

SUBSTITUTE FOR
SENATE BILL NO. 851

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 32803 (MCL 324.32803), as added by 2003 PA 148.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32803. (1) The groundwater conservation advisory council
2 is created within the department **OF NATURAL RESOURCES**. The council
3 shall consist of all of the following members:

4 (a) Three individuals appointed by the senate majority leader
5 representing business and manufacturing interests, utilities, and
6 conservation organizations.

7 (b) Three individuals appointed by the speaker of the house of
8 representatives representing well drilling contractors, local units
9 of government, and agricultural interests.

1 (c) Four individuals appointed by the director representing
2 nonagriculture irrigators, the aggregate industry, environmental
3 organizations, and the general public.

4 (d) Three individuals representing the department, the
5 department of agriculture, and the department of natural resources.
6 ~~, as nonvoting members who shall serve as information resources to~~
7 ~~the council.~~

8 (E) TO ASSIST THE COUNCIL IN CARRYING OUT THE RESPONSIBILITIES
9 ASSIGNED TO THE COUNCIL BY SUBSECTION (4) (B), (E), AND (F), IN
10 ADDITION TO THE MEMBERS OF THE COUNCIL WHO ARE SERVING ON THE
11 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION,
12 THE FOLLOWING MEMBERS SHALL BE APPOINTED TO THE COUNCIL WITHIN 30
13 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
14 SUBDIVISION:

15 (i) ONE INDIVIDUAL APPOINTED BY THE SENATE MAJORITY LEADER
16 REPRESENTING A STATEWIDE AGRICULTURAL ORGANIZATION.

17 (ii) ONE INDIVIDUAL APPOINTED BY THE SPEAKER OF THE HOUSE OF
18 REPRESENTATIVES WHO IS A REGISTERED WELL DRILLER WITH KNOWLEDGE AND
19 EXPERTISE IN HYDROGEOLOGY.

20 (iii) TWO INDIVIDUALS APPOINTED BY THE GOVERNOR REPRESENTING
21 MUNICIPAL WATER SUPPLIERS AND A STATEWIDE CONSERVATION
22 ORGANIZATION.

23 (2) MEMBERS OF THE COUNCIL APPOINTED UNDER SUBSECTION (1) (E)
24 SHALL NOT TAKE OFFICE EARLIER THAN FEBRUARY 15, 2006. THE COUNCIL
25 MAY CONTINUE TO CARRY OUT ITS RESPONSIBILITIES UNDER THIS PART IN
26 THE ABSENCE OF THE ADDITIONAL MEMBERS OF THE COUNCIL APPOINTED
27 UNDER SUBSECTION (1) (E).

1 (3) THE COUNCIL SHALL APPOINT A TECHNICAL ADVISORY COMMITTEE
2 OF INDIVIDUALS WITH SPECIFIC TECHNICAL AND LEGAL EXPERTISE RELEVANT
3 TO THE COUNCIL'S RESPONSIBILITIES.

4 (4) ~~—(2)—~~ The council shall do all of the following:

5 (a) Study the sustainability of the state's groundwater use.
6 ~~and whether the state should provide additional oversight of~~
7 ~~groundwater withdrawals.~~

8 (B) DEVELOP CRITERIA AND INDICATORS TO EVALUATE THE
9 SUSTAINABILITY OF THE STATE'S GROUNDWATER USE.

10 (C) ~~—(b)—~~ Monitor Annex 2001 implementation efforts and make
11 recommendations on Michigan's statutory conformance with Annex
12 2001, including whether groundwater withdrawals should be subject
13 to best management practices or certification requirements and
14 whether groundwater withdrawals impact water-dependent natural
15 features.

16 (D) ~~—(e)—~~ Study the implementation of and the results from the
17 groundwater dispute resolution program created in part 317.

18 (E) DESIGN AND MAKE RECOMMENDATIONS REGARDING A WATER
19 WITHDRAWAL ASSESSMENT TOOL AS PROVIDED FOR IN SUBSECTION (5).

20 (F) STUDY AND MAKE RECOMMENDATIONS AS TO WHETHER THE STATE
21 SHOULD CONSIDER AS PART OF ITS GROUNDWATER CONSERVATION PROGRAMS
22 PROPOSALS TO MITIGATE ADVERSE IMPACTS TO THE WATERS OF THE STATE OR
23 TO THE WATER-DEPENDENT NATURAL RESOURCES OF THE STATE THAT MAY
24 RESULT FROM GROUNDWATER WITHDRAWALS.

25 (5) THE COUNCIL, IN CONSULTATION WITH THE DEPARTMENT, THE
26 DEPARTMENT OF NATURAL RESOURCES, THE DEPARTMENT OF AGRICULTURE, AND
27 THE TECHNICAL ADVISORY COMMITTEE APPOINTED UNDER SUBSECTION (3),

1 SHALL DO ALL OF THE FOLLOWING:

2 (A) DESIGN A WATER WITHDRAWAL ASSESSMENT TOOL THAT CAN BE
3 UTILIZED TO PROTECT AND CONSERVE THE WATERS OF THE STATE AND THE
4 WATER-DEPENDENT NATURAL RESOURCES OF THE STATE. THE WATER
5 WITHDRAWAL ASSESSMENT TOOL SHALL BE DESIGNED TO BE USED BY A PERSON
6 PROPOSING A NEW OR INCREASED LARGE QUANTITY WITHDRAWAL TO ASSIST IN
7 DETERMINING WHETHER THE PROPOSED WITHDRAWAL MAY CAUSE AN ADVERSE
8 IMPACT TO THE WATERS OF THE STATE OR TO THE WATER-DEPENDENT NATURAL
9 RESOURCES OF THE STATE.

10 (B) MAKE FACTUALLY BASED RECOMMENDATIONS FOR THE POLICY-BASED
11 PARAMETERS AND VARIABLES OF THE WATER WITHDRAWAL ASSESSMENT TOOL.

12 (C) RECOMMEND AN APPROPRIATE TIMETABLE FOR PERIODIC UPDATES OR
13 CHANGES TO THE WATER WITHDRAWAL ASSESSMENT TOOL OR TO THE WATER
14 WITHDRAWAL ASSESSMENT TOOL'S PARAMETERS OR VARIABLES.

15 (6) ~~—(3) Within 2 1/2 years after the effective date of the~~
16 ~~amendatory act that added this section, the~~ THE council shall
17 submit ~~a report~~ THE FOLLOWING REPORTS, approved by a majority of
18 the voting members of the council, ~~on its findings and~~
19 ~~recommendations under subsection (2)~~ to the senate majority
20 leader, the speaker of the house of representatives, and the
21 standing committees of the legislature with jurisdiction primarily
22 related to natural resources and the environment: —

23 ~~——(4) Effective 6 months after the council submits its findings~~
24 ~~and recommendations under subsection (3), the council is disbanded.~~

25 (A) NOT LATER THAN FEBRUARY 8, 2006, A REPORT ON THE COUNCIL'S
26 FINDINGS AND RECOMMENDATIONS UNDER SUBSECTION (4) AS OF THAT DATE.

27 (B) NOT LATER THAN JULY 1, 2007, THE COUNCIL'S FINDINGS AND

1 RECOMMENDATIONS UNDER SUBSECTION (4) THAT HAVE NOT PREVIOUSLY BEEN
2 REPORTED AND THE COUNCIL'S FINDINGS AND RECOMMENDATIONS UNDER
3 SUBSECTION (5).

4 (7) THE LEGISLATURE SHALL PROVIDE FOR THE ADOPTION OF A WATER
5 WITHDRAWAL ASSESSMENT TOOL INCLUDING THE ASSESSMENT TOOL'S
6 CONCEPTUAL FRAMEWORK, THE POLICY-BASED PARAMETERS OR VARIABLES OF
7 THE ASSESSMENT TOOL, THE TIMETABLE FOR UPDATING THE ASSESSMENT TOOL
8 AND ITS DATA, AND THE DETAILS FOR USE OF THE ASSESSMENT TOOL.

9 (8) AS USED IN THIS SECTION, "LARGE QUANTITY WITHDRAWAL" MEANS
10 THAT TERM AS IT IS DEFINED IN SECTION 32701.

11 Enacting section 1. This amendatory act does not take effect
12 unless all of the following bills of the 93rd Legislature are
13 enacted into law:

- 14 (a) Senate Bill No. 850.
- 15 (b) Senate Bill No. 852.
- 16 (c) Senate Bill No. 854.
- 17 (d) Senate Bill No. 857.