

SUBSTITUTE FOR  
SENATE BILL NO. 654

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.

9           (B) ENVIRONMENTAL SCIENCE.

10          (C) ECONOMICS.

1 (D) CHEMISTRY.

2 (E) GEOLOGY.

3 (F) PHYSICS.

4 (G) BIOLOGY.

5 (H) HUMAN MEDICINE.

6 (I) STATISTICS.

7 (J) RISK ASSESSMENT.

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

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

12 SEC. 2605. (1) A MEMBER OF THE BOARD SHALL SERVE FOR A TERM OF  
13 3 YEARS, EXCEPT THAT OF THE MEMBERS FIRST APPOINTED, 3 SHALL SERVE  
14 FOR A TERM OF 2 YEARS AND 3 SHALL SERVE FOR A TERM OF 1 YEAR.

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

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

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

25 (5) MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION BUT  
26 MAY BE REIMBURSED BY THIS STATE FOR ACTUAL AND NECESSARY EXPENSES  
27 INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS.

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

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

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

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

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

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

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

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

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

6           (A) OBJECTIVE REASONING.

7           (B) SOUND SCIENCE.

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

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

12          (E) ECONOMIC REASONABLENESS.

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

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

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

26          (4) ALL DEPARTMENTS, AGENCIES, OFFICES, OFFICERS, EMPLOYEES,  
27 OR CONTRACTORS OF THIS STATE, OR ANY POLITICAL SUBDIVISION OF THIS

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

4 (A) PARTICIPATING IN MEETINGS.

5 (B) PARTICIPATING IN INQUIRIES OR HEARINGS.

6 (C) PROVIDING ANY INFORMATION.

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

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

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

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

16 (a) Senate Bill No. 652.

17 (b) Senate Bill No. 653.