

Act No. 34
Public Acts of 2006
Approved by the Governor
February 22, 2006
Filed with the Secretary of State
February 28, 2006
EFFECTIVE DATE: February 28, 2006

STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006

Introduced by Senators Patterson, Birkholz, Sikkema, Van Woerkom, Gilbert, Brown, Allen, George and Garcia

ENROLLED SENATE BILL No. 851

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 32803 (MCL 324.32803), as added by 2003 PA 148.

The People of the State of Michigan enact:

Sec. 32803. (1) The groundwater conservation advisory council is created within the department of natural resources. The council shall consist of all of the following members:

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

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

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

(d) Three individuals representing the department, the department of agriculture, and the department of natural resources.

(e) To assist the council in carrying out the responsibilities assigned to the council by subsection (4)(b), (e), and (f), in addition to the members of the council who are serving on the effective date of the amendatory act that added this

subdivision, the following members shall be appointed to the council within 30 days after the effective date of the amendatory act that added this subdivision:

- (i) One individual appointed by the senate majority leader representing a statewide agricultural organization.
- (ii) One individual appointed by the speaker of the house of representatives who is a registered well driller with knowledge and expertise in hydrogeology.
- (iii) Two individuals appointed by the governor representing municipal water suppliers and a statewide conservation organization.

(2) Members of the council appointed under subsection (1)(e) shall not take office earlier than February 15, 2006. The council may continue to carry out its responsibilities under this part in the absence of the additional members of the council appointed under subsection (1)(e).

(3) The council shall appoint a technical advisory committee of individuals with specific technical and legal expertise relevant to the council's responsibilities.

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

- (a) Study the sustainability of the state's groundwater use.
- (b) Develop criteria and indicators to evaluate the sustainability of the state's groundwater use.
- (c) Monitor Annex 2001 implementation efforts and make recommendations on Michigan's statutory conformance with Annex 2001, including whether groundwater withdrawals should be subject to best management practices or certification requirements and whether groundwater withdrawals impact water-dependent natural features.
- (d) Study the implementation of and the results from the groundwater dispute resolution program created in part 317.
- (e) Design and make recommendations regarding a water withdrawal assessment tool as provided for in subsection (5).
- (f) Study and make recommendations as to whether the state should consider as part of its groundwater conservation programs proposals to mitigate adverse impacts to the waters of the state or to the water-dependent natural resources of the state that may result from groundwater withdrawals.

(5) The council, in consultation with the department, the department of natural resources, the department of agriculture, and the technical advisory committee appointed under subsection (3), shall do all of the following:

(a) Design a water withdrawal assessment tool that can be utilized to protect and conserve the waters of the state and the water-dependent natural resources of the state. The water withdrawal assessment tool shall be designed to be used by a person proposing a new or increased large quantity withdrawal to assist in determining whether the proposed withdrawal may cause an adverse impact to the waters of the state or to the water-dependent natural resources of the state.

(b) Make factually based recommendations for the policy-based parameters and variables of the water withdrawal assessment tool.

(c) Recommend an appropriate timetable for periodic updates or changes to the water withdrawal assessment tool or to the water withdrawal assessment tool's parameters or variables.

(6) The council shall submit the following reports, approved by a majority of the voting members of the council, to the senate majority leader, the speaker of the house of representatives, and the standing committees of the legislature with jurisdiction primarily related to natural resources and the environment:

(a) Not later than February 8, 2006, a report on the council's findings and recommendations under subsection (4) as of that date.

(b) Not later than July 1, 2007, the council's findings and recommendations under subsection (4) that have not previously been reported and the council's findings and recommendations under subsection (5).

(7) The legislature shall provide for the adoption of a water withdrawal assessment tool including the assessment tool's conceptual framework, the policy-based parameters or variables of the assessment tool, the timetable for updating the assessment tool and its data, and the details for use of the assessment tool.

(8) As used in this section, "large quantity withdrawal" means that term as it is defined in section 32701.

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

- (a) Senate Bill No. 850.
- (b) Senate Bill No. 852.
- (c) Senate Bill No. 854.
- (d) Senate Bill No. 857.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Sam E. Randall

Clerk of the House of Representatives

Approved _____

Governor