

HOUSE BILL No. 5070

July 25, 2007, Introduced by Reps. Sak, LeBlanc, Vagnozzi, Wojno, Bieda, Alma Smith, Byrnes, Accavitti, Kathleen Law, Polidori, Constan, Robert Jones, Clack, Bauer, Angerer, Clemente, Simpson, Donigan, Valentine, Warren, Meadows, McDowell, Miller, Young, Melton, Hammel, Espinoza, Brown, Lemmons, Meisner, Sheltroun, Hammon, Tobocman, Corriveau, Farrah, Cushingberry, Jackson, Johnson, Coulouris, Brandenburg and Dean and referred to the Committee on Great Lakes and Environment.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32725 and 32726 (MCL 324.32725 and 324.32726), section 32725 as added by 2006 PA 36 and section 32726 as added by 2006 PA 33; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32725. (1) All persons making large quantity withdrawals
 2 within a watershed are encouraged to establish a water users
 3 committee to evaluate the status of current water resources, water
 4 use, and trends in water use within the watershed and to assist in
 5 long-term water resources planning. A water users committee may be
 6 composed of all **OF THE** registrants, water withdrawal permit
 7 holders, ~~and~~ local government officials, **RIPARIAN OWNERS, AND OTHER**
 8 **INTERESTED PARTIES**, within the watershed. **MEETINGS OF A WATER USERS**

1 COMMITTEE SHALL BE SUBJECT TO THE OPEN MEETINGS ACT, 1976 PA 267,
2 MCL 15.261 TO 15.275.

3 (2) If the department determines by reasonable scientifically-
4 based evidence that adverse resource impacts are occurring or are
5 likely to occur from 1 or more large quantity withdrawals, the
6 department shall notify the water users committee in the watershed
7 or shall convene a meeting of all ~~registrants and water withdrawal~~
8 ~~permit holders~~ **INTERESTED PERSONS** within the watershed and shall
9 attempt to facilitate an agreement on voluntary measures that would
10 prevent adverse resource impacts.

11 (3) If, within 30 days after the department has notified the
12 water users committee or convened the meeting under subsection (2),
13 ~~the registrants and water withdrawal permit holders are not able to~~
14 ~~voluntarily agree~~ **THERE IS NOT A VOLUNTARILY AGREEMENT** to measures
15 that would prevent adverse resource impacts, the department may
16 propose a solution that the department believes would equitably
17 resolve the situation and prevent adverse resource impacts. The
18 recommended solution is not binding on any of the parties.

19 (4) The director may, without a prior hearing, order a person
20 holding a water withdrawal permit to immediately restrict a
21 withdrawal if the director determines by clear and convincing
22 scientific evidence that there is a substantial and imminent threat
23 that the withdrawal is causing or is likely to cause an adverse
24 resource impact. The order shall specify the date on which the
25 withdrawal must be restricted and the date on which it may be
26 resumed. An order issued under this section shall remain in force
27 and effect for not more than 30 days and may be renewed for an

1 additional 30 days if the director determines by clear and
2 convincing scientific evidence that conditions continue to pose a
3 substantial and imminent threat that the withdrawal is causing or
4 is likely to cause an adverse resource impact. The order shall
5 notify the person that the person may request a contested case
6 hearing under the administrative procedures act of 1969, 1969 PA
7 306, MCL 24.201 to 24.328. The hearing shall be held within 10
8 business days following the request, unless the permittee requests
9 a later date. As an alternative to requesting a contested case
10 hearing, a person subject to an order under this section may seek
11 judicial review of the order as provided in the revised judicature
12 act of 1961, 1961 PA 236, MCL 600.101 to 600.9947.

13 (5) ~~A registrant or water withdrawal permit holder~~ **AN**
14 **INTERESTED PERSON** may submit a petition to the director alleging
15 that adverse resource impacts are occurring or are likely to occur
16 from 1 or more water withdrawals. The director shall either
17 investigate the petition or forward the petition to the director of
18 the department of agriculture if the water withdrawals are from an
19 agricultural well. The petition shall be in writing and shall
20 include all the information requested by the director or the
21 director of the department of agriculture, as appropriate.

22 ~~—— (6) A person who submits more than 2 unverified petitions~~
23 ~~under this section within 1 year may be ordered by the director to~~
24 ~~pay for the full costs of investigating any third or subsequent~~
25 ~~unverified petition. As used in this subsection, "unverified~~
26 ~~petition" means a petition in response to which the director~~
27 ~~determines that there is not reasonable evidence to suspect adverse~~

1 ~~resource impacts.~~

2 Sec. 32726. ~~Except as authorized~~ **IN ADDITION TO AUTHORIZATION**
 3 **PROVIDED** by the public health code, 1978 PA 368, MCL 333.1101 to
 4 333.25211, a local unit of government ~~shall not~~ **MAY** enact or
 5 enforce an ordinance that regulates a large quantity withdrawal **IF**
 6 **THE REGULATION IS CONSISTENT WITH A LONG-TERM PLAN DESIGNED TO**
 7 **ASSURE WATER AVAILABILITY.** This section is not intended to diminish
 8 or create any existing authority of municipalities to require
 9 persons to connect to municipal water supply systems as authorized
 10 by law.

11 Enacting section 1. Section 32803 of the natural resources and
 12 environmental protection act, 1994 PA 451, MCL 324.32803, is
 13 repealed.

14 Enacting section 2. This amendatory act does not take effect
 15 unless all of the following bills of the 94th Legislature are
 16 enacted into law:

17 (a) Senate Bill No. ____ or House Bill No. 5073 (request no.
 18 00453'07 *).

19 (b) Senate Bill No. ____ or House Bill No. 5065 (request no.
 20 02361'07).

21 (c) Senate Bill No. ____ or House Bill No. 5066 (request no.
 22 02362'07).

23 (d) Senate Bill No. ____ or House Bill No. 5067 (request no.
 24 02363'07).

25 (e) Senate Bill No. ____ or House Bill No. 5068 (request no.
 26 02364'07).

27 (f) Senate Bill No. ____ or House Bill No. 5069 (request no.

1 02365'07).

2 (g) Senate Bill No. _____ or House Bill No. 5071 (request no.
3 02367'07).

4 (h) Senate Bill No. _____ or House Bill No. 5072 (request no.
5 02368'07).