

Act No. 228
Public Acts of 2004
Approved by the Governor
July 21, 2004
Filed with the Secretary of State
July 21, 2004
EFFECTIVE DATE: July 21, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Senator Garcia

ENROLLED SENATE BILL No. 1135

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (MCL 324.101 to 324.90106) by adding sections 20517 and 20519.

The People of the State of Michigan enact:

Sec. 20517. (1) The laboratory data quality assurance advisory council is created in an advisory capacity within the department.

(2) The council shall consist of all of the following individuals:

- (a) A representative of a statewide business organization.
- (b) A representative of commercial laboratories that do not also function as in-house laboratories.
- (c) A representative of in-house laboratories.
- (d) A representative of public laboratories.
- (e) A representative of the Michigan municipal league or a successor organization.
- (f) A representative of the general public.
- (g) The director or his or her designee.

(3) The members of the council described in subsection (2)(a) to (f) shall be appointed by the governor. The members first appointed to the council shall be appointed within 90 days after the effective date of this section.

(4) Members of the council shall serve until a successor is appointed.

(5) If a vacancy occurs on the council, the unexpired term shall be filled in the same manner as the original appointment was made.

(6) The first meeting of the council shall be called by the director or his or her designee on the council. At the first meeting, the council shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the council shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 2 or more members.

(7) A majority of the members of the council constitute a quorum for the transaction of business at a meeting of the council. A majority of the members present and serving are required for official action of the council.

(8) The director or his or her designee shall serve on the council without any additional compensation. Other members of the council shall serve without compensation. However, members of the council may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the council.

Sec. 20519. (1) The council shall do all of the following:

(a) Monitor and evaluate the quality recognition program, including, but not limited to, both of the following:

(i) Whether commercial laboratories participating in the quality recognition program should or should not be required to participate in proficiency testing.

(ii) The structure and the appropriate scope of review of quality systems described in section 20505(4).

(b) Develop recommendations whether the program under this part should be retained, terminated, or replaced with another laboratory data quality assurance method.

(c) Evaluate the costs to private business of the program under this part and the costs to private business of implementing the recommendations under subdivision (b).

(d) Evaluate the first report of the auditor general under section 20513.

(e) Develop recommendations whether a commercial laboratory code of ethics is needed and, if so, what its content should be.

(f) Review the department's laboratory data acceptance requirements.

(g) Develop recommendations whether the department should provide additional technical and training assistance to commercial laboratories, in-house laboratories, and public laboratories.

(h) Submit to the governor, the senate majority leader, the speaker of the house of representatives, and the standing committees of the senate and house of representatives with primary responsibility for environmental protection issues reports on its findings under subdivisions (a) to (g). The council shall submit an interim report within 18 months after the effective date of this section and a final report by June 30, 2007.

(2) Effective 180 days after the council submits its final report as required by subsection (1)(h), the council is disbanded.

Enacting section 1. This amendatory act does not take effect unless both of the following bills of the 92nd Legislature are enacted into law:

(a) House Bill No. 5742.

(b) House Bill No. 5743.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

.....
Governor