

# Legislative Analysis



## WATER USE ADVISORY COUNCIL

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

### House Bill 6123 (H-1) as adopted by committee

**Sponsor: Rep. Scott VanSingel**

**Committee: Natural Resources**

**Complete to 10-2-18**

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

### SUMMARY:

House Bill 6123 would amend Part 328 (Aquifer Protection) within the Natural Resources and Environmental Protection Act (NREPA) to replace in statute the Water Resources Conservation Advisory Council<sup>1</sup> with the newly created Water Use Advisory Council.

The Water Use Advisory Council would be created within the Department of Environmental Quality (DEQ) and would consist of the following 23 members:

- Four individuals appointed by the Senate Majority Leader as follows:
  - One representing business and manufacturing interests.
  - One representing public utilities.
  - One representing a statewide angler association.
  - One representing a statewide agricultural organization.
- Four individuals appointed by the Speaker of the House of Representatives as follows:
  - One representing well drilling contractors with hydrology and drilling field experience.
  - One representing local units of government.
  - One representing agricultural irrigators.
  - One representing wetlands conservation organizations.
- Five individuals appointed by the governor as follows:
  - One representing municipal water suppliers.
  - One representing a statewide conservation organization.
  - One representing a statewide riparian landowners organization.
  - One representing a statewide tourism organization.
  - One representing Indian tribes.
- Four individuals appointed by the DEQ director as follows:
  - One representing nonagriculture irrigators.
  - One representing the aggregate industry.
  - One representing environmental organizations.
  - One representing local watershed councils.
- Six individuals representing the DEQ, the Department of Natural Resources (DNR), the Department of Agriculture and Rural Development (MDARD), the Office of the Great Lakes, the Michigan Geological Survey, and the Attorney General.

Appointments to the council would have to be made within 60 days after the bill's effective date and would be made with consideration and deference given to individuals currently

---

<sup>1</sup> The November 2009 report of the Water Resources Conservation Advisory Council is available here:  
[https://www.michigan.gov/deq/0,4561,7-135-3313\\_3684\\_64633-305354--,00.html](https://www.michigan.gov/deq/0,4561,7-135-3313_3684_64633-305354--,00.html)

The Council was abolished by Executive Reorganization Order No. 2009-31 (MCL 324.99919).

serving on the DEQ's Water Use Advisory Council.<sup>2</sup> Appointments would be for four-year terms without compensation. The bill outlines some procedural parameters for the council, including a requirement that it hold its meetings in compliance with the Open Meetings Act.

The Water Resources Conservation Advisory Council was required to appoint a technical advisory committee of individuals with technical and legal expertise relevant to the council's responsibilities. The bill would give the new Water Use Advisory Council the discretion to appoint technical advisors with scientific, technical, legal, and community education and decision engagement expertise. These technical advisors could participate in meetings, but would not be able to vote on recommendations made by the council.

The Water Use Advisory Council would have to make recommendations to the DEQ, the MDARD, the DNR, and the legislature on the implementation of Part 327 (Great Lakes Preservation) of NREPA, as well as studying and making recommendations, as needed or as requested by the DEQ or the relevant standing committees of the legislature, regarding the development and refinement of the water withdrawal assessment process contained in Part 327.

The council would also be charged with making recommendations on reconciling conflicts in state laws related to the use of the waters of the state.

Finally, the council would be required to provide a report at least every two years to the Senate Majority Leader, Speaker of the House of Representatives, and the standing committees of the legislature primarily related to natural resources and the environment regarding how the water withdrawal assessment process could be improved. The report would have to contain specific recommendations, including on the staffing, budgetary, software, and other resources required by the DEQ, the DNR, and MDARD to successfully implement Part 327.

The bill would take effect 90 days after enactment.

MCL 324.32801 and 324.32803

## **FISCAL IMPACT:**

House Bill 6123 would not affect costs or revenues for the DEQ or local governments.

Legislative Analyst: Emily S. Smith  
Fiscal Analyst: Austin Scott

---

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

---

<sup>2</sup> The Water Use Advisory Council was created within the DEQ in 2012. Council membership is described here: [https://www.michigan.gov/documents/deq/deq-wrd-wuac-members\\_417518\\_7.pdf](https://www.michigan.gov/documents/deq/deq-wrd-wuac-members_417518_7.pdf)

The council's final report, issued December 12, 2014, can be found here: [https://www.michigan.gov/documents/deq/wrd-wuac-final-report\\_534575\\_7.pdf](https://www.michigan.gov/documents/deq/wrd-wuac-final-report_534575_7.pdf)

Further information can be found here: [https://www.michigan.gov/deq/0,4561,7-135-3313\\_3684\\_64633---,00.html](https://www.michigan.gov/deq/0,4561,7-135-3313_3684_64633---,00.html)