

Act No. 60  
Public Acts of 1992  
Approved by the Governor  
May 20, 1992  
Filed with the Secretary of State  
May 20, 1992

**STATE OF MICHIGAN  
86TH LEGISLATURE  
REGULAR SESSION OF 1992**

Introduced by Reps. Alley, Sikkema, Hickner, Middaugh, Brown, Dolan, Anthony, Nye, Byrum, Hillegonds, Trim, Gnodtke, Bodem, Van Singel, DeBeaussiaert, Hunter, Yokich, Varga, Bartnik, DeMars and London

# **ENROLLED HOUSE BILL No. 5341**

AN ACT to amend section 11d of Act No. 307 of the Public Acts of 1982, entitled as amended "An act to provide for the identification, risk assessment, and priority evaluation of environmental contamination at certain sites in this state; to provide for response activity at certain facilities and sites; to prescribe the powers and duties of the governor, certain state agencies and officials, and other persons; to provide for the promulgation of rules; to require record notice regarding the status of certain facilities; to create certain funds and provide for their expenditure; to provide for public participation; to provide for methods of dispute resolution; to authorize grants, loans, and awards; to create certain boards, councils, and offices and to prescribe their powers and duties; to provide for judicial review; and to provide certain remedies and penalties," as added by Act No. 234 of the Public Acts of 1990, being section 299.611d of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 11d of Act No. 307 of the Public Acts of 1982, as added by Act No. 234 of the Public Acts of 1990, being section 299.611d of the Michigan Compiled Laws, is amended to read as follows:

Sec. 11d. (1) The science advisory council is created as an independent, autonomous entity within the department of management and budget. The council shall consist of 7 individuals appointed by the governor, with the advice and consent of the senate, who have expertise in 1 or more of the following areas:

- (a) Toxicology.
- (b) Environmental engineering.
- (c) Biology.
- (d) Environmental chemistry.
- (e) Hydrogeology.
- (f) Soil science.
- (g) Statistics.

(2) The first meeting of the science advisory council shall be called by the governor. At the first meeting, the science advisory council shall elect from among its members a chairperson and other officers as the council considers appropriate. After the first meeting, the science advisory council shall meet at the call of the chairperson, or upon request of 4 or more members of the council.

(3) A member of the science advisory council shall serve for a term of 3 years, or until a successor is appointed by the governor, whichever is later, except of the members first appointed, 3 shall serve for 3 years, 2 shall serve for 2 years, and 2 shall serve for 1 year.

(4) The governor may remove a member of the science advisory council for incompetency, dereliction of duty, malfeasance in office, or any other good cause.

(5) For a period of 6 months after an individual ceases to serve on the science advisory council, that individual shall not be employed by the department, a person that has had a dispute before a science advisory council panel in which that individual served, or a consulting firm associated with the department or a person that has had a dispute before a science advisory council panel in which that individual served.

(6) Three members of the science advisory council who have expertise related to the issues in dispute shall be appointed by the chairperson of the science advisory council on a rotating basis to serve on panels to make recommendations on resolving the items of difference between the department and the persons that may be liable under section 12 for a facility with regard to the contents of a remedial action plan pursuant to this act. A science advisory council panel need not recommend a position advocated by either the department or the persons that may be liable under section 12, but may recommend an alternative that is supported by scientific evidence and is consistent with this act and the rules promulgated under this act.

(7) A science advisory council panel shall make recommendations only on the scientific and technical issues in dispute consistent with the rules promulgated under this act, including, but not limited to:

- (a) Risk assessment assumptions and calculations.
- (b) Data collection and interpretation.
- (c) Technological effectiveness of remedial action alternatives.
- (d) Chemical, biological, and physical properties.
- (e) Impacts on various media.

(8) A science advisory council panel shall not make recommendations on issues that are not primarily scientific or technical in nature including, but not limited to, any of the following:

- (a) Cost effectiveness of remedial action alternatives.
- (b) Current and reasonably foreseeable uses of natural resources.
- (c) Reasonably foreseeable uses of the facility.

(9) The members of a science advisory council panel who make recommendations regarding the contents of a remedial action plan for a facility shall not have any present personal, contractual, financial, business, or employment interest in matters related to the persons that have disputes before the science advisory council panel. Additionally, the members of a science advisory council panel who make recommendations regarding the contents of a remedial action plan for a facility shall make full disclosure of any past personal, contractual, financial, business, or employment interest in matters related to persons that have disputes before the science advisory panel.

(10) Upon request of the science advisory council, the department shall provide the science advisory council with all information the department has in its possession related to a facility.

(11) The science advisory council shall prepare a plan of operation for the internal operations and procedures of the science advisory council and may promulgate rules it considers necessary to implement this section.

Section 2. This amendatory act shall not take effect unless House Bill No. 5500 of the 86th Legislature is enacted into law.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.