



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 874 (Substitute S-2 as reported)
Sponsor: Senator Patricia L. Birkholz
Committee: Local, Urban and State Affairs

Date Completed: 3-6-06

RATIONALE

The Michigan Environmental Science Board was created by executive order to advise the Governor, the Natural Resources Commission, and State agencies on issues affecting the protection and management of Michigan's environmental and natural resources. (Originally created in the Department of Management and Budget by Executive Order 1992-19, the Board was transferred to the Department of Environmental Quality by Executive Order 1997-3.) Members of the Board are appointed by the Governor, who also appoints an executive director and any other officers. The Board is required to perform its duties upon request of the Governor, though the Natural Resources Commission, department directors, and heads of autonomous agencies may request the Governor to request that the Board review a matter. Reportedly, former Governor Engler relied on the Board regularly. According to the Department of Environmental Quality, Governor Granholm also has appointed individuals to the present Board and refers matters to it from time to time. It has been suggested that a similar body be created to provide the Legislature with scientific analysis and advice on matters affecting the State's natural resources.

CONTENT

The bill would amend the Legislative Council Act to create the Michigan Legislative Environmental Science Board (MLESB), and require it to advise the Legislature on issues affecting the conservation of natural resources.

The MLESB would consist of nine members appointed by the Legislative Council with expertise in the following: engineering, ecological science, economics, chemistry, physics, biological sciences, human medicine, statistics, and risk management. The first members would have to be appointed within 90 days of the bill's effective date.

Members would serve for three-year terms. Of the first members appointed, however, three would serve for one year and three for two years. The Council could remove a member for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause. Members of the MLESB would have to serve without compensation but could be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the Board.

The MLESB would have to be administered by an executive director, whom the Council would have to appoint within 90 days after the bill's effective date. The executive director would have to call the first meeting of the MLESB within 150 days after the bill's effective date. At that meeting, the MLESB would have to elect a chairperson and other officers it considered appropriate. Subsequently, the MLESB would have to meet at the call of the chairperson or if requested by two or more members. The MLESB would be subject to the Open Meetings Act and the Freedom of Information Act.

Upon request of the Senate Majority Leader or the Speaker of the House of Representatives, the MLESB would have to advise the Legislature on issues affecting the conservation of the natural resources of the State. In its deliberations, the Board would have to use sound, objective, scientific reasoning, and consider both economic reasonableness and relative risk to human health and the environment.

As appropriate, the MLESB could make inquiries, studies, and investigations; hold hearings; and receive comments from the public. The executive director, as appropriate, could call upon experts who were not members of the MLESB to assist the Board in its deliberations.

All departments, boards, commissions, or officers of the State, or of any political subdivisions of the State, would have to give the MLESB, or any member or representative of the Board, both of the following:

- Assistance requested by the MLESB, or any Board member or representative, in the performance of the Board's duties, as far as it was compatible with the entity's or officer's duties.
- Subject to confidentiality protection provided by law, free access to any books, records, or documents in the entity's or officer's custody relating to matters within the scope of the Board's inquiry, study, or investigation.

The bill also would repeal Section 901 of the Act, which repealed Public Act 419 of 1965 (a former Legislative Council Act).

MCL 4.1102 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The proposed MLESB would parallel the administration's Environmental Science Board in many respects but would be responsible for advising legislators, rather than the Governor. The Legislature regularly considers a wide variety of issues affecting Michigan's natural resources and environment—such as directional drilling,

mercury contamination, and groundwater withdrawal. Since many of these subjects can be complex, as well as controversial, it could be beneficial to have an unbiased group of experts available to inform and advise lawmakers. As spelled out in the bill, the proposed MLESB would have to use sound, objective, scientific reasoning and consider both economic reasonableness and relative risk to human health and the environment. The recommendations of the MLESB could prove valuable to the Legislature as it makes decisions on natural resources issues that affect residents, businesses, and communities.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Stephanie Yu

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.