



**House
Legislative
Analysis
Section**

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WATER RESOURCES MANAGEMENT ACT

RECEIVED

House Bill 4014 with committee amendments
First Analysis (10-4-89)

NOV 16 1989

Sponsor: Rep. David Honigman

Mich. State Law Library

Committee: Conservation, Recreation, & Environment

THE APPARENT PROBLEM:

Michigan's Great Lakes and other water sources not only provide the state with safe drinking water but also support a billion dollar tourism industry as well as other recreational activities. Increased pollution, the potential diversion of the Great Lakes, predictions of global warming trends, and other environmental issues have heightened concern about management of the state's water resources. Public Act 133 (Senate Bill 46) of 1985 created the Great Lakes and Water Resources Planning Commission to develop a comprehensive state water plan to address concerns about water planning and management activities. During its studies of the state's water management system, the commission found that water management would be more effective if planning and management activities were centralized and a state office was established to coordinate them. In December 1987, Governor Blanchard named a state water resources administrator, and two committees were formed, the interdepartmental water resources committee and the water resources advisory committee. However, the appointment of committees and an administrator are not perceived as ensuring implementation of the state water plan, and concerns are still voiced about what is seen as the state's fragmented, reactive approach to water management. In addition, a process that would directly involve the public in water management decisions has not been established. Legislation has been proposed to ensure that water planning and management activities receive priority from state departments by establishing the role of the committees and the administrator in statute and by providing for more public input into decisions affecting management and coordination of the state's water supply.

THE CONTENT OF THE BILL:

The bill would create the Water Resources Management Act to provide for the planning and management of the state's natural water resources. The bill would specify actions to be taken by the Department of Natural Resources in order to ensure a comprehensive water resources management program for the state, including identifying, analyzing, and prioritizing water resource problems and development opportunities; implementing a critical watershed planning and management program; coordinating interagency and intergovernmental water resource efforts; assisting in resolving policy and agency conflicts at the state and local governmental levels; and coordinating public information and education activities to facilitate public input. In addition, the bill would require the department to update the state water plan at least every five years with the first update being completed by September 30, 1992. The department would also be required to designate a water resources administrator to administer the department's responsibilities under the bill.

The bill would create the interdepartmental water resources committee within the department. The committee would meet at least quarterly to advise the department on issues

relevant to water resources planning at the state level. The committee would consist of the directors of the Departments of Natural Resources, Agriculture, Public Health, Commerce and Transportation, or their representatives. The attorney general would also be a member of the committee, and the water resources administrator would be included as chair of the committee.

Under the bill, the Natural Resources Commission would appoint a public water resources advisory committee to provide a public forum for the dissemination of information and for the involvement of the public in water resources management. The committee would advise the Department of Natural Resources and the commission on matters related to water resources management and prepare a report to the commission every two years on the status of water resources planning. The committee would include one representative from each of the following: regional planning agencies; watershed councils; soil conservation districts; the cooperative extension service; drain commissioners; local units of government; public and private interest groups; universities; state departments; and other appropriate individuals.

FISCAL IMPLICATIONS:

According to the Department of Natural Resources, the bill would have nominal fiscal implications for the state. (10-3-89)

ARGUMENTS:

For:

Currently several departments, including the Departments of Agriculture, Public Health, and Transportation, are involved in water resource planning and management in the state. By centralizing authority for these activities and by requiring updates of the state's water management plan, the bill will help ensure a more comprehensive and proactive approach to water planning and management. In addition, by establishing the interdepartmental water resources and water advisory committees in statute, the bill will ensure that departments recognize the priority of water planning and management for the state and take a part in these activities and that the public will have input into the state's water planning and management decisions.

Against:

The provisions in the bill to name an administrator and create the two committees have already been addressed as a result of initiatives taken by the governor. Therefore, this legislation is unnecessary.

Response: In a press release entitled "Governor, Legislators Announce Steps To Implement Water Protection Strategy" and dated December 15, 1987, the governor stated his intention for legislation to be drafted that would designate the role of the Department of Natural Resources

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as lead coordinator for the planning and management of the state's water resources. The establishment of the two committees and the naming of a state water resources administrator were interim measures taken by the governor until the legislature could address the issue.

Against:

The creation of the committees and the naming of the state water resources administrator was unnecessary. There is already enough bureaucracy involved with the planning and management of the state's water resources, and whenever possible, the state should avoid institutionalizing this bureaucracy. Instead of maintaining the existence of the committees and the administrator's office, it would be more logical to require the Water Resources Commission to perform duties assigned to these entities, especially since the commission is currently responsible for water resource issues.

Response: The Water Resources Commission was created to specifically focus on water quality issues and regulate water pollution control through its rule making process and issuance of groundwater discharge permits. The commission should not be required to deviate from its assigned purpose.

POSITIONS:

The governor's office supports the bill as introduced. (10-4-89)

The Departments of Natural Resources and Public Health support the bill. (10-3-89)

The Michigan Environmental Council supports the bill. (10-3-89)

The Michigan United Conservation Clubs supports the bill. (10-3-89)

The Departments of Transportation and Commerce take no position on the bill. (10-3-89)