

Act No. 269
Public Acts of 2018
Approved by the Governor
June 28, 2018
Filed with the Secretary of State
June 29, 2018
EFFECTIVE DATE: June 29, 2018

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Senators Robertson and Booher

ENROLLED SENATE BILL No. 654

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 protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding part 26.

The People of the State of Michigan enact:

PART 26. ENVIRONMENTAL SCIENCE ADVISORY BOARD

Sec. 2601. As used in this part, “board” means the environmental science board created in section 2603.

Sec. 2603. (1) The environmental science advisory board is created in the department of technology, management, and budget.

(2) The board shall consist of 9 individuals appointed by the governor who have expertise in 1 or more of the following areas:

- (a) Engineering.
- (b) Environmental science.
- (c) Economics.
- (d) Chemistry.
- (e) Geology.
- (f) Physics.
- (g) Biology.
- (h) Human medicine.
- (i) Statistics.
- (j) Risk assessment.
- (k) Other disciplines that the governor considers appropriate.

(3) A current legislator or a current employee of any office, department, or agency of this state or of the federal government is not eligible to serve as a member of the board.

Sec. 2605. (1) A member of the board shall serve for a term of 3 years, except that of the members first appointed, 3 shall serve for a term of 2 years and 3 shall serve for a term of 1 year.

(2) A member of the board serves at the pleasure of the governor. The governor may remove a member at any time, with or without cause, and with or without prior notice. The governor shall fill any vacancies on the board.

(3) If a vacancy occurs on the board, the governor shall make an appointment for the unexpired term.

(4) The governor shall appoint a member of the board as chairperson. The governor may appoint other members of the board to other board offices. Officers of the board serve at the pleasure of the governor.

(5) Members of the board shall serve without compensation but may be reimbursed by this state for actual and necessary expenses incurred in the performance of their official duties as members.

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

(7) The business that the board may perform shall be conducted at a public meeting of the board, respectively, held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(8) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(9) The board may adopt operating procedures that are consistent with this part.

(10) The board may incur expenses necessary to carry out its duties under this part.

Sec. 2607. If requested by the board, a department, agency, or office of state government may provide administrative, technical, or legal staff to assist the board in the performance of its duties.

Sec. 2609. (1) The board shall advise the governor and any state office, agency, or department specified by the governor on issues affecting the protection of the environment or the management of natural resources of this state. The board's duty to provide advice is limited to the specific advice requested from time to time by the governor. Any advice provided by the board is not legally binding on or enforceable against any individual, governmental entity, private entity, or other person.

(2) The board shall not review or advise on any application, recommendation, or decision regarding a permit, license, or environmental impact statement.

(3) Advice provided by the board shall be based on the following factors:

(a) Objective reasoning.

(b) Sound science.

(c) All of the following factors to the extent the governor specifies in the request under section 2611 that these factors are relevant to the decision for which the board's advice is sought:

(i) Relative and realistic risk to human health and the environment.

(ii) Analogous practices used or positions taken by the federal government and regulatory bodies in other states.

(iii) Economic reasonableness.

(d) Other relevant factors as specified by the governor in the request.

Sec. 2611. (1) Upon receipt of a request from the governor to provide advice on a particular issue, the chairperson of the board shall convene a committee of the board consisting of members with relevant expertise. The committee shall develop a plan for formulating recommendations and make recommendations on the issue to the board.

(2) The board shall deliberate on the recommendations made under subsection (1) and provide written advice to the governor regarding the governor's request.

(3) The board or any committee of the board may make inquiries, develop studies, hold hearings, receive comments from the public, and call upon experts who are not members of the board to assist the board in its deliberations under this part.

(4) All departments, agencies, offices, officers, employees, or contractors of this state, or any political subdivision of this state, may cooperate with the board or any committee of the board, including, but not limited to, the following as requested by the board or a committee of the board:

(a) Participating in meetings.

(b) Participating in inquiries or hearings.

(c) Providing any information.

(d) Providing access to documents, books, records, databases, or other information.

(e) Any other assistance reasonably necessary and related to the board's deliberations and duties under this part.

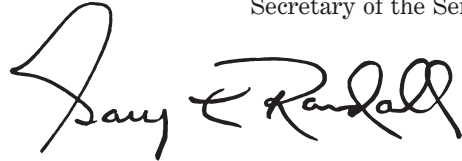
Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 99th Legislature are enacted into law:

- (a) Senate Bill No. 652.
- (b) Senate Bill No. 653.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor