

HOUSE BILL No. 4133

January 25, 2011, Introduced by Rep. Heise and referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 32.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 32 WATER QUALITY ALLIANCES

SEC. 3201. AS USED IN THIS PART:

(A) "COUNTY AGENCY" MEANS AN AGENCY CREATED OR CONTROLLED BY A COUNTY BOARD OF COMMISSIONERS OR A COUNTY EXECUTIVE, A BOARD OF COUNTY ROAD COMMISSIONERS, OR AN OFFICE OF A COUNTY DRAIN COMMISSIONER OR WATER RESOURCES COMMISSIONER.

(B) "GREAT LAKES WATER QUALITY AGREEMENT OF 1978" MEANS THE "GREAT LAKES WATER QUALITY AGREEMENT OF 1978" BETWEEN THE UNITED STATES AND CANADA SIGNED NOVEMBER 22, 1978, INCLUDING THE PHOSPHORUS LOAD REDUCTION SUPPLEMENT SIGNED OCTOBER 7, 1983, AND AS

1 AMENDED BY PROTOCOL SIGNED NOVEMBER 18, 1987.

2 (C) "IMPAIRMENT OF BENEFICIAL USES" MEANS THAT TERM AS IT IS
3 DEFINED IN SECTION 1(C) OF ANNEX 2 OF THE GREAT LAKES WATER QUALITY
4 AGREEMENT OF 1978.

5 (D) "MEMBER" MEANS A MUNICIPALITY, COUNTY, COUNTY AGENCY,
6 PUBLIC SCHOOL DISTRICT, PUBLIC COLLEGE OR UNIVERSITY, OR OTHER
7 LOCAL OR REGIONAL PUBLIC AGENCY THAT IS A MEMBER OF A WATER QUALITY
8 ALLIANCE AS PROVIDED FOR IN THIS PART.

9 (E) "WATER INTAKE" MEANS EQUIPMENT FOR THE WITHDRAWAL AND
10 TRANSPORT OF WATER FROM A BODY OF SURFACE WATER FOR USE PRIMARILY
11 BY A PUBLIC DRINKING WATER SYSTEM.

12 (F) "WATER QUALITY ALLIANCE" MEANS AN ORGANIZATION ESTABLISHED
13 UNDER SECTION 3202.

14 SEC. 3202. (1) TWO OR MORE MUNICIPALITIES, BY RESOLUTION OF
15 THEIR RESPECTIVE GOVERNING BODIES, MAY ESTABLISH A WATER QUALITY
16 ALLIANCE FOR THE PURPOSE OF MONITORING WATER QUALITY AND
17 IMPLEMENTING ACTIVITIES DESIGNED TO ADDRESS WATER QUALITY OR
18 IMPAIRMENTS OF BENEFICIAL USES THAT ARE OF MUTUAL CONCERN WITHIN
19 THE JURISDICTION OF THE WATER QUALITY ALLIANCE, INCLUDING 1 OR MORE
20 OF THE FOLLOWING:

21 (A) MONITORING, SAMPLING, AND ANALYSES OF DATA NECESSARY TO
22 IDENTIFY CONTAMINATION AND CONTAMINATION THREATS WITHIN THE WATER
23 BODIES AND PROTECT WATER QUALITY.

24 (B) CONDUCTING PUBLIC SURVEYS, PREPARING AND DISTRIBUTING
25 INFORMATIONAL AND EDUCATIONAL MATERIALS, AND ORGANIZING ACTIVITIES
26 INVOLVING THE PUBLIC.

27 (C) DESIGNING AND IMPLEMENTING PROJECTS AND CONDUCTING

1 ACTIVITIES TO PROTECT OR ENHANCE WATER QUALITY.

2 (D) DESIGNING AND IMPLEMENTING OTHER ACTIONS TO PROTECT PUBLIC
3 HEALTH, AND MAINTAIN AND RESTORE BENEFICIAL USES OF THE SURFACE
4 WATER RESOURCES WITHIN THE JURISDICTION OF THE WATER QUALITY
5 ALLIANCE.

6 (2) A RESOLUTION UNDER SUBSECTION (1) ESTABLISHING A WATER
7 QUALITY ALLIANCE SHALL INCLUDE BYLAWS THAT IDENTIFY, AT A MINIMUM,
8 ALL OF THE FOLLOWING:

9 (A) THE STRUCTURE OF THE ORGANIZATION AND DECISION-MAKING
10 PROCESS.

11 (B) THE WATER BODIES OR WATER INTAKES, OR BOTH, WITHIN THE
12 JURISDICTION OF THE WATER QUALITY ALLIANCE.

13 (C) THE MUNICIPALITIES, COUNTIES, COUNTY AGENCIES, PUBLIC
14 SCHOOL DISTRICTS, AND OTHER LOCAL OR REGIONAL PUBLIC AGENCIES
15 ELIGIBLE FOR MEMBERSHIP IN THE WATER QUALITY ALLIANCE AS PROVIDED
16 UNDER SUBSECTION (3), INCLUDING MUNICIPALITIES THAT OPERATE WATER
17 INTAKES SUPPORTING CONNECTED WATER TREATMENT FACILITIES.

18 (D) THE BASIS FOR ASSESSING COSTS TO MEMBERS.

19 (E) A MECHANISM TO BE USED FOR ADOPTION OF AN ANNUAL BUDGET TO
20 SUPPORT PROJECTS AND ACTIVITIES.

21 (3) A WATER QUALITY ALLIANCE SHALL PROVIDE AN EQUITABLE BASIS
22 FOR ALL MUNICIPALITIES, COUNTIES, AND COUNTY AGENCIES WITHIN THE
23 JURISDICTION OF THE WATER QUALITY ALLIANCE, INCLUDING
24 MUNICIPALITIES THAT OPERATE WATER INTAKES SUPPLYING CONNECTED WATER
25 TREATMENT FACILITIES, TO VOLUNTARILY JOIN AS MEMBERS. IN ADDITION,
26 AT ITS DISCRETION, THE WATER QUALITY ALLIANCE MAY AUTHORIZE THE
27 VOLUNTARY MEMBERSHIP OF ANY LOCAL PUBLIC SCHOOL DISTRICT, PUBLIC

1 COLLEGE OR UNIVERSITY, OR ANY OTHER LOCAL OR REGIONAL PUBLIC
2 AGENCY. FOLLOWING ESTABLISHMENT OF A WATER QUALITY ALLIANCE UNDER
3 SUBSECTION (1), BY RESOLUTION OF ITS GOVERNING BODY, A
4 MUNICIPALITY, COUNTY, COUNTY AGENCY, PUBLIC SCHOOL DISTRICT, PUBLIC
5 COLLEGE OR UNIVERSITY, OR OTHER LOCAL OR REGIONAL PUBLIC AGENCY
6 ESTABLISHED UNDER STATE LAW MAY VOLUNTARILY JOIN A WATER QUALITY
7 ALLIANCE AS PROVIDED FOR IN THIS SUBSECTION.

8 SEC. 3203. A WATER QUALITY ALLIANCE IS A BODY CORPORATE WITH
9 POWER TO SUE AND BE SUED IN ANY COURT OF THIS STATE AND WITH THE
10 AUTHORITY TO CARRY OUT ITS RESPONSIBILITIES UNDER THIS PART AND AS
11 OTHERWISE PROVIDED BY LAW.

12 SEC. 3204. (1) A WATER QUALITY ALLIANCE, CONSISTENT WITH THE
13 PURPOSES IDENTIFIED IN SECTION 31202 AND ITS BYLAWS, MAY DO 1 OR
14 MORE OF THE FOLLOWING:

15 (A) EMPLOY PERSONNEL TO COORDINATE AND IMPLEMENT ACTIONS.

16 (B) ENTER INTO AGREEMENTS OR CONTRACTS WITH PUBLIC OR PRIVATE
17 ENTITIES TO COORDINATE OR IMPLEMENT ACTIONS.

18 (C) ASSESS AND COLLECT FEES FROM MEMBERS WITH APPROVAL OF THE
19 GOVERNING BODIES OF THE MEMBERS.

20 (D) SOLICIT GRANTS, GIFTS, AND CONTRIBUTIONS FROM FEDERAL,
21 STATE, REGIONAL, OR LOCAL PUBLIC AGENCIES AND FROM PRIVATE SOURCES.

22 (E) EXPEND FUNDS PROVIDED BY MEMBERS, OR THROUGH GRANTS,
23 GIFTS, AND CONTRIBUTIONS.

24 (F) REPRESENT MEMBERS OF THE WATER QUALITY ALLIANCE BEFORE
25 OTHER BODIES CONSIDERING ISSUES AFFECTING WATER QUALITY ISSUES
26 WITHIN THE JURISDICTION OF THE WATER QUALITY ALLIANCE, INCLUDING
27 OBTAINING LOCAL, STATE, OR FEDERAL PERMITS OR AUTHORIZATIONS THAT

1 MAY BE REQUIRED TO CARRY OUT ACTIVITIES AS MAY BE AUTHORIZED BY ITS
2 MEMBERS.

3 (2) A WATER QUALITY ALLIANCE SHALL PREPARE AND DELIVER TO ITS
4 MEMBERS ON OR BEFORE APRIL 1 OF EACH YEAR A REPORT DETAILING THE
5 REVENUE RECEIVED AND EXPENDITURES BY THE WATER QUALITY ALLIANCE
6 DURING THE IMMEDIATELY PRIOR JANUARY 1 THROUGH DECEMBER 31 PERIOD.

7 (3) A WATER QUALITY ALLIANCE DOES NOT HAVE INDEPENDENT
8 AUTHORITY TO ASSESS OR COLLECT ANY FEES OR TAXES DIRECTLY FROM
9 INDIVIDUALS OR PROPERTY OWNERS. A WATER QUALITY ALLIANCE MEMBER MAY
10 ALLOCATE THE USE OF PUBLIC FUNDS FROM FEES, TAXES, OR ASSESSMENTS
11 GENERATED UNDER OTHER STATE LAWS FOR USE BY A WATER QUALITY
12 ALLIANCE.

13 SEC. 3205. (1) A WATER QUALITY ALLIANCE SHALL OBTAIN AN AUDIT
14 OF ITS FINANCIAL RECORDS, ACCOUNTS, AND PROCEDURES AT LEAST EVERY
15 OTHER YEAR.

16 (2) A WATER QUALITY ALLIANCE SHALL SUBMIT THE RESULTS OF AN
17 AUDIT UNDER SUBSECTION (1) TO THE GOVERNING BODIES OF ITS MEMBERS
18 AND TO THE STATE TREASURER.

19 (3) AN AUDIT UNDER SUBSECTION (1) SHALL SATISFY ALL AUDIT
20 REQUIREMENTS SET UNDER THE UNIFORM BUDGETING AND ACCOUNTING ACT,
21 1968 PA 2, MCL 141.421 TO 141.440A.

22 SEC. 3206. THIS PART DOES NOT PROVIDE A WATER QUALITY ALLIANCE
23 OR ANY OF ITS MEMBERS WITH ANY ADDITIONAL AUTHORITY NOT OTHERWISE
24 PROVIDED BY LAW.