

HOUSE BILL No. 4023

January 27, 2005, Introduced by Rep. Stewart and referred to the Committee on Natural Resources, Great Lakes, Land Use and Environment.

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:

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PART 312 WATERSHED ALLIANCES

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SEC. 31201. AS USED IN THIS PART:

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(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.

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(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

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1 ALLIANCE.

2 (C) "WATERSHED" MEANS A GEOGRAPHIC AREA IN THE STATE WITHIN
3 WHICH SURFACE WATER DRAINS INTO A COMMON RIVER, STREAM, OR BODY OF
4 WATER.

5 (D) "WATERSHED ALLIANCE" MEANS AN ORGANIZATION ESTABLISHED
6 UNDER SECTION 31202.

7 (E) "WATERSHED MANAGEMENT PLAN" MEANS A WRITTEN DOCUMENT
8 PREPARED AND APPROVED BY A WATERSHED ALLIANCE THAT IDENTIFIES WATER
9 MANAGEMENT ISSUES AND PROBLEMS, PROPOSES GOALS AND OBJECTIVES, AND
10 OUTLINES ACTIONS TO ACHIEVE THE GOALS AND OBJECTIVES IDENTIFIED BY
11 MEMBERS OF A WATERSHED ALLIANCE.

12 SEC. 31202. (1) TWO OR MORE MUNICIPALITIES, BY RESOLUTION OF
13 THEIR RESPECTIVE GOVERNING BODIES, MAY ESTABLISH A WATERSHED
14 ALLIANCE FOR THE PURPOSE OF STUDYING PROBLEMS AND PLANNING AND
15 IMPLEMENTING ACTIVITIES DESIGNED TO ADDRESS SURFACE WATER QUALITY
16 OR WATER FLOW ISSUES OF MUTUAL CONCERN IN A WATERSHED, INCLUDING 1
17 OR MORE OF THE FOLLOWING:

18 (A) PREPARATION OF WATERSHED MANAGEMENT PLANS AND OTHER
19 REQUIRED DOCUMENTS AS PART OF STATE OR FEDERAL REQUIREMENTS TO
20 OBTAIN WATER DISCHARGE PERMITS OR GRANT FUNDING.

21 (B) MONITORING, SAMPLING, AND ANALYSES OF DATA NECESSARY TO
22 MANAGE THE WATERSHED, INCLUDING, BUT NOT LIMITED TO, SURFACE WATER
23 QUALITY, WATER QUANTITY AND FLOWS, ECOSYSTEM HEALTH, RECREATIONAL
24 USE, AND THE PUBLICATION OF RESULTS.

25 (C) CONDUCTING PUBLIC SURVEYS, PREPARING AND DISTRIBUTING
26 INFORMATIONAL AND EDUCATIONAL MATERIALS, AND ORGANIZING ACTIVITIES
27 INVOLVING THE PUBLIC.

1 (D) DESIGNING AND IMPLEMENTING PROJECTS AND CONDUCTING
2 ACTIVITIES TO PROTECT OR ENHANCE WATER QUALITY AND RELATED
3 BENEFICIAL USES, OR MANAGE FLOWS TO PROTECT OR REDUCE DAMAGE TO
4 RIPARIAN PROPERTY AND AQUATIC HABITAT.

5 (E) DESIGNING AND IMPLEMENTING OTHER ACTIONS CONSISTENT WITH
6 WATERSHED MANAGEMENT PLANS ADOPTED BY A WATERSHED ALLIANCE, OR
7 REQUIRED TO PROTECT PUBLIC HEALTH, AND MAINTAIN AND RESTORE
8 BENEFICIAL PUBLIC USES OF THE SURFACE WATER RESOURCES OF THE
9 WATERSHED.

10 (2) A RESOLUTION UNDER SUBSECTION (1) ESTABLISHING A WATERSHED
11 ALLIANCE SHALL INCLUDE BYLAWS THAT IDENTIFY, AT A MINIMUM, ALL OF
12 THE FOLLOWING:

13 (A) THE STRUCTURE OF THE ORGANIZATION AND DECISION-MAKING
14 PROCESS.

15 (B) THE GEOGRAPHIC BOUNDARIES OF THE WATERSHED.

16 (C) THE MUNICIPALITIES, COUNTIES, COUNTY AGENCIES, PUBLIC
17 SCHOOL DISTRICTS, AND OTHER LOCAL OR REGIONAL PUBLIC AGENCIES
18 ELIGIBLE FOR MEMBERSHIP IN THE WATERSHED ALLIANCE AS PROVIDED UNDER
19 SUBSECTION (3).

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

21 (E) A MECHANISM TO BE USED FOR ADOPTION OF AN ANNUAL BUDGET TO
22 SUPPORT PROJECTS AND ACTIVITIES.

23 (3) A WATERSHED ALLIANCE SHALL PROVIDE AN EQUITABLE BASIS FOR
24 ALL MUNICIPALITIES, COUNTIES, AND COUNTY AGENCIES WITHIN THE
25 GEOGRAPHIC BOUNDARIES OF THE WATERSHED TO VOLUNTARILY JOIN AS
26 MEMBERS. IN ADDITION, AT ITS DISCRETION, THE WATERSHED ALLIANCE MAY
27 AUTHORIZE THE VOLUNTARY MEMBERSHIP OF ANY LOCAL PUBLIC SCHOOL

DISTRICT, PUBLIC COLLEGE OR UNIVERSITY, OR ANY OTHER LOCAL OR REGIONAL PUBLIC AGENCY THAT HAS WATER MANAGEMENT RESPONSIBILITIES. FOLLOWING ESTABLISHMENT OF A WATERSHED ALLIANCE UNDER SUBSECTION (1), BY RESOLUTION OF ITS GOVERNING BODY, A MUNICIPALITY, COUNTY, COUNTY AGENCY, PUBLIC SCHOOL DISTRICT, PUBLIC COLLEGE OR UNIVERSITY, OR OTHER LOCAL OR REGIONAL PUBLIC AGENCY ESTABLISHED UNDER STATE LAW WITH SURFACE WATER MANAGEMENT RESPONSIBILITY MAY VOLUNTARILY JOIN A WATERSHED ALLIANCE AS PROVIDED FOR IN THIS SUBSECTION.

SEC. 31203. A WATERSHED ALLIANCE IS A BODY CORPORATE WITH POWER TO SUE AND BE SUED IN ANY COURT OF THIS STATE AND WITH THE AUTHORITY TO CARRY OUT ITS RESPONSIBILITIES UNDER THIS PART AND AS OTHERWISE PROVIDED BY LAW.

SEC. 31204. (1) A WATERSHED ALLIANCE, CONSISTENT WITH THE PURPOSES IDENTIFIED IN SECTION 31202 AND ITS BYLAWS, MAY DO 1 OR MORE OF THE FOLLOWING:

(A) EMPLOY PERSONNEL TO COORDINATE AND IMPLEMENT ACTIONS.

(B) ENTER INTO AGREEMENTS OR CONTRACTS WITH PUBLIC OR PRIVATE ENTITIES TO COORDINATE OR IMPLEMENT ACTIONS.

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

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

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

(F) REPRESENT MEMBERS OF THE WATERSHED ALLIANCE BEFORE OTHER BODIES CONSIDERING ISSUES AFFECTING WATER QUALITY OR FLOW

1 MANAGEMENT ISSUES WITHIN THE DESIGNATED WATERSHED, INCLUDING
2 OBTAINING LOCAL, STATE, OR FEDERAL PERMITS OR AUTHORIZATIONS THAT
3 MAY BE REQUIRED TO CARRY OUT ACTIVITIES AS MAY BE AUTHORIZED BY ITS
4 MEMBERS.

5 (2) A WATERSHED ALLIANCE SHALL PREPARE AND DELIVER TO ITS
6 MEMBERS ON OR BEFORE APRIL 1 OF EACH YEAR A REPORT DETAILING THE
7 REVENUE RECEIVED AND EXPENDITURES BY THE WATERSHED ALLIANCE DURING
8 THE IMMEDIATELY PRIOR JANUARY 1 THROUGH DECEMBER 31 PERIOD.

9 (3) A WATERSHED ALLIANCE DOES NOT HAVE INDEPENDENT AUTHORITY
10 TO ASSESS OR COLLECT ANY FEES OR TAXES DIRECTLY FROM INDIVIDUALS OR
11 PROPERTY OWNERS. A WATERSHED ALLIANCE MEMBER MAY ALLOCATE THE USE
12 OF PUBLIC FUNDS FROM FEES, TAXES, OR ASSESSMENTS GENERATED UNDER
13 THE PROVISIONS OF OTHER STATE LAWS FOR USE BY A WATERSHED ALLIANCE.

14 SEC. 31205. (1) A WATERSHED ALLIANCE SHALL OBTAIN AN AUDIT OF
15 ITS FINANCIAL RECORDS, ACCOUNTS, AND PROCEDURES AT LEAST EVERY
16 OTHER YEAR.

17 (2) A WATERSHED ALLIANCE SHALL SUBMIT THE RESULTS OF AN AUDIT
18 UNDER SUBSECTION (1) TO THE GOVERNING BODIES OF ITS MEMBERS AND TO
19 THE STATE TREASURER.

20 (3) AN AUDIT UNDER SUBSECTION (1) SHALL SATISFY ALL AUDIT
21 REQUIREMENTS SET UNDER THE UNIFORM BUDGETING AND ACCOUNTING ACT,
22 1968 PA 2, MCL 141.421 TO 141.440A.