

HOUSE BILL No. 5333

December 6, 2017, Introduced by Reps. Bellino, Glenn, Howell and VanderWall and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 26.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **PART 26. ENVIRONMENTAL SCIENCE ADVISORY BOARD**

2 **SEC. 2601. AS USED IN THIS PART, "BOARD" MEANS THE**
3 **ENVIRONMENTAL SCIENCE BOARD CREATED IN SECTION 2603.**

4 **SEC. 2603. (1) THE ENVIRONMENTAL SCIENCE ADVISORY BOARD IS**
5 **CREATED IN THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET.**

6 **(2) THE BOARD SHALL CONSIST OF 9 INDIVIDUALS APPOINTED BY THE**
7 **GOVERNOR WHO HAVE EXPERTISE IN 1 OR MORE OF THE FOLLOWING AREAS:**

8 **(A) ENGINEERING.**

1 (B) ENVIRONMENTAL SCIENCE.

2 (C) ECONOMICS.

3 (D) CHEMISTRY.

4 (E) GEOLOGY.

5 (F) PHYSICS.

6 (G) BIOLOGY.

7 (H) HUMAN MEDICINE.

8 (I) STATISTICS.

9 (J) RISK ASSESSMENT.

10 (K) OTHER DISCIPLINES THAT THE GOVERNOR CONSIDERS APPROPRIATE.

11 (3) A CURRENT LEGISLATOR OR A CURRENT EMPLOYEE OF ANY OFFICE,
12 DEPARTMENT, OR AGENCY OF THIS STATE OR OF THE FEDERAL GOVERNMENT IS
13 NOT ELIGIBLE TO SERVE AS A MEMBER OF THE BOARD.

14 SEC. 2605. (1) A MEMBER OF THE BOARD SHALL SERVE FOR A TERM OF
15 3 YEARS, EXCEPT THAT OF THE MEMBERS FIRST APPOINTED, 3 SHALL SERVE
16 FOR A TERM OF 2 YEARS AND 3 SHALL SERVE FOR A TERM OF 1 YEAR.

17 (2) A MEMBER OF THE BOARD SERVES AT THE PLEASURE OF THE
18 GOVERNOR. THE GOVERNOR MAY REMOVE A MEMBER AT ANY TIME, WITH OR
19 WITHOUT CAUSE, AND WITH OR WITHOUT PRIOR NOTICE. THE GOVERNOR SHALL
20 FILL ANY VACANCIES ON THE BOARD.

21 (3) IF A VACANCY OCCURS ON THE BOARD, THE GOVERNOR SHALL MAKE
22 AN APPOINTMENT FOR THE UNEXPIRED TERM.

23 (4) THE GOVERNOR SHALL APPOINT A MEMBER OF THE BOARD AS
24 CHAIRPERSON. THE GOVERNOR MAY APPOINT OTHER MEMBERS OF THE BOARD TO
25 OTHER BOARD OFFICES. OFFICERS OF THE BOARD SERVE AT THE PLEASURE OF
26 THE GOVERNOR.

27 (5) MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION BUT

1 MAY BE REIMBURSED BY THIS STATE FOR ACTUAL AND NECESSARY EXPENSES
2 INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS.

3 (6) A MAJORITY OF THE MEMBERS OF THE BOARD CONSTITUTE A QUORUM
4 FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE BOARD. A
5 MAJORITY OF THE MEMBERS OF THE BOARD PRESENT AND SERVING ARE
6 REQUIRED FOR OFFICIAL ACTION OF THE BOARD.

7 (7) THE BUSINESS THAT THE BOARD MAY PERFORM SHALL BE CONDUCTED
8 AT A PUBLIC MEETING OF THE BOARD, RESPECTIVELY, HELD IN COMPLIANCE
9 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

10 (8) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
11 RETAINED BY THE BOARD IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS
12 SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231
13 TO 15.246.

14 (9) THE BOARD MAY ADOPT OPERATING PROCEDURES THAT ARE
15 CONSISTENT WITH THIS PART.

16 (10) THE BOARD MAY INCUR EXPENSES NECESSARY TO CARRY OUT ITS
17 DUTIES UNDER THIS PART.

18 SEC. 2607. IF REQUESTED BY THE BOARD, A DEPARTMENT, AGENCY, OR
19 OFFICE OF STATE GOVERNMENT MAY PROVIDE ADMINISTRATIVE, TECHNICAL,
20 OR LEGAL STAFF TO ASSIST THE BOARD IN THE PERFORMANCE OF ITS
21 DUTIES.

22 SEC. 2609. (1) THE BOARD SHALL ADVISE THE GOVERNOR ON ISSUES
23 AFFECTING THE PROTECTION OF THE ENVIRONMENT OR THE MANAGEMENT OF
24 NATURAL RESOURCES OF THIS STATE. THE BOARD'S DUTY TO PROVIDE ADVICE
25 IS LIMITED TO THE SPECIFIC ADVICE REQUESTED FROM TIME TO TIME BY
26 THE GOVERNOR. ANY ADVICE PROVIDED BY THE BOARD IS NOT LEGALLY
27 BINDING ON OR ENFORCEABLE AGAINST ANY INDIVIDUAL, GOVERNMENTAL

1 ENTITY, PRIVATE ENTITY, OR OTHER PERSON.

2 (2) THE BOARD SHALL NOT REVIEW OR ADVISE ON ANY APPLICATION,
3 RECOMMENDATION, OR DECISION REGARDING A PERMIT, LICENSE, OR
4 ENVIRONMENTAL IMPACT STATEMENT.

5 (3) ADVICE PROVIDED BY THE BOARD SHALL BE BASED ON THE
6 FOLLOWING FACTORS:

7 (A) OBJECTIVE REASONING.

8 (B) SOUND SCIENCE.

9 (C) RELATIVE AND REALISTIC RISK TO HUMAN HEALTH AND THE
10 ENVIRONMENT.

11 (D) ANALOGOUS PRACTICES USED OR POSITIONS TAKEN BY THE FEDERAL
12 GOVERNMENT AND REGULATORY BODIES IN OTHER STATES.

13 (E) ECONOMIC REASONABLENESS.

14 SEC. 2611. (1) UPON RECEIPT OF A REQUEST FROM THE GOVERNOR TO
15 PROVIDE ADVICE ON A PARTICULAR ISSUE, THE CHAIRPERSON OF THE BOARD
16 SHALL CONVENE A COMMITTEE OF THE BOARD CONSISTING OF MEMBERS WITH
17 RELEVANT EXPERTISE. THE COMMITTEE SHALL DEVELOP A PLAN FOR
18 FORMULATING RECOMMENDATIONS AND MAKE RECOMMENDATIONS ON THE ISSUE
19 TO THE BOARD.

20 (2) THE BOARD SHALL DELIBERATE ON THE RECOMMENDATIONS MADE
21 UNDER SUBSECTION (1) AND PROVIDE WRITTEN ADVICE TO THE GOVERNOR
22 REGARDING THE GOVERNOR'S REQUEST.

23 (3) THE BOARD OR ANY COMMITTEE OF THE BOARD MAY MAKE
24 INQUIRIES, DEVELOP STUDIES, HOLD HEARINGS, RECEIVE COMMENTS FROM
25 THE PUBLIC, AND CALL UPON EXPERTS WHO ARE NOT MEMBERS OF THE BOARD
26 TO ASSIST THE BOARD IN ITS DELIBERATIONS UNDER THIS PART.

27 (4) ALL DEPARTMENTS, AGENCIES, OFFICES, OFFICERS, EMPLOYEES,

1 OR CONTRACTORS OF THIS STATE, OR ANY POLITICAL SUBDIVISION OF THIS
2 STATE, SHALL COOPERATE WITH THE BOARD OR ANY COMMITTEE OF THE
3 BOARD, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING AS REQUESTED BY
4 THE BOARD OR A COMMITTEE OF THE BOARD:

5 (A) PARTICIPATING IN MEETINGS.

6 (B) PARTICIPATING IN INQUIRIES OR HEARINGS.

7 (C) PROVIDING ANY INFORMATION.

8 (D) PROVIDING ACCESS TO DOCUMENTS, BOOKS, RECORDS, DATABASES,
9 OR OTHER INFORMATION.

10 (E) ANY OTHER ASSISTANCE REASONABLY NECESSARY AND RELATED TO
11 THE BOARD'S DELIBERATIONS AND DUTIES UNDER THIS PART.

12 Enacting section 1. This amendatory act takes effect 90 days
13 after the date it is enacted into law.

14 Enacting section 2. This amendatory act does not take effect
15 unless all of the following bills of the 99th Legislature are
16 enacted into law:

17 (a) Senate Bill No. ____ or House Bill No. 5331 (request no.
18 00927'17).

19 (b) Senate Bill No. ____ or House Bill No. 5332 (request no.
20 04658'17).