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BILL ANALYSIS



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Senate Bill 1432 (as introduced 9-28-04)
Sponsor: Senator Bruce Patterson
Committee: Natural Resources and Environmental Affairs

Date Completed: 9-28-04

CONTENT

The bill would add 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. ("Watershed" would mean 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 could 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 could 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 could do so by resolution of their respective governing bodies. The resolution would have to include bylaws that identified 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 would have to 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 would have to 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 could authorize the voluntary membership of any local public school district, public college or university, or any other local or regional public agency that had water management responsibilities. After the watershed alliance was 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, could voluntarily join the alliance.

A watershed alliance could 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 could represent members before other bodies considering issues affecting water quality or flow management issues within the watershed, which could include obtaining local, State, or Federal permits or authorizations required to carry out activities authorized by the members.

A watershed alliance would have no independent authority to assess or collect any fees or taxes directly from individuals or property owners. An alliance could 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 would have to 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 would have to obtain an audit of its financial records, accounts, and procedures. It would have to submit the results to the governing bodies of its members and to the State Treasurer. The audit would have to satisfy all audit requirements set forth under the Uniform Budgeting and Accounting Act.

Proposed MCL 324.31201-324.31205

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no impact on State revenue. The impact on local revenue and/or expenditures would likely be minimal. To the extent that the alliances provided for in the bill allowed greater economies-of-scale to be achieved, the bill would lower expenditures for local units. However, to the extent that alliances addressed issues that had previously not been addressed and/or allowed the pursuit of more effective, but more costly, solutions to watershed issues, the bill could increase local unit expenditures.

Fiscal Analyst: David Zin

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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.