

SENATE BILL No. 1432

September 28, 2004, Introduced by Senators PATTERSON, BIRKHOLZ, HARDIMAN, VAN WOERKOM, BASHAM, BRATER, SANBORN, LELAND, OLSHOVE and GARCIA and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 312.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 312 WATERSHED ALLIANCES

Sec. 31201. 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 the county drain commissioner.

(b) "Member" means a municipality, county, county agency, public school district, public college or university, or other local or regional public agency that is a member of a watershed alliance as provided for in this part.

(c) "Watershed" means a geographic area in the state within

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1 which surface water drains into a common river, stream, or body
2 of water.

3 (d) "Watershed alliance" means an organization established
4 under section 31202.

5 (e) "Watershed management plan" means a written document
6 prepared and approved by a watershed alliance that identifies
7 water management issues and problems, proposes goals and
8 objectives, and outlines actions to achieve the goals and
9 objectives identified by members of a watershed alliance.

10 Sec. 31202. (1) Two or more municipalities, by resolution
11 of their respective governing bodies, may establish a watershed
12 alliance for the purpose of studying problems and planning and
13 implementing activities designed to address surface water quality
14 or water flow issues of mutual concern in a watershed, including
15 1 or more of the following:

16 (a) Preparation of watershed management plans and other
17 required documents as part of state or federal requirements to
18 obtain water discharge permits or grant funding.

19 (b) Monitoring, sampling, and analyses of data necessary to
20 manage the watershed, including, but not limited to, surface
21 water quality, water quantity and flows, ecosystem health,
22 recreational use, and the publication of results.

23 (c) Conducting public surveys, preparing and distributing
24 informational and educational materials, and organizing
25 activities involving the public.

26 (d) Designing and implementing projects and conducting
27 activities to protect or enhance water quality and related

1 beneficial uses, or manage flows to protect or reduce damage to
2 riparian property and aquatic habitat.

3 (e) Designing and implementing other actions consistent with
4 watershed management plans adopted by a watershed alliance, or
5 required to protect public health, and maintain and restore
6 beneficial public uses of the surface water resources of the
7 watershed.

8 (2) A resolution under subsection (1) establishing a
9 watershed alliance shall include bylaws that identify, at a
10 minimum, all of the following:

11 (a) The structure of the organization and decision-making
12 process.

13 (b) The geographic boundaries of the watershed.

14 (c) The municipalities, counties, county agencies, public
15 school districts, and other local or regional public agencies
16 eligible for membership in the watershed alliance as provided
17 under subsection (3).

18 (d) The basis for assessing costs to members.

19 (e) A mechanism to be used for adoption of an annual budget
20 to support projects and activities.

21 (3) A watershed alliance shall provide an equitable basis
22 for all municipalities, counties, and county agencies within the
23 geographic boundaries of the watershed to voluntarily join as
24 members. In addition, at its discretion, the watershed alliance
25 may authorize the voluntary membership of any local public school
26 district, public college or university, or any other local or
27 regional public agency that has water management

1 responsibilities. Following establishment of a watershed
2 alliance under subsection (1), by resolution of its governing
3 body, a municipality, county, county agency, public school
4 district, public college or university, or other local or
5 regional public agency established under state law with surface
6 water management responsibility may voluntarily join a watershed
7 alliance as provided for in this subsection.

8 Sec. 31203. A watershed alliance is a body corporate with
9 power to sue and be sued in any court of this state and with the
10 authority to carry out its responsibilities under this part and
11 as otherwise provided by law.

12 Sec. 31204. (1) A watershed alliance, consistent with the
13 purposes identified in section 31202 and its bylaws, may do 1 or
14 more of the following:

15 (a) Employ personnel to coordinate and implement actions.

16 (b) Enter into agreements or contracts with public or private
17 entities to coordinate or implement actions.

18 (c) Assess and collect fees from members with approval of the
19 governing bodies of the members.

20 (d) Solicit grants, gifts, and contributions from federal,
21 state, regional, or local public agencies and from private
22 sources.

23 (e) Expend funds provided by members, or through grants,
24 gifts, and contributions.

25 (f) Represent members of the watershed alliance before other
26 bodies considering issues affecting water quality or flow
27 management issues within the designated watershed, including

1 obtaining local, state, or federal permits or authorizations that
2 may be required to carry out activities as may be authorized by
3 its members.

4 (2) A watershed alliance shall prepare and deliver to its
5 members on or before April 1 of each year a report detailing the
6 revenue received and expenditures by the watershed alliance
7 during the immediately prior January 1 through December 31
8 period.

9 (3) A watershed alliance shall have no independent authority
10 to assess or collect any fees or taxes directly from individuals
11 or property owners. A watershed alliance member may allocate the
12 use of public funds from fees, taxes, or assessments generated
13 under the provisions of other state laws for use by a watershed
14 alliance.

15 Sec. 31205. (1) A watershed alliance shall obtain an audit
16 of its financial records, accounts, and procedures at least every
17 other year.

18 (2) A watershed alliance shall submit the results of an audit
19 under subsection (1) to the governing bodies of its members and
20 to the state treasurer.

21 (3) An audit under subsection (1) shall satisfy all audit
22 requirements set under the uniform budgeting and accounting act,
23 1968 PA 2, MCL 141.421 to 141.440a.