

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5406**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 50.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **PART 50 WATER ASSET MANAGEMENT COUNCIL**

2 **SEC. 5001. AS USED IN THIS SECTION:**

3 **(A) "ASSET MANAGEMENT" MEANS AN ONGOING PROCESS OF**
4 **MAINTAINING, UPGRADING, AND OPERATING PHYSICAL ASSETS COST-**
5 **EFFECTIVELY, BASED ON A CONTINUOUS PHYSICAL INVENTORY AND CONDITION**
6 **ASSESSMENT AND INVESTMENT TO ACHIEVE PERFORMANCE GOALS.**

7 **(B) "ASSET MANAGEMENT PLAN" MEANS A SET OF PROCEDURES TO**
8 **MANAGE ASSETS THROUGH THEIR LIFE CYCLES, BASED ON PRINCIPLES OF**
9 **LIFE CYCLE COSTING.**

10 **(C) "ASSET OWNER" MEANS A PERSON OR AGENCY THAT OWNS OR**

1 OPERATES AN ASSET THAT MEETS EITHER OF THE FOLLOWING REQUIREMENTS:

2 (i) SERVES 1,000 OR MORE INDIVIDUALS AND IS REQUIRED BY A
3 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT TO HAVE AN
4 ASSET MANAGEMENT PLAN.

5 (ii) SERVES 1,000 OR MORE INDIVIDUALS AND IS REQUIRED BY THE
6 SAFE DRINKING WATER ACT, 1976 PA 399, MCL 324.1001 TO 324.1003, TO
7 HAVE AN ASSET MANAGEMENT PLAN.

8 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
9 QUALITY.

10 (E) "DRINKING WATER ASSETS" MEANS A SYSTEM, OWNED BY AN ASSET
11 OWNER, OF PIPES AND STRUCTURES THROUGH WHICH DRINKING WATER IS
12 OBTAINED AND DISTRIBUTED, INCLUDING, BUT NOT LIMITED TO, WELLS AND
13 WELL STRUCTURES, WELLHEAD PROTECTION AREAS, GROUNDWATER PROTECTION
14 AREAS, INTAKES AND CRIBS, PUMPING STATIONS, TREATMENT PLANTS,
15 STORAGE TANKS, PIPELINES, AND APPURTENANCES, OR A COMBINATION OF
16 THESE PIPES AND STRUCTURES THAT ARE USED OR INTENDED FOR USE FOR
17 THE PURPOSE OF FURNISHING DRINKING WATER FOR DRINKING OR HOUSEHOLD
18 PURPOSES.

19 (F) "MICHIGAN INFRASTRUCTURE COUNCIL" MEANS THE MICHIGAN
20 INFRASTRUCTURE COUNCIL CREATED IN THE MICHIGAN INFRASTRUCTURE
21 COUNCIL ACT.

22 (G) "PERFORMANCE GOALS" MEANS STANDARDS OF SYSTEM PERFORMANCE
23 THAT REFLECT ASSET MANAGEMENT PRINCIPLES FOR ASSET PRESERVATION AND
24 SUSTAINABILITY, OPERATIONS, CAPACITY CONSISTENT WITH LOCAL NEEDS,
25 AND IDENTIFIED LEVELS OF SERVICE.

26 (H) "REGION" MEANS THE GEOGRAPHIC JURISDICTION OF ANY OF THE
27 FOLLOWING:

1 (i) A REGIONAL PLANNING COMMISSION CREATED PURSUANT TO 1945 PA
2 281, MCL 125.11 TO 125.25.

3 (ii) A REGIONAL ECONOMIC DEVELOPMENT COMMISSION CREATED
4 PURSUANT TO 1966 PA 46, MCL 125.1231 TO 125.1237.

5 (iii) A METROPOLITAN AREA COUNCIL FORMED PURSUANT TO THE
6 METROPOLITAN COUNCILS ACT, 1989 PA 292, MCL 124.651 TO 124.729.

7 (iv) A METROPOLITAN PLANNING ORGANIZATION ESTABLISHED PURSUANT
8 TO FEDERAL LAW.

9 (v) AN AGENCY DIRECTED AND FUNDED BY SECTION 822F OF ARTICLE
10 VIII OF 2016 PA 268 TO ENGAGE IN JOINT DECISION-MAKING PRACTICES
11 RELATED BUT NOT LIMITED TO COMMUNITY DEVELOPMENT, ECONOMIC
12 DEVELOPMENT, TALENT, AND INFRASTRUCTURE OPPORTUNITIES.

13 (I) "STORMWATER ASSETS" MEANS GREEN OR GRAY FEATURES, OWNED BY
14 AN ASSET OWNER, THAT ARE LOCATED WITHIN THE GEOGRAPHIC LIMITS OF AN
15 ASSET SERVICE AREA AND ARE DESIGNED OR ACTIVELY MANAGED BY AN ASSET
16 OWNER FOR COLLECTING, STORING, TREATING, CONVEYING, OR ATTENUATING
17 STORMWATER, SUCH AS CATCH BASINS, CURBS, GUTTERS, DITCHES AND
18 CHANNELS SOLELY CONVEYING STORMWATER, PIPES, CONDUITS, SWALES,
19 BIOSWALES, STORM DRAINS, GULCHES, GULLIES, FLUMES, CULVERTS,
20 BRIDGES, SIPHONS, RETENTION, DETENTION, OR INFILTRATION AREAS,
21 FLOODWALLS, LEVEES, PUMPING STATIONS, AND OTHER SIMILAR FACILITIES.

22 (J) "TRANSPORTATION ASSET MANAGEMENT COUNCIL" MEANS THE
23 TRANSPORTATION ASSET MANAGEMENT COUNCIL CREATED IN SECTION 9A OF
24 1951 PA 51, MCL 247.659A.

25 (K) "WASTEWATER ASSETS" MEANS A SYSTEM, OWNED BY AN ASSET
26 OWNER, OF PIPES AND STRUCTURES, INCLUDING PIPES, CHANNELS,
27 CONDUITS, MANHOLES, PUMPING STATIONS, WASTEWATER OR WASTEWATER

1 TREATMENT FIXED ASSETS, DIVERSION AND REGULATORY DEVICES, OUTFALL
2 STRUCTURES, AND APPURTENANCES, USED TO COLLECT, CONVEY, TRANSPORT,
3 TREAT, OR OTHERWISE HANDLE WASTEWATER.

4 SEC. 5002. (1) THE WATER ASSET MANAGEMENT COUNCIL IS CREATED
5 WITHIN THE MICHIGAN INFRASTRUCTURE COUNCIL.

6 (2) SUBJECT TO SUBSECTION (3), THE WATER ASSET MANAGEMENT
7 COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

8 (A) NINE VOTING MEMBERS APPOINTED BY THE MICHIGAN
9 INFRASTRUCTURE COUNCIL AS FOLLOWS:

10 (i) ONE MEMBER FROM THE DEPARTMENT.

11 (ii) ONE MEMBER FROM THE MICHIGAN MUNICIPAL LEAGUE.

12 (iii) ONE MEMBER FROM THE MICHIGAN TOWNSHIPS ASSOCIATION.

13 (iv) ONE MEMBER FROM THE MICHIGAN ASSOCIATION OF COUNTIES.

14 (v) ONE MEMBER FROM THE MICHIGAN ASSOCIATION OF DRAIN
15 COMMISSIONERS.

16 (vi) ONE MEMBER REPRESENTING A REGIONAL DRINKING WATER,
17 WASTEWATER, OR STORMWATER AUTHORITY.

18 (vii) ONE MEMBER REPRESENTING A WATER INFRASTRUCTURE
19 ASSOCIATION.

20 (viii) ONE MEMBER WITH DRINKING WATER, WASTEWATER, OR
21 STORMWATER ASSET MANAGEMENT EXPERIENCE.

22 (ix) ONE MEMBER REPRESENTING A REGION.

23 (B) ONE EX OFFICIO, NONVOTING MEMBER WHO HAS RESPONSIBILITIES
24 RELATED TO THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET'S
25 ROLE AS THE CENTRAL DATA STORAGE AGENCY UNDER SECTION 5008,
26 APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF TECHNOLOGY,
27 MANAGEMENT, AND BUDGET.

1 (3) THE MICHIGAN MUNICIPAL LEAGUE, MICHIGAN TOWNSHIPS
2 ASSOCIATION, MICHIGAN ASSOCIATION OF COUNTIES, AND MICHIGAN
3 ASSOCIATION OF DRAIN COMMISSIONERS SHALL EACH SUBMIT A LIST OF 2
4 NOMINEES TO THE MICHIGAN INFRASTRUCTURE COUNCIL FROM WHICH THE
5 RESPECTIVE APPOINTMENTS UNDER SUBSECTION (2) SHALL BE MADE. NAMES
6 SHALL BE SUBMITTED WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THE
7 AMENDATORY ACT THAT ADDED THIS SECTION. THE MICHIGAN INFRASTRUCTURE
8 COUNCIL SHALL MAKE THE APPOINTMENTS WITHIN 30 DAYS AFTER THE
9 RECEIPT OF THE LISTS.

10 (4) VOTING MEMBERS OF THE WATER ASSET MANAGEMENT COUNCIL SERVE
11 FOR TERMS OF 3 YEARS. HOWEVER, OF THE INITIAL APPOINTMENTS TO THE
12 WATER ASSET MANAGEMENT COUNCIL, 3 SHALL SERVE FOR 1 YEAR, 3 SHALL
13 SERVE FOR 2 YEARS, AND 3 SHALL SERVE FOR 3 YEARS. A VACANCY ON THE
14 WATER ASSET MANAGEMENT COUNCIL SHALL BE FILLED IN THE SAME MANNER
15 AS THE ORIGINAL APPOINTMENT.

16 (5) A MEMBER OF THE WATER ASSET MANAGEMENT COUNCIL MAY BE
17 REMOVED FOR INCOMPETENCE, DERELICTION OF DUTY, MALFEASANCE DURING
18 HIS OR HER TENURE IN OFFICE, OR ANY OTHER CAUSE CONSIDERED
19 APPROPRIATE BY THE MICHIGAN INFRASTRUCTURE COUNCIL.

20 (6) AT THE FIRST MEETING OF THE WATER ASSET MANAGEMENT
21 COUNCIL, THE WATER ASSET MANAGEMENT COUNCIL SHALL SELECT A
22 CHAIRPERSON FROM AMONG ITS MEMBERS.

23 (7) THE WATER ASSET MANAGEMENT COUNCIL MAY APPOINT ADVISORY
24 COMMITTEES WHOSE MEMBERS SHALL SERVE AS NEEDED TO PROVIDE RESEARCH
25 ON ISSUES AND PROJECTS AS DETERMINED BY THE WATER ASSET MANAGEMENT
26 COUNCIL. AN ADVISORY COMMITTEE MEMBER WHO IS NOT A MEMBER OF THE
27 WATER ASSET MANAGEMENT COUNCIL DOES NOT HAVE VOTING RIGHTS ON THE

1 ADVISORY COMMITTEE. A RECOMMENDATION FROM THE ADVISORY COMMITTEE
2 APPOINTED UNDER THIS SUBSECTION IS ADVISORY ONLY AND IS NOT
3 BINDING.

4 (8) THE DEPARTMENT SHALL PROVIDE QUALIFIED ADMINISTRATIVE
5 STAFF AND QUALIFIED TECHNICAL ASSISTANCE TO THE WATER ASSET
6 MANAGEMENT COUNCIL.

7 SEC. 5003. THE WATER ASSET MANAGEMENT COUNCIL SHALL DO ALL OF
8 THE FOLLOWING:

9 (A) ADVISE THE MICHIGAN INFRASTRUCTURE COUNCIL ON A STATEWIDE
10 WATER ASSET MANAGEMENT STRATEGY AND THE PROCESSES AND TOOLS NEEDED
11 TO IMPLEMENT A STRATEGY FOR ALL ASSET OWNERS.

12 (B) PROMOTE AND OVERSEE THE IMPLEMENTATION OF THE
13 RECOMMENDATIONS FROM THE REGIONAL INFRASTRUCTURE ASSET MANAGEMENT
14 PILOT PROGRAM CREATED UNDER EXECUTIVE DIRECTIVE 2017-1 AT A STATE
15 LEVEL RELATED TO DRINKING WATER, WASTEWATER, AND STORMWATER
16 INFRASTRUCTURE.

17 (C) BY OCTOBER 1, 2019, DEVELOP A TEMPLATE OR TEMPLATES THAT
18 CONTAIN REQUIREMENTS FOR INFORMATION TO BE INCLUDED IN AN ASSET
19 MANAGEMENT PLAN SUBMITTED UNDER SECTION 5004. THE TEMPLATE OR
20 TEMPLATES SHALL ALLOW FOR LOCAL ASSET MANAGEMENT PLAN COMPONENTS,
21 INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING, BUT SHALL NOT
22 REQUIRE COMPONENTS BEYOND THOSE REQUIRED IN AN ASSET MANAGEMENT
23 PLAN ASSOCIATED WITH A PERMIT:

24 (i) AN ASSET INVENTORY. THIS INVENTORY MAY INCLUDE THE
25 LOCATION, MATERIAL, SIZE, AND CONDITION OF THE ASSETS IN A FORMAT
26 THAT ALLOWS FOR DIGITAL MAPPING. ALL QUALITY CONTROL STANDARDS AND
27 PROTOCOLS SHALL, AT A MINIMUM, BE CONSISTENT WITH EXISTING FEDERAL

1 REQUIREMENTS AND REGULATIONS AND EXISTING GOVERNMENT ACCOUNTING
2 STANDARDS.

3 (ii) A LEVEL OF SERVICE ANALYSIS. THIS ANALYSIS MAY INCLUDE
4 DESIRED LEVELS OF SERVICE AND PERFORMANCE GOALS OF THE ASSETS TO
5 HELP THE SYSTEM ACHIEVE RELIABILITY, RESPONSIVENESS, SAFETY,
6 CAPACITY, ENVIRONMENTAL IMPACTS, COST AND AFFORDABILITY, AND
7 COMPLIANCE WITH LAW. LEVELS OF SERVICE MAY VARY AMONG ASSETS UNDER
8 THE ASSET OWNER'S JURISDICTION.

9 (iii) A RISK OF FAILURE ANALYSIS. THIS ANALYSIS MAY IDENTIFY
10 THE PROBABILITY AND CRITICALITY OF FAILURE OF THE MOST CRITICAL
11 ASSETS AND ANY CONTINGENCY PLANS.

12 (iv) ANTICIPATED REVENUES AND EXPENSES. THIS COMPONENT MAY
13 INCLUDE A DESCRIPTION OF ALL REVENUE SOURCES AND ANTICIPATED
14 RECEIPTS FOR THE PERIOD OF THE ASSET MANAGEMENT PLAN, AND EXPECTED
15 INFRASTRUCTURE REPAIR AND REPLACEMENT EXPENDITURES, INCLUDING
16 PLANNED IMPROVEMENTS OR CAPITAL RECONSTRUCTION.

17 (v) A PERFORMANCE OUTCOMES ANALYSIS. THIS ANALYSIS MAY
18 DETERMINE HOW THE INVESTMENT STRATEGY ACHIEVES THE DESIRED LEVELS
19 OF SERVICE AND PERFORMANCE GOALS. THE ASSET MANAGEMENT PLAN MAY
20 INCLUDE STEPS NECESSARY TO ENSURE ASSET CONDITIONS MEET OR ACHIEVE
21 STATED GOALS, INCLUDING A DESCRIPTION AND EXPLANATION FOR ANY GAP
22 BETWEEN ACHIEVABLE CONDITION AND PERFORMANCE THROUGH THE INVESTMENT
23 STRATEGY AND DESIRED GOALS.

24 (vi) A DESCRIPTION OF ANY PLANS OF THE ASSET OWNER TO
25 COORDINATE WITH OTHER ENTITIES, SUCH AS NEIGHBORING JURISDICTIONS
26 AND UTILITIES, TO MINIMIZE DUPLICATION OF EFFORT WITH REGARD TO
27 INFRASTRUCTURE PRESERVATION AND MAINTENANCE.

1 (vii) PROOF OF ACCEPTANCE, CERTIFICATION, OR ADOPTION BY THE
2 JURISDICTION'S GOVERNING BODY.

3 SEC. 5004. (1) BY OCTOBER 1, 2019, THE WATER ASSET MANAGEMENT
4 COUNCIL SHALL ESTABLISH A SCHEDULE FOR SUBMISSION OF ASSET
5 MANAGEMENT PLANS THAT ENSURES THAT 1/3 OF ASSET OWNERS SUBMIT AN
6 ASSET MANAGEMENT PLAN EACH YEAR. THE ASSET MANAGEMENT PLANS ARE
7 SUBJECT TO ALL OF THE FOLLOWING:

8 (A) THE ASSET MANAGEMENT PLANS SHALL COVER AND BE VALID FOR A
9 MINIMUM OF 3 YEARS AND SHALL BE CONSISTENT WITH THE TEMPLATE
10 PROVIDED BY THE WATER ASSET MANAGEMENT COUNCIL.

11 (B) THE ASSET MANAGEMENT PLANS SHALL BE REVIEWED BY THE WATER
12 ASSET MANAGEMENT COUNCIL WITHIN 6 MONTHS OF RECEIPT. THE WATER
13 ASSET MANAGEMENT COUNCIL SHALL COMPARE SUBMITTED ASSET MANAGEMENT
14 PLANS TO THE MINIMUM COMPONENTS REQUIRED BY THIS ACT AND THE
15 TEMPLATE PROVIDED BY THE WATER ASSET MANAGEMENT COUNCIL AND SHALL
16 DETERMINE IF THE ASSET MANAGEMENT PLANS ARE IN COMPLIANCE WITH
17 THOSE STANDARDS. IF THE WATER ASSET MANAGEMENT COUNCIL DETERMINES
18 THAT AN ASSET MANAGEMENT PLAN DOES NOT MEET ESTABLISHED STANDARDS,
19 THE WATER ASSET MANAGEMENT COUNCIL SHALL SEEK CONCURRENCE FROM THE
20 DEPARTMENT. IF THE DEPARTMENT CONCURS, THE WATER ASSET MANAGEMENT
21 COUNCIL SHALL NOTIFY THE ENTITY SUBMITTING THE ASSET MANAGEMENT
22 PLAN OF THE DEFICIENCY IN MEETING THE STANDARDS AND SHALL REQUIRE
23 THE ENTITY TO REVISE THE ASSET MANAGEMENT PLAN TO MEET THE
24 STANDARDS AND RESUBMIT THE PLAN WITHIN 6 MONTHS OF RECEIVING THE
25 NOTICE.

26 (C) AN ASSET OWNER THAT IS REQUIRED UNDER THIS PART TO HAVE AN
27 APPROVED ASSET MANAGEMENT PLAN MUST IMPLEMENT THE APPROVED ASSET

1 MANAGEMENT PLAN BY OCTOBER 1, 2024.

2 (2) AN ASSET OWNER MAY SEEK AND USE FEDERAL GRANTS OR LOANS TO
3 ACHIEVE THE GOALS AND MANAGE THE ASSET INVENTORY DESCRIBED IN ITS
4 ASSET MANAGEMENT PLAN.

5 SEC. 5005. THE WATER ASSET MANAGEMENT COUNCIL SHALL ANNUALLY
6 SUBMIT TO THE MICHIGAN INFRASTRUCTURE COUNCIL A REPORT ON ASSET
7 CONDITION AND INVESTMENT THAT INCLUDES A SUMMARY ANALYSIS OF THE
8 ASSET MANAGEMENT PLANS RECEIVED FROM DRINKING WATER, WASTEWATER,
9 AND STORMWATER ENTITIES. THE REPORT SHALL ALSO INCLUDE
10 RECOMMENDATIONS ON DRINKING WATER, WASTEWATER, AND STORMWATER
11 CONDITION GOALS AND ANALYSIS OF HOW THE UTILITIES ARE MEETING THOSE
12 GOALS. THE WATER INFRASTRUCTURE ASSET MANAGEMENT ANALYSES CONTAINED
13 IN THE REPORT SHALL BE CONSISTENT WITH THE MICHIGAN INFRASTRUCTURE
14 COUNCIL'S ASSET MANAGEMENT PROCESS AND SHALL BE REPORTED CONSISTENT
15 WITH CATEGORIES ESTABLISHED BY THE MICHIGAN INFRASTRUCTURE COUNCIL.

16 SEC. 5006. (1) STATE FUNDING MAY BE PROVIDED TO ASSET OWNERS
17 TO IMPLEMENT THIS PART AS DETERMINED BY THE WATER ASSET MANAGEMENT
18 COUNCIL. FUNDING NECESSARY FOR THE DEPARTMENT TO SUPPORT THE
19 ACTIVITIES DESCRIBED IN THIS SECTION SHALL BE PROVIDED BY AN ANNUAL
20 APPROPRIATION.

21 (2) EACH ASSET OWNER SHALL ANNUALLY REPORT TO THE WATER ASSET
22 MANAGEMENT COUNCIL, CONSISTENT WITH CURRENT ACCOUNTING PROCEDURES,
23 HOW ITS CAPITAL IMPROVEMENT PROGRAM FOR ASSETS INCLUDED IN ANY
24 ASSET MANAGEMENT PLANS REQUIRED UNDER SECTION 5004 ARE MEETING ITS
25 INVESTMENT GOALS IN A FORM ESTABLISHED BY THE WATER ASSET
26 MANAGEMENT COUNCIL.

27 (3) THE DEPARTMENT AND EACH ASSET OWNER SHALL KEEP ACCURATE

1 AND UNIFORM RECORDS ON ALL WORK PERFORMED AND FUNDS EXPENDED FOR
2 THE PURPOSES OF THIS SECTION, ACCORDING TO THE PROCEDURES DEVELOPED
3 BY THE MICHIGAN INFRASTRUCTURE COUNCIL.

4 (4) THE WATER ASSET MANAGEMENT COUNCIL SHALL ANNUALLY PREPARE
5 A REPORT ON THE ACTIVITIES CONDUCTED DURING THE PRECEDING YEAR AND
6 THE EXPENDITURE OF FUNDS RELATED TO THE PROCESSES AND ACTIVITIES
7 IDENTIFIED BY THE WATER ASSET MANAGEMENT COUNCIL. THE REPORT SHALL
8 ALSO INCLUDE AN OVERVIEW OF THE ACTIVITIES IDENTIFIED FOR THE
9 SUCCEEDING YEAR. THE WATER ASSET MANAGEMENT COUNCIL SHALL SUBMIT
10 THIS REPORT TO THE MICHIGAN INFRASTRUCTURE COUNCIL AND THE
11 LEGISLATURE BY MAY 2 OF EACH YEAR.

12 SEC. 5007. (1) THE WATER ASSET MANAGEMENT COUNCIL SHALL
13 IDENTIFY TRAINING NEEDS TO DEVELOP PROFICIENCY IN USING A MULTI-
14 ASSET MANAGEMENT SYSTEM FOR ASSET OWNERS, AND TRAINING TO IDENTIFY
15 ASSET SYSTEM CONDITIONS BASED ON A STATEWIDE ASSET CONDITION
16 MEASURE.

17 (2) THE WATER ASSET MANAGEMENT COUNCIL SHALL COORDINATE AND
18 COLLABORATE WITH THE TRANSPORTATION ASSET MANAGEMENT COUNCIL ON
19 PLANNING, REPORTING, AND TRAINING. THE WATER ASSET MANAGEMENT
20 COUNCIL SHALL COLLABORATE WITH THE TRANSPORTATION ASSET MANAGEMENT
21 COUNCIL CREATED IN SECTION 9A OF 1951 PA 51, MCL 247.659A, ON
22 POTENTIAL COORDINATION IN THE SUBMISSION OF ASSET MANAGEMENT PLANS.

23 SEC. 5008. THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND
24 BUDGET SHALL SERVE AS THE CENTRAL DATA STORAGE AGENCY FOR PURPOSES
25 OF COLLECTING, STORING, AND MAINTAINING DATA UNDER THIS PART.

26 Enacting section 1. This amendatory act does not take effect
27 unless all of the following bills of the 99th Legislature are

1 enacted into law:

2 (a) House Bill No. 5335.

3 (b) House Bill No. 5408.