

Legislative Analysis



WATER QUALITY ALLIANCES

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House Bill 4133

Sponsor: Rep. Kurt Heise

Committee: Natural Resources, Tourism, and Outdoor Recreation

Complete to 3-14-11

A SUMMARY OF HOUSE BILL 4133 AS INTRODUCED 1-25-11

The bill would allow two or more municipalities to create a water quality alliance to monitor water quality and to act to address water quality or the impairments of beneficial uses of that are of mutual concern to the participating jurisdictions. The bill would create a new Part 32 of the Natural Resources and Environmental Protection Act at MCL 324.3201.

(The bill does not define the term "municipality" but the generic definition in Section 301 of NREPA, refers to cities, townships, and villages.)

Activities of an Alliance

Among other things, a water quality alliance could:

- Monitor, sample, and analyze data to identify contamination and contamination threats within the water bodies and protect water quality.
- Conduct public surveys, prepare and distribute informational and educational materials, and organize activities involving the public.
- Design and implement projects and conduct activities to protect or enhance water quality.
- Design and implement other actions to protect public health and to maintain and restore beneficial uses of the surface water resources within the alliance's jurisdiction.

The bill would not provide an alliance or any of its members with additional authority not otherwise provided by law.

Establishing an Alliance

A water quality alliance would be established by resolution of the participating municipalities. The resolution would have to include bylaws identifying the structure of the organization and the decision making process; the water bodies and/or water intakes within the alliance's jurisdiction; the municipalities, counties, county agencies, public school districts, and other public agencies eligible for membership, including municipalities operating water intakes supporting connected water treatment facilities; the basis of assessing costs to members; and the mechanism to be used to adopt an annual

budget. The alliance would be required to provide an "equitable basis" for members to join voluntarily and could authorize the voluntary membership of any local public school district, public college or university, or any other local or regional public agency. Once an alliance was established, an eligible public entity could join by resolution of its governing body.

Alliance as an Organization

A water quality alliance would be a body corporate with power to sue and be sued in any court in the state and with the authority to carry out its responsibilities under the bill and as otherwise provided by law. Consistent with its purposes and bylaws, an alliance could employ personnel; enter into agreements and contracts; assess and collect membership fees with approval of the governing bodies of its members; solicit grants, gifts, and contributions from public and private sources; expend funds; and represent members of the alliance before other bodies, including obtaining local, state, or federal permits or authorizations required to carry out its activities, as authorized by members.

An alliance would have to prepare and deliver to its members an annual report detailing the revenue received and expenditures made. The report would cover the calendar year and be due April 1 each year.

An alliance would not have independent authority to collect fees or taxes directly from individuals or property owners. A member could allocate public funds from fees, taxes, or assessments for use by an alliance.

Audit

A water quality alliance would have to obtain an audit of its financial records, accounts, and procedures at least every other year and submit the results to the state treasurer and to the governing bodies of the members. The audit would have to satisfy all requirements under the Uniform Budget and Accounting Act.

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.