

WATER QUALITY ALLIANCES

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House Bill 5403 as introduced
Sponsor: Rep. Kurt Heise
Committee: Natural Resources
Complete to 5-9-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5403 would amend the Natural Resources and Environmental Protection Act (NREPA) by adding a new Part 32 that would allow two or more municipalities to create a water quality alliance to monitor water quality and pursue other complementary activities.

Activities of an Alliance

In addition to monitoring water quality within its jurisdiction and conducting related activities, a water quality alliance may also do one or more of the following:

- Conduct sampling of water bodies and analysis of science-based water quality data necessary to identify contamination and contamination sources.
- Inform the public about the monitoring program and the sampling and analyses of water quality data.
- Provide water quality data to other governmental agencies, colleges and universities, schools, and other persons for scientific, environmental compliance, and educational purposes.

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 local or regional 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 also would be required to provide an "equitable basis" for entities 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 have 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 prior 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. Part 32 also would not provide an alliance or any of its members with any additional authority not otherwise provided by law.

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 those 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.

Definitions

HB 5403 would add the following terms, the meanings of which would apply to Part 32:

County agency would mean 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.

Great Lakes Water Quality Agreement would mean 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 amended by protocol signed November 18, 1987.

Impairment of beneficial uses would mean the same as it does in Section 1(c) of annex 2 of the Great Lakes Water Quality Agreement of 1978.

Member would mean a municipality, county, county agency, public school district, public college or university, or other local or regional public agency that is a member of a water quality alliance as provided for in Part 32.

Water intake would mean equipment for the withdrawal and transport of water from a body of surface water for use primarily by a public drinking water system.

Water quality alliance would mean an organization established under Part 32.

Note: The bill uses, but does not define, the term "municipality." However, the generic definition of the term found in Section 301 of NREPA, refers to cities, townships, and villages.

FISCAL IMPACT:

House Bill 5403 would not affect costs or revenues for the state of Michigan. The effect of HB 5403 on local government costs or revenues is unknown. This bill allows for two or more local governments to establish a water quality alliance for the purpose of water quality monitoring. Such an alliance would be voluntary and not mandatory under this part of NREPA. These alliances would be given the power to employ personnel, assess and collect fees from members, solicit funding from federal, state, local, and private sources, as well as expend these funds. Alliances would also be required to prepare an annual report on revenue received and annual expenditures.

Water quality alliances, composed of local governments, would be given the latitude to spend and receive funds under HB 5403, but these costs and revenues are likely to vary widely by the needs of each alliance. It is unclear what costs and revenues would be realized by local governments in light of this variance and the voluntary nature of these alliances.

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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.