

HOUSE BILL No. 5285

November 30, 2017, Introduced by Rep. Lucido and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 32; and to repeal acts
and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 32 WATER QUALITY ALLIANCES

SEC. 3201. AS USED IN THIS PART:

(A) "COUNTY AGENCY" MEANS AN AGENCY CREATED OR CONTROLLED BY A
COUNTY BOARD OF COMMISSIONERS OR A COUNTY EXECUTIVE, A BOARD OF
COUNTY ROAD COMMISSIONERS, OR AN OFFICE OF A COUNTY DRAIN
COMMISSIONER OR WATER RESOURCES COMMISSIONER.

(B) "GREAT LAKES WATER QUALITY AGREEMENT OF 1978" MEANS THE
"GREAT LAKES WATER QUALITY AGREEMENT OF 1978" BETWEEN THE UNITED
STATES AND CANADA SIGNED NOVEMBER 22, 1978, INCLUDING THE

1 PHOSPHORUS LOAD REDUCTION SUPPLEMENT SIGNED OCTOBER 7, 1983, AND AS
2 AMENDED BY PROTOCOL SIGNED NOVEMBER 18, 1987.

3 (C) "IMPAIRMENT OF BENEFICIAL USES" MEANS THAT TERM AS IT IS
4 DEFINED IN SECTION 1(C) OF ANNEX 2 OF THE GREAT LAKES WATER QUALITY
5 AGREEMENT OF 1978.

6 (D) "MEMBER" MEANS A MUNICIPALITY, COUNTY, COUNTY AGENCY,
7 PUBLIC SCHOOL DISTRICT, PUBLIC COLLEGE OR UNIVERSITY, OR OTHER
8 LOCAL OR REGIONAL PUBLIC AGENCY THAT IS A MEMBER OF A WATER QUALITY
9 ALLIANCE AS PROVIDED FOR IN THIS PART.

10 (E) "WATER INTAKE" MEANS EQUIPMENT FOR THE WITHDRAWAL AND
11 TRANSPORT OF WATER FROM A BODY OF SURFACE WATER FOR USE PRIMARILY
12 BY A PUBLIC DRINKING WATER SYSTEM.

13 (F) "WATER QUALITY ALLIANCE" MEANS AN ORGANIZATION ESTABLISHED
14 UNDER SECTION 3202.

15 SEC. 3202. (1) TWO OR MORE MUNICIPALITIES, BY RESOLUTION OF
16 THEIR RESPECTIVE GOVERNING BODIES, MAY ESTABLISH A WATER QUALITY
17 ALLIANCE FOR THE PURPOSE OF MONITORING WATER QUALITY WITHIN THE
18 JURISDICTION OF THE WATER QUALITY ALLIANCE AND CONDUCTING RELATED
19 ACTIVITIES, INCLUDING 1 OR MORE OF THE FOLLOWING:

20 (A) CONDUCTING SAMPLING OF WATER BODIES AND ANALYSIS OF
21 SCIENCE-BASED WATER QUALITY DATA NECESSARY TO IDENTIFY
22 CONTAMINATION AND CONTAMINATION SOURCES.

23 (B) INFORMING THE PUBLIC ABOUT THE MONITORING PROGRAM AND THE
24 SAMPLING AND ANALYSES OF WATER QUALITY DATA.

25 (C) PROVIDING WATER QUALITY DATA TO OTHER GOVERNMENTAL
26 AGENCIES, COLLEGES AND UNIVERSITIES, SCHOOLS, AND OTHER PERSONS FOR
27 SCIENTIFIC, ENVIRONMENTAL COMPLIANCE, AND EDUCATIONAL PURPOSES.

1 (2) A RESOLUTION UNDER SUBSECTION (1) ESTABLISHING A WATER
2 QUALITY ALLIANCE SHALL INCLUDE BYLAWS THAT IDENTIFY, AT A MINIMUM,
3 ALL OF THE FOLLOWING:

4 (A) THE STRUCTURE OF THE ORGANIZATION AND THE DECISION-MAKING
5 PROCESS.

6 (B) THE WATER BODIES OR WATER INTAKES, OR BOTH, WITHIN THE
7 JURISDICTION OF THE WATER QUALITY ALLIANCE.

8 (C) THE MUNICIPALITIES, COUNTIES, COUNTY AGENCIES, PUBLIC
9 SCHOOL DISTRICTS, AND OTHER LOCAL OR REGIONAL PUBLIC AGENCIES
10 ELIGIBLE FOR MEMBERSHIP IN THE WATER QUALITY ALLIANCE AS PROVIDED
11 UNDER SUBSECTION (3), INCLUDING MUNICIPALITIES THAT OPERATE WATER
12 INTAKES SUPPORTING CONNECTED WATER TREATMENT FACILITIES.

13 (D) THE BASIS FOR ASSESSING COSTS TO MEMBERS.

14 (E) A PROCESS FOR ADOPTION OF AN ANNUAL BUDGET TO SUPPORT
15 PROJECTS AND ACTIVITIES.

16 (3) A WATER QUALITY ALLIANCE SHALL PROVIDE AN EQUITABLE BASIS
17 FOR ALL MUNICIPALITIES, COUNTIES, AND COUNTY AGENCIES WITHIN THE
18 JURISDICTION OF THE WATER QUALITY ALLIANCE, INCLUDING
19 MUNICIPALITIES THAT OPERATE WATER INTAKES SUPPLYING CONNECTED WATER
20 TREATMENT FACILITIES, TO VOLUNTARILY JOIN AS MEMBERS. IN ADDITION,
21 AT ITS DISCRETION, THE WATER QUALITY ALLIANCE MAY AUTHORIZE THE
22 VOLUNTARY MEMBERSHIP OF ANY LOCAL PUBLIC SCHOOL DISTRICT, PUBLIC
23 COLLEGE OR UNIVERSITY, OR ANY OTHER LOCAL OR REGIONAL PUBLIC
24 AGENCY. FOLLOWING ESTABLISHMENT OF A WATER QUALITY ALLIANCE UNDER
25 SUBSECTION (1), BY RESOLUTION OF ITS GOVERNING BODY, A
26 MUNICIPALITY, COUNTY, COUNTY AGENCY, PUBLIC SCHOOL DISTRICT, PUBLIC
27 COLLEGE OR UNIVERSITY, OR OTHER LOCAL OR REGIONAL PUBLIC AGENCY

1 ESTABLISHED UNDER STATE LAW MAY VOLUNTARILY JOIN A WATER QUALITY
2 ALLIANCE AS PROVIDED FOR IN THIS SUBSECTION.

3 SEC. 3203. A WATER QUALITY ALLIANCE SHALL CARRY OUT ITS
4 RESPONSIBILITIES UNDER THIS PART AND AS OTHERWISE PROVIDED BY LAW.

5 SEC. 3204. (1) A WATER QUALITY ALLIANCE, CONSISTENT WITH THE
6 PURPOSES IDENTIFIED IN SECTION 3202 AND ITS BYLAWS, MAY DO 1 OR
7 MORE OF THE FOLLOWING:

8 (A) EMPLOY PERSONNEL.

9 (B) ENTER INTO AGREEMENTS OR CONTRACTS WITH PUBLIC OR PRIVATE
10 ENTITIES.

11 (C) ASSESS AND COLLECT FEES FROM MEMBERS WITH APPROVAL OF THE
12 GOVERNING BODIES OF THE MEMBERS.

13 (D) SOLICIT GRANTS, GIFTS, AND CONTRIBUTIONS FROM FEDERAL,
14 STATE, REGIONAL, OR LOCAL PUBLIC AGENCIES AND FROM PRIVATE SOURCES.

15 (E) EXPEND FUNDS PROVIDED BY MEMBERS, OR THROUGH GRANTS,
16 GIFTS, AND CONTRIBUTIONS.

17 (F) REPRESENT MEMBERS OF THE WATER QUALITY ALLIANCE BEFORE
18 OTHER BODIES CONSIDERING ISSUES AFFECTING WATER QUALITY WITHIN THE
19 JURISDICTION OF THE WATER QUALITY ALLIANCE, INCLUDING OBTAINING
20 LOCAL, STATE, OR FEDERAL PERMITS OR AUTHORIZATIONS THAT MAY BE
21 REQUIRED TO CARRY OUT ACTIVITIES AS MAY BE AUTHORIZED BY ITS
22 MEMBERS.

23 (2) A WATER QUALITY ALLIANCE SHALL PREPARE AND DELIVER TO ITS
24 MEMBERS ON OR BEFORE APRIL 1 OF EACH YEAR A REPORT DETAILING THE
25 REVENUE RECEIVED AND EXPENDITURES BY THE WATER QUALITY ALLIANCE
26 DURING THE IMMEDIATELY PRIOR CALENDAR YEAR.

27 (3) A WATER QUALITY ALLIANCE DOES NOT HAVE INDEPENDENT

1 AUTHORITY TO ASSESS OR COLLECT ANY FEES OR TAXES DIRECTLY FROM
2 INDIVIDUALS OR PROPERTY OWNERS. A WATER QUALITY ALLIANCE MEMBER MAY
3 ALLOCATE THE USE OF PUBLIC FUNDS FROM FEES, TAXES, OR ASSESSMENTS
4 GENERATED UNDER OTHER STATE LAWS FOR USE BY A WATER QUALITY
5 ALLIANCE.

6 SEC. 3205. (1) A WATER QUALITY ALLIANCE SHALL OBTAIN AN AUDIT
7 OF ITS FINANCIAL RECORDS, ACCOUNTS, AND PROCEDURES AT LEAST EVERY
8 OTHER YEAR.

9 (2) A WATER QUALITY ALLIANCE SHALL SUBMIT THE RESULTS OF AN
10 AUDIT UNDER SUBSECTION (1) TO THE GOVERNING BODIES OF ITS MEMBERS
11 AND TO THE STATE TREASURER.

12 (3) AN AUDIT UNDER SUBSECTION (1) MUST SATISFY ALL AUDIT
13 REQUIREMENTS UNDER THE UNIFORM BUDGETING AND ACCOUNTING ACT, 1968
14 PA 2, MCL 141.421 TO 141.440A.

15 SEC. 3206. THIS PART DOES NOT PROVIDE A WATER QUALITY ALLIANCE
16 OR ANY OF ITS MEMBERS WITH ANY AUTHORITY NOT OTHERWISE PROVIDED BY
17 LAW.

18 SEC. 3207. THIS PART IS REPEALED 5 YEARS AFTER THE EFFECTIVE
19 DATE OF THE AMENDATORY ACT THAT ADDED THIS PART.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.