

SENATE BILL No. 53

February 6, 1991, Introduced by Senators CHERRY, EHLERS, BERRYMAN, POLLACK and KELLY and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to create the office of the environmental ombudsman; and to prescribe the powers and duties of the office and 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 "environmental ombudsman act".

3 Sec. 2. As used in this act:

4 (a) "Council" means the legislative council established
5 under section 15 of article IV of the state constitution of
6 1963.

7 (b) "Ombudsman" means the environmental ombudsman created in
8 section 3.

9 Sec. 3. (1) The office of the environmental ombudsman is
10 created within the council.

1 (2) The principal executive officer of the office of the
2 environmental ombudsman is the environmental ombudsman.

3 (3) The ombudsman shall be appointed by the council for 1
4 nonrenewable 6-year term. If the ombudsman fails to serve for
5 the entire 6-year period, a successor shall be selected for a
6 nonrenewable 6-year term. The ombudsman may be removed by the
7 council before the expiration of his or her term for cause.

8 Sec. 4. The ombudsman shall perform all of the following
9 duties and responsibilities:

10 (a) Act within state government on behalf of individuals and
11 businesses who have concerns regarding the state's system of
12 environmental protection and resource management, and assist them
13 in directing and communicating their concerns to the appropriate
14 state agency.

15 (b) Assist the public in gaining access to the environmental
16 decision-making process before any final decision is rendered by
17 a state agency.

18 (c) Assist the public in obtaining efficient, thorough, and
19 timely responses regarding natural resources and environmental
20 protection questions.

21 (d) Recommend to appropriate state agencies and the legisla-
22 ture methods by which public participation in natural resources
23 and environmental decision-making could be improved.

24 (e) Compile, maintain, and make available upon request a
25 complete list of all citizen advisory committees within state
26 agencies that are involved with natural resources and
27 environmental issues.

1 (f) Serve as a liaison between the public and the state
2 agencies involved with natural resources and environmental
3 issues.

4 (g) Investigate complaints regarding violations of environ-
5 mental laws and rules promulgated under those laws, or regarding
6 state agencies not enforcing environmental laws.

7 (h) Assist individuals, businesses, and local units of gov-
8 ernment in obtaining information regarding permit applications
9 and the permit process, but refrain from intervening on behalf of
10 any party after the process has commenced.

11 Sec. 5. All agencies of state government shall cooperate
12 fully with the ombudsman, and shall assist the ombudsman in the
13 performance of his or her duties and responsibilities under this
14 act.

15 Sec. 6. The council shall establish procedures for approv-
16 ing the budget of the office, for expending funds, and for the
17 employment of any personnel of the ombudsman.

18 Sec. 7. The responsibilities granted to the ombudsman under
19 this act shall not limit or affect any existing rights of public
20 participation or appeals related to any programs in any state
21 agency, and are intended to be in addition to any such existing
22 processes.

23 Sec. 8. This act shall take effect April 1, 1991.