a structure has been elevated or
8 flood-proofed. This file shall be made available to the depart-
9 ment on demand.

10 (c) Agrees to make available or post in a prominent public
11 location, a map depicting the limits of the floodplain within the
12 community.

13 (d) Agrees to perform the public notice requirements in the
14 manner set forth in section 15, and agrees to notify the depart-
15 ment, at least 20 days before taking final action on an applica-
16 tion for a floodplain alteration permit.

17 (2) The department shall review and either approve, reject,
18 or return for correction a community's application for designa-
19 tion as an authorized community submitted under this section
20 within 90 days after it receives it. If the department does not
21 act within this 90-day period, the community's authorization
22 shall be considered approved.

23 (3) If a community is designated as an authorized community
24 under this section, the department shall delegate to the autho-
25 rized community the authority to review and approve or reject
26 floodplain alteration permits and to administer and enforce
27 floodplain regulations within the community's jurisdiction.

1 Sec. 19. An authorized community's assessing officers shall
2 make appropriate allowance in assessed valuation for any loss of
3 value resulting from regulation of land in floodplain areas as
4 provided under the general property tax act, Act No. 206 of the
5 Public Acts of 1893, being sections 211.1 to 211.157 of the
6 Michigan Compiled Laws.

7 Sec. 20. (1) A public agency that is responsible for
8 designing and constructing public facilities that may be located
9 within a floodplain may apply to the department for designation
10 as an authorized public agency by submitting to the department
11 floodplain design standards and procedures that equal or exceed
12 the requirements of this act or rules promulgated under this
13 act.

14 (2) The department shall review and either approve or
15 reject, or return for correction, the floodplain design standards
16 and procedures submitted under subsection (1) within 90 days
17 after it receives them. If the department does not act within
18 this 90-day period, the floodplain design standards and proce-
19 dures shall be considered approved.

20 (3) If a public agency's floodplain design standards and
21 procedures are approved under this section, it shall be desig-
22 nated as an authorized public agency and it may conduct flood-
23 plain alterations without a permit from the department or an
24 authorized community.

25 Sec. 21. An authorized public agency shall give public
26 notice in the manner required under section 15 and shall notify
27 the department of the authorized public agency's decision to

1 alter or occupy a floodplain, with a certification that the
2 alteration is in accordance with the authorized public agency's
3 floodplain design standards and procedures. The notification
4 shall indicate the extent of work to be done in the floodplain
5 and shall be transmitted to the department at least 20 days
6 before the initiation of the alteration.

7 Sec. 22. (1) The department shall periodically monitor an
8 authorized community's or authorized public agency's administra-
9 tion of its programs to ensure compliance with the requirements
10 of this act.

11 (2) The department may revoke an authorized community's
12 authorization or an authorized public agency's authorization upon
13 a determination by the department that the floodplain regulations
14 or floodplain design standards and procedures have not been
15 administered or enforced in accordance with this act. The revo-
16 cation shall become effective 31 days after the date the autho-
17 rized community or authorized public agency receives written
18 notice of the revocation. The revocation shall specify the facts
19 and conduct warranting the action and shall become effective
20 unless 1 or more of the following occur:

21 (a) Within 30 days after receiving notice of the revocation,
22 the authorized public agency or the authorized community, which-
23 ever is applicable, is able to satisfactorily demonstrate to the
24 department 1 or more of the following:

25 (i) The alleged violations did not in fact occur.

26 (ii) The alleged violations were accidental and the
27 authorized public agency or the authorized community, whichever

1 is applicable, has been operating in compliance with the
2 floodplain regulations or floodplain design standards and proce-
3 dures, is promoting floodplain management, and is able to provide
4 satisfactory assurances that corrective measures have been taken
5 and future operation shall be in full compliance with the flood-
6 plain regulations or floodplain design standards and procedures.

7 (b) Within the 30 days after receiving notice of the revoca-
8 tion, the authorized community or authorized public agency
9 requests that a public hearing be held to present oral and writ-
10 ten evidence concerning the proposed revocation. The conduct of
11 this hearing and the procedures for making a final decision
12 revoking a community's or public agency's authorization shall be
13 pursuant to procedures described in the administrative procedures
14 act of 1969, Act No. 306 of the Public Acts of 1969, being sec-
15 tions 24.201 to 24.328 of the Michigan Compiled Laws.

16 Sec. 23. Any action taken by the department, an authorized
17 community, or an authorized public agency shall not unreasonably
18 impair the public trust and environmental values in the adjacent
19 waters and shall not be in conflict with the provisions of other
20 state or community controls including, but not limited to, those
21 established under:

22 (a) Act No. 245 of the Public Acts of 1929, being sections
23 323.1 to 323.13 of the Michigan Compiled Laws.

24 (b) The Thomas J. Anderson, Gordon Rockwell environmental
25 protection act of 1970, Act No. 127 of the Public Acts of 1970,
26 being sections 691.1201 to 691.1207 of the Michigan Compiled
27 Laws.

1 (c) The natural river act of 1970, Act No. 231 of the Public
2 Acts of 1970, being sections 281.761 to 281.776 of the Michigan
3 Compiled Laws.

4 (d) The inland lakes and streams act of 1972, Act No. 346 of
5 the Public Acts of 1972, being sections 281.951 to 281.965 of the
6 Michigan Compiled Laws.

7 (e) The soil erosion and sedimentation control act of 1972,
8 Act No. 347 of the Public Acts of 1972, being sections 282.101 to
9 282.117 of the Michigan Compiled Laws.

10 (f) The shorelands protection and management act of 1970,
11 Act No. 245 of the Public Acts of 1970, being sections 281.631 to
12 281.644 of the Michigan Compiled Laws.

13 (g) The Goemaere-Anderson wetland protection act, Act
14 No. 203 of the Public Acts of 1979, being sections 281.701 to
15 281.722 of the Michigan Compiled Laws.

16 Sec. 24. (1) The department shall determine after comple-
17 tion or approval of a storm water study if a critical storm water
18 runoff area should be designated. If a critical storm water
19 runoff area is designated, the department shall notify the
20 affected communities in each critical storm water runoff area. A
21 map of the appropriate critical storm water runoff area shall be
22 sent with the letter of notification which outlines the recommen-
23 dations for managing the area. A public meeting will be held
24 within the critical storm water runoff area to hear comments con-
25 cerning the study results. A period of 90 days will be given
26 after the public meeting for the communities to appeal the
27 results of the study to the department.

1 (2) Upon notification by the department under subsection (1)
2 that a community is in a critical storm water runoff area, the
3 community may adopt, administer, and enforce a storm water man-
4 agement program within its jurisdiction. The community shall
5 submit its program to the department for informational purposes.

6 (3) In designated critical storm water runoff areas, the
7 department shall preserve water storage in floodplains and in
8 wetlands, if the wetlands are regulated under the
9 Goemaere-Anderson wetland protection act, Act No. 203 of the
10 Public Acts of 1979, being sections 281.701 to 281.722 of the
11 Michigan Compiled Laws.

12 Sec. 25. (1) Communities shall cooperate with the depart-
13 ment and federal agencies in evaluating flooding potential and
14 identifying floodplains within their jurisdiction.

15 (2) Communities may also develop and implement a comprehen-
16 sive flood damage reduction program. The program shall comple-
17 ment local floodplain regulations and storm water management pro-
18 grams and are encouraged to do all of the following:

19 (a) Promote public education concerning local flood hazards
20 and flood preparedness planning and publicize the limits of the
21 floodplain and critical storm water runoff areas.

22 (b) Discourage the placement of public facilities and utili-
23 ties in locations, where the placement would encourage the devel-
24 opment of floodplains.

25 (c) Preserve publicly-owned floodplains and wetlands and
26 provide for the acquisition of floodplains, wetlands, and storm
27 water storage areas.

1 (d) Insure that community development goals, plans, and
2 proposed capital improvements, including flood control works, are
3 consistent with this act.

4 Sec. 26. The department or an agent of the department may
5 enter, at any reasonable time, upon proper identification,
6 notice, and request, in or upon any private or public property
7 for the purpose of inspecting and investigating conditions relat-
8 ing to flooding potential and the alteration of floodplains.

9 Sec. 27. Prior to the sale of any real property containing
10 a floodplain by the state or an authorized community, the state
11 or the authorized community shall notify the purchaser, in writ-
12 ing, of the existence of the floodplain and that the real prop-
13 erty may be subject to certain restrictions under this act.

14 Sec. 28. The department shall promulgate rules necessary to
15 implement this act.

16 Sec. 29. A person may file an appeal or complaint with the
17 department contesting either of the following:

18 (a) An authorized community's administration and enforcement
19 of community floodplain regulations or an authorized public
20 agency's adherence to floodplain design standards and procedures
21 charging noncompliance with the objectives and provisions of this
22 act and rules promulgated under this act.

23 (b) The issuance of a permit to allow the alteration of a
24 floodplain by the department or an authorized community within 30
25 days after the action on the permit.

26 Sec. 30. (1) A person who alters or allows the alteration
27 of a floodplain in violation of this act is guilty of a

1 misdemeanor, punishable by a fine of not more than \$2,500.00 for
2 each occurrence.

3 (2) A person who willfully or recklessly violates a condi-
4 tion of a permit issued under this act is guilty of a misdemean-
5 or, punishable by a fine of not more than \$2,500.00 per day.

6 Sec. 31. (1) The department may, in conjunction with the
7 department of attorney general, bring any appropriate action in
8 the name of the people of the state of Michigan to implement or
9 enforce this act.

10 (2) The state, community, or any other person may bring an
11 action in a court of proper jurisdiction to restrain or prevent
12 any violation or continuation of a violation of this act, rules
13 promulgated under this act, or local floodplain regulations
14 adopted and approved pursuant to this act.

15 Sec. 32. This act shall not take effect unless Senate Bill
16 No. _____ or House Bill No. _____ (request no. 01315'87 a) of the
17 84th Legislature is enacted into law.