

SENATE BILL No. 851

October 27, 2005, Introduced by Senators PATTERSON, BIRKHOLZ, SIKKEMA, VAN WOERKOM, GILBERT, BROWN, ALLEN, GEORGE 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,"
by amending section 32803 (MCL 324.32803), s 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

1 representatives representing well drilling contractors, local units
2 of government, and agricultural interests.

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

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

10 (E) TO ASSIST THE COUNCIL IN CARRYING OUT ITS RESPONSIBILITIES
11 UNDER SUBSECTION (6), IN ADDITION TO THE MEMBERS OF THE COUNCIL WHO
12 ARE SERVING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
13 THIS SUBDIVISION, THE FOLLOWING MEMBERS SHALL BE APPOINTED TO THE
14 COUNCIL WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
15 ACT THAT ADDED THIS SUBDIVISION:

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

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

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

24 (2) THE COUNCIL MAY CONTINUE TO CARRY OUT ITS RESPONSIBILITIES
25 UNDER THIS PART IN THE ABSENCE OF THE ADDITIONAL MEMBERS OF THE
26 COUNCIL APPOINTED UNDER SUBSECTION (1) (E).

27 (3) THE COUNCIL SHALL APPOINT A TECHNICAL ADVISORY COMMITTEE

1 OF INDIVIDUALS WITH SPECIFIC TECHNICAL AND LEGAL EXPERTISE RELEVANT
2 TO THE COUNCIL'S RESPONSIBILITIES.

3 (4) ~~—(2)—~~ The council shall do all of the following:

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

7 (b) Monitor Annex 2001 implementation efforts and make
8 recommendations on Michigan's statutory conformance with Annex
9 2001, including whether groundwater withdrawals should be subject
10 to best management practices or certification requirements and
11 whether groundwater withdrawals impact water-dependent natural
12 features.

13 (c) Study the implementation of and the results from the
14 groundwater dispute resolution program created in part 317.

15 (5) ~~—(3) Within 2 1/2 years after the effective date of the~~
16 ~~amendatory act that added this section—~~ **NOT LATER THAN FEBRUARY 8,**
17 **2006,** the council shall submit a report, approved by a majority of
18 the voting members of the council, on its findings and
19 recommendations under subsection ~~—(2)—~~ (4) 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 (6) **THE COUNCIL SHALL DESIGN A WATER WITHDRAWAL ASSESSMENT**
26 **TOOL THAT CAN BE UTILIZED TO PROTECT AND CONSERVE THE WATERS OF THE**
27 **STATE AND THE WATER-DEPENDENT NATURAL RESOURCES OF THE STATE. THE**

1 WATER WITHDRAWAL ASSESSMENT TOOL SHALL BE DESIGNED TO BE USED BY A
2 PERSON PROPOSING A NEW OR INCREASED LARGE QUANTITY WITHDRAWAL TO
3 ASSIST IN DETERMINING WHETHER THE PROPOSED WITHDRAWAL MAY CAUSE AN
4 ADVERSE IMPACT TO THE WATERS OF THE STATE OR TO THE WATER-DEPENDENT
5 NATURAL RESOURCES OF THE STATE. THE COUNCIL, IN CONSULTATION WITH
6 THE TECHNICAL ADVISORY COMMITTEE APPOINTED UNDER SUBSECTION (3),
7 SHALL MAKE A FACTUALLY BASED DETERMINATION OF THE PARAMETERS AND
8 VARIABLES OF THE WATER WITHDRAWAL ASSESSMENT TOOL THAT REQUIRE A
9 POLICY OR OTHER RISK-BASED JUDGMENT DECISION IN ORDER TO DEVELOP
10 THE WATER WITHDRAWAL ASSESSMENT TOOL. THE COUNCIL SHALL ALSO
11 DETERMINE AN APPROPRIATE TIMETABLE FOR PERIODIC UPDATES OR CHANGES
12 TO THE WATER WITHDRAWAL ASSESSMENT TOOL OR THE WATER WITHDRAWAL
13 ASSESSMENT TOOL'S PARAMETERS OR VARIABLES. NOT LATER THAN JULY 1,
14 2007, THE COUNCIL SHALL SUBMIT TO THE LEGISLATURE FOR REVIEW AND
15 APPROVAL SPECIFIC RECOMMENDATIONS ON THE COUNCIL'S DETERMINATIONS
16 UNDER THIS SUBSECTION.

17 (7) AS USED IN THIS SECTION, "LARGE QUANTITY WITHDRAWAL" MEANS
18 THAT TERM AS IT IS DEFINED IN SECTION 32701.

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

22 (a) Senate Bill No. 850.

23
24 (b) Senate Bill No. 852.