

Legislative Analysis



WATER RESOURCES ADVISORY COUNCIL

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Senate Bill 723 (Substitute S-2)

Sponsor: Sen. Liz Brater

House Committee: Great Lakes and the Environment

Senate Committee: Natural Resources and Environmental Affairs

Complete to 6-18-08

A SUMMARY OF SENATE BILL 723 AS PASSED BY THE SENATE 5-14-08

As passed by the Senate, the bill would reestablish the Groundwater Conservation Advisory Council within the Department of Natural Resources (DNR), rename it the "Water Resources Conservation Advisory Council," expand its membership, and specify its duties. The bill as passed by the Senate is similar, but not identical, to House Bill 5073 (Rep. Kathleen Law), as passed by the House on May 21, 2008.

Membership. The bill would expand the membership of the advisory council and authorize the Governor, Speaker of the House, Senate Majority Leader, and the DEQ Director to appoint members representing specified interests to serve on the council along with representatives of the DEQ, the DNR, the Department of Agriculture, and the Attorney General. The person making appointments would have to give consideration to individuals previously serving on the council and make appointments within 90 days of the bill's effective date. The council would appoint a technical advisory committee.

Senate Majority Leader (four appointees representing the following interests)

1. Business and manufacturing interests
2. Public utilities
3. A statewide angler association
4. A statewide agricultural organization

Speaker of the House (four appointees representing the following interests):

1. Registered well drilling contractors with hydrology experience
2. Local units of government
3. Agricultural interests
4. Limnology (the division of hydrology that studies inland waters)

Governor (five appointees representing the following interests):

1. Municipal water suppliers
2. A statewide conservation organization
3. A statewide riparian landowners association
4. A statewide tourism organization

5. Indian tribes

DEQ director (four appointees representing):

1. Nonagricultural irrigators
2. Aggregate industry (e.g., sand, stone, and gravel)
3. Environmental organizations
4. General public

Departmental representatives (four representatives):

1. Department of Environmental Quality
2. Department of Agriculture
3. Department of Natural Resources
4. Attorney General

Duties. The advisory council would have to study specific issues and submit a number of reports to relevant legislative standing committees, the Speaker, Senate Majority Leader, and, in most cases, the director of the DEQ, including the following:

- Within six months of the bill's effective date, study and report on updating the water withdrawal assessment tool to reconcile differences between the baseline capacity and actual withdrawal amounts.
- When the DEQ makes the water withdrawal assessment tool available for testing, conduct testing and evaluate its operation and accuracy.
- Within nine months of the bill's effective date, submit a report containing the results of the testing and any recommendations to improve the tool's operation.
- Study and make recommendations regarding the development and refinement of the tool.
- Study and make recommendations on possible modifications to the definition of adverse resource impact to more specifically address potential impacts of large quantity water withdrawals on the Great Lakes, inland lakes, and other aquatic systems.
- Make recommendations on reconciling conflicts in state law related to the use of waters of the state.
- Make recommendations on the development and implementation of the state's water conservation and efficiency program under Section 4.2 of the Great Lakes Water Compact.
- Develop a framework for evaluating measures to prevent adverse resource impacts.
- Make recommendations regarding educational materials in consultation with academic institutions and other nonprofit organizations.
- At least three years after the bill's effective date, submit a report with recommendations on how the water withdrawal assessment process under Part 327 could be improved to more accurately assess adverse resource impacts. The report would have to contain specific recommendations on the use of the

assessment tool, the site specific review process, the permitting process, and other possible improvements.

- By February 8, 2009, a progress report on specified topics.
- By August 8, 2009, the Council's final report on specified topics.

Tie bars. The bill is tie-barred to the following other bills:

Senate Bill 212 (Compact ratification and effect on Michigan law)

Senate Bill 727 (Water withdrawals by bottled water producers)

Senate Bill 858 (Waterworks systems)

Senate Bill 859 (Court enforcement and penalties)

Senate Bill 860 (Regulation of water withdrawals, adverse resource impact standard)

FISCAL IMPACT:

A fiscal analysis is in process.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.