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BILL ANALYSIS



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Senate Bill 1432 (as enrolled)
Sponsor: Senator Bruce Patterson
Senate Committee: Natural Resources and Environmental Affairs
House Committee: Land Use and Environment

PUBLIC ACT 517 of 2004

Date Completed: 1-7-05

CONTENT

The bill added Part 312 (Watershed Alliances) to the Natural Resources and Environmental Protection Act to allow two or more municipalities to establish a watershed alliance for the purpose of studying problems and planning and implementing activities designed to address surface water quality or water flow issues of mutual concern within the portion of a watershed located within their boundaries. (The bill defines "watershed" as a geographic area in the State within which surface water drains into a common river, stream, or body of water.)

The activities of a watershed alliance may include any of the following:

- Preparing watershed management plans and other required documents as part of State or Federal requirements to obtain water discharge permits or grant funding.
- Monitoring, sampling, and analyzing data necessary to manage the watershed, including surface water quality, water quality and flows, ecosystem health, recreational use, and the publication of results.
- Conducting public surveys, preparing and distributing informational and educational materials, and organizing activities involving the public.
- Designing and implementing projects and conducting activities to protect or enhance water quality and related beneficial uses, or manage flows to protect or reduce damage to riparian property and aquatic habitat.

The activities also may include designing and implementing other actions consistent with watershed management plans adopted by the alliance, or required to protect public health, and maintain and restore beneficial public uses of the surface water resources of the watershed.

The municipalities establishing a watershed alliance may do so by resolution of their respective governing bodies. The resolution must include bylaws that identify the municipalities, counties, county agencies, public school districts, and other local or regional public agencies eligible for membership in the alliance (as provided below). The bylaws also must identify the following:

- The structure of the organization and decision-making process.
- The geographic boundaries of the watershed.
- The basis for assessing costs to members.
- A mechanism for adoption of an annual budget to support projects and activities.

A watershed alliance must provide an equitable basis for all municipalities, counties, and county agencies within the geographic boundaries of the watershed to join voluntarily as members. At its discretion, the watershed alliance also may authorize the voluntary membership of any local public school district, public college or university, or any other local or regional public agency that has water management responsibilities. After the watershed alliance is established, by resolution of its governing

body, a municipality, county, county agency, public school district, public college or university, or other local or regional public agency established under State law with surface water management responsibility, may voluntarily join the alliance.

A watershed alliance may assess and collect fees from members with the approval of their governing bodies, and enter into agreements with public or private entities to coordinate or implement actions. An alliance also may represent members before other bodies considering issues affecting water quality or flow management issues within the watershed, which may include obtaining local, State, or Federal permits or authorizations required to carry out activities authorized by the members.

A watershed alliance will have no independent authority to assess or collect any fees or taxes directly from individuals or property owners. An alliance may allocate the use of public funds from fees, taxes, or assessments generated under the provisions of other State laws for use by the alliance.

A watershed alliance must prepare and deliver to its members by April 1 of each year a report detailing the revenue received and expenditures by the alliance during the prior calendar year.

At least every other year, a watershed alliance must obtain an audit of its financial records, accounts, and procedures, and submit the results to the governing bodies of its members and to the State Treasurer. The audit must satisfy all audit requirements set forth under the Uniform Budgeting and Accounting Act.

The bill states that Part 312 does not provide a watershed alliance or any of its members with any additional authority not otherwise provided by law.

MCL 324.31201-324.31206

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill will have no impact on State revenue. The impact on local revenue and/or expenditures will likely be minimal. To the extent that the alliances provided for in the bill allow greater economies-of-scale

to be achieved, the bill will lower expenditures for local units. However, to the extent that alliances address issues that have previously not been addressed and/or allow the pursuit of more effective, but more costly, solutions to watershed issues, the bill may increase local unit expenditures.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.