

# HOUSE BILL No. 4701

April 16, 1991, Introduced by Reps. Sikkema, Scott, Martin, McNutt, Strand, DeBeaussaert, Dolan and London and referred to the Committee on Conservation, Recreation and Environment.

A bill to create the Michigan environmental review board and to prescribe its powers and duties; and to prescribe the powers and duties of certain state agencies and officials.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "Michigan environmental review board act".

3       Sec. 2. As used in this act:

4       (a) "Approved guidelines" means guidelines for the prepara-  
5 tion of environmental impact statements approved by the governor  
6 pursuant to section 5.

7       (b) "Board" means the Michigan environmental review board  
8 created in section 3.

9       (c) "Environment" means the natural resources of the state,  
10 including air, water, land, mineral and energy resources, and  
11 flora and fauna.

1       Sec. 3. (1) The Michigan environmental review board is  
2 created within the executive office of the governor. The board  
3 shall consist of the following members:

4       (a) The attorney general.

5       (b) The director of the department of agriculture.

6       (c) The director of commerce.

7       (d) The director of the department of natural resources.

8       (e) The director of the department of public health.

9       (f) The director of the state transportation department.

10      (g) The director of the department of management and  
11 budget.

12      (h) Ten members from the general public appointed by the  
13 governor with the advice and consent of the senate.

14      (2) General public members of the board appointed pursuant  
15 to subsection (1)(h) shall serve for terms of 3 years each.

16 However, of the members first appointed, 3 shall serve a 1-year  
17 term and 3 shall serve a 2-year term. General public members of  
18 the board shall serve at the pleasure of the governor.

19      (3) The governor shall designate a chairperson and a  
20 vice-chairperson of the board from among the general public  
21 members. The board shall meet at the call of the chairperson.

22      (4) A member of the board may designate an alternate to per-  
23 form his or her functions in the event of unavoidable absence.

24      (5) The department of management and budget shall provide an  
25 executive secretary for the board and additional staff support as  
26 necessary to fulfill the duties of the board.

1       Sec. 4. The board shall do all of the following:

2       (a) Advise the governor and state agencies on environmental  
3 issues.

4       (b) Make recommendations to the governor, the director of  
5 the department of natural resources, or other state agencies on  
6 environmental policy issues as may be requested by the governor.

7       (c) Conduct public hearings or conferences at the governor's  
8 request to receive recommendations on state environmental poli-  
9 cies from the general public.

10       (d) Assist the governor in reviewing federal and state envi-  
11 ronmental impact statements and identify actions of state agen-  
12 cies that should be suspended or modified if such actions seri-  
13 ously threaten the quality of the environment or human life.

14       Sec. 5. Within 60 days after appointment and confirmation  
15 of all of the general public members of the board, the board  
16 shall forward to the governor for his or her consideration  
17 interim guidelines for the preparation of environmental impact  
18 statements by state agencies, including procedures for the timely  
19 review of environmental impact statements. The board shall also  
20 allow public review and comment on the interim guidelines.  
21 Within 6 months after the effective date of this act, the board  
22 shall forward to the governor for his or her consideration final-  
23 ized guidelines for the preparation of environmental impact  
24 statements. Within 1 year after the effective date of this act,  
25 the governor shall approve guidelines for the preparation of  
26 environmental impact statements.

1       Sec. 6. (1) Each state agency shall forward to the governor  
2 an environmental impact statement on each proposed major action  
3 within its jurisdiction that may have a significant impact on the  
4 environment or human life. If an environmental impact statement  
5 is required pursuant to federal or state statute or rule or regu-  
6 lation, that environmental impact statement will satisfy this  
7 requirement. Environmental impact statements not required by  
8 federal or state statute or rule or regulation shall be prepared  
9 as succinctly as possible in accordance with the approved  
10 guidelines. Each environmental impact statement shall contain  
11 the following:

12       (a) A description of the probable impact of the action on  
13 the environment, including any associated impacts on human life.

14       (b) A description of the probable adverse effects of the  
15 action that cannot be avoided, such as air or water pollution,  
16 threats to human health, or other adverse effects on human life.

17       (c) An evaluation of alternatives to the proposed action  
18 that might avoid some or all of the adverse effects, including an  
19 explanation of why the agency determined to pursue the action in  
20 its contemplated form rather than an alternative.

21       (d) The possible modifications to the project that would  
22 eliminate or minimize adverse effects, including a discussion of  
23 the additional costs involved in such modifications.

24       (2) Each state agency environmental impact statement shall  
25 be reviewed by the board in accordance with the approved  
26 guidelines. The board shall forward each environmental impact  
27 statement for review to an interdepartmental environmental review

1 committee that consists of 1 member appointed from each state  
2 department in a manner prescribed by the approved guidelines.  
3 The interdepartmental environmental review committee shall be  
4 chaired by the executive secretary of the board who shall forward  
5 the committee findings on each environmental impact statement to  
6 the board for its action as set forth in the approved  
7 guidelines.

8       (3) An environmental impact statement shall be completed by  
9 the state agency within the constraints of statutory deadlines,  
10 rules, and regulations in sufficient time to permit an adequate  
11 review of the environmental impact statement and consideration of  
12 alternative courses of action if necessary to protect the envi-  
13 ronment and human life.

14       (4) State agency environmental impact statements shall be  
15 circulated by the board to appropriate local agencies and public  
16 and private organizations and by request to interested citizens  
17 for their review and comment pursuant to provisions to be  
18 included in the approved guidelines.

19       (5) The board shall provide a forum for public comment on  
20 any major action if it determines that the public has not had  
21 sufficient opportunity to be heard.