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BILL ANALYSIS

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Senate Bill 874 (as introduced 11-9-05)
Sponsor: Senator Patricia L. Birkholz
Committee: Local, Urban and State Affairs

Date Completed: 11-10-05

CONTENT

The bill would amend the Legislative Council Act to create the Michigan Environmental Science Board (MESB), whose members would be appointed by the Legislative Council; require the MESB to advise the Legislature on issues affecting the conservation of natural resources; and dissolve the Michigan Environmental Science Board that was created by a 1992 Executive Order and transferred to the Department of Environmental Quality by a 1997 Executive Order.

The proposed MESB 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 MESB 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 MESB 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 MESB within 150 days after the bill's effective date. At that meeting, the MESB would have to elect a chairperson and other officers it considered appropriate. Subsequently, the MESB would have to meet at the call of the chairperson or if requested by two or more members. The MESB 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 MESB 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 MESB 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 MESB 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 MESB, or any member or representative of the board, both of the following:

- Any necessary assistance required by the MESB, or any board member or representative, in the performance of its duties, as far as it was compatible with the entity's or officer's duties.
- 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.

MCL 4.1102 et al.

BACKGROUND

Executive Order (E.O.) 1992-19 created the Michigan Environmental Science Board as an autonomous entity within the Department of Management and Budget. The Board is required to include members who have expertise in engineering, ecological science, economics, chemistry, physics, biological sciences, human medicine, statistics, risk management, geology, and other disciplines as necessary. Board members are appointed by the Governor for three-year terms. The Governor also appoints the chairperson of the Board, the executive director, and any other officers.

The Board is required to advise the Governor, the Natural Resources Commission, the Department of Natural Resources (DNR), and other State agencies on issues affecting the protection and management of Michigan's environmental and natural resources, as requested by the Governor. The Board also is required to assist the Governor in reviewing State or Federal environmental impact statements and coordinate the reviews of other State agencies. As requested by the Governor, the Board is required to do the following:

- Review the establishment of new environmental standards for permits or operating licenses.
- Review the methodology for establishing permit or operating license conditions that contain environmental standards not established by administrative rule.
- Review staff recommendations for the approval or denial of permit and license applications.

Specific duties of the Board are set forth in the Executive Order. The Natural Resources Commission, the DNR Director, and other department directors and autonomous agency heads may request the Governor to request the Board to review a matter. As appropriate, the Board may make inquiries, studies, and investigations, hold hearings, and hear comments from the public, and the executive director may call upon experts to assist the Board in its deliberations. The E.O. also requires all departments, boards, commissions, or officers of the State, or any political subdivision, to give the Board or its members or representatives any necessary assistance, and free access to books, records, or documents.

Executive Order 1997-3 transferred the Board to the DEQ by a type I transfer (which transfers an existing department or agency intact to a principal department, to be administered under the supervision of the department).

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.