

SENATE BILL No. 855

November 1, 2005, Introduced by Senators BRATER, BASHAM, EMERSON, SCHAUER, CLARKE, SWITALSKI, JACOBS, OLSHOVE, CHERRY, SCOTT, PRUSI, BERNERO, LELAND and CLARK-COLEMAN and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 32704a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 32704A. (1) THE LEGISLATURE FINDS AND DECLARES THAT THE
2 WATERS OF THE STATE ARE HELD BY THE STATE IN THE PUBLIC TRUST FOR
3 THE USE AND ENJOYMENT OF THE PUBLIC AS AUTHORIZED BY LAW.

4 (2) UNLESS AUTHORIZED BY LAW, THE SALE OF WATER WITHDRAWN FROM
5 THE WATERS OF THE STATE UNDER EITHER OF THE FOLLOWING CIRCUMSTANCES
6 IS PROHIBITED:

7 (A) WATER WITHDRAWN FROM A WATERWORKS SYSTEM ESTABLISHED UNDER
8 THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL 325.1001 TO 325.1023,

1 THAT IS NOT OWNED BY A POLITICAL SUBDIVISION AND THAT COMPETES FOR
2 NEW OR EXISTING CUSTOMERS WITH A PUBLIC WATER SUPPLY OWNED OR
3 OPERATED BY A POLITICAL SUBDIVISION.

4 (B) WATER WITHDRAWN FROM A WATER WITHDRAWAL FACILITY OR A
5 WATERWORKS SYSTEM UNDER THE SAFE DRINKING WATER ACT, 1976 PA 399,
6 MCL 325.1001 TO 325.1023, THAT DOES NOT CERTIFY THAT WATER
7 WITHDRAWN FROM THE FACILITY IS INTENDED TO BE USED SOLELY WITHIN
8 THE GREAT LAKES BASIN.

9 (3) WHEN CONSIDERING WHETHER TO GRANT LEGISLATIVE APPROVAL FOR
10 A PROJECT INVOLVING THE SALE OF WATER WITHDRAWN FROM THE WATERS OF
11 THE STATE, THE LEGISLATURE SHALL CONSIDER SECTION 52 OF ARTICLE IV
12 OF THE STATE CONSTITUTION OF 1963 AND WHETHER THE PROJECT SERVES A
13 PUBLIC PURPOSE, WHETHER THE PROJECT WILL RESULT IN NO MATERIAL HARM
14 TO THE WATERS OF THE STATE, THE PUBLIC TRUST, OR RELATED PURPOSES,
15 AND WHETHER THE PROJECT WOULD RESULT IN ANY IMPROVEMENT TO THE
16 WATERS OF THE STATE OR THE WATER-DEPENDENT NATURAL RESOURCES OF THE
17 STATE.

18 (4) AS USED IN THIS SECTION:

19 (A) "POLITICAL SUBDIVISION", "PUBLIC WATER SUPPLY", AND
20 "WATERWORKS SYSTEM" MEAN THOSE TERMS AS THEY ARE DEFINED IN THE
21 SAFE DRINKING WATER ACT, 1976 PA 399, MCL 325.1001 TO 325.1023.

22 (B) "WATER WITHDRAWAL FACILITY" MEANS ANY FACILITY DESIGNED TO
23 TRANSFER WATER IN ITS NATURAL STATE OUTSIDE OF ITS WATERSHED OF
24 ORIGIN.