

SENATE BILL No. 874

November 9, 2005, Introduced by Senators BIRKHOLZ, KUIPERS, HARDIMAN, GOSCHKA, ALLEN and McMANUS and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1986 PA 268, entitled
"Legislative council act,"
by amending the title and section 102 (MCL 4.1102), the title as
amended by 1988 PA 100 and section 102 as amended by 1995 PA 189,
by amending the heading to chapter 8, and by adding sections 801,
802, 803, 804, and 805; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to create the legislative council; to prescribe its
membership, powers, and duties; to create a legislative service
bureau to provide staff services to the legislature and the
council; to provide for operation of legislative parking
facilities; to create funds; to provide for the expenditure of

1 appropriated funds by legislative council agencies; to authorize
 2 the sale of access to certain computerized data bases; to establish
 3 fees; to create the Michigan commission on uniform state laws; to
 4 create a law revision commission; to create a senate fiscal agency
 5 and a house fiscal agency; to create a Michigan capitol committee;
 6 to create ~~a commission on intergovernmental relations~~ **AN**
 7 **ENVIRONMENTAL SCIENCE BOARD**; to prescribe the powers and duties of
 8 certain state agencies and departments; **AND** to repeal ~~certain~~
 9 acts and parts of acts. ~~-, and to repeal certain parts of this act~~
 10 ~~on specific dates.~~

11 Sec. 102. As used in this act:

12 (a) "Bureau" means the legislative service bureau.

13 (b) "Commission" means the Michigan law revision commission.

14 (c) "Council" means the legislative council.

15 (d) "Council administrator" means the chief executive officer
 16 of all legislative council agencies.

17 (e) "Legislative council agencies" means the bureau,
 18 commission, and any other legislative council agency designated by
 19 the council.

20 (f) "MESB" means the Michigan environmental science board
 21 created in section 801.

22 CHAPTER 8

23 ~~COMMISSION ON INTERGOVERNMENTAL RELATIONS~~ **ENVIRONMENTAL SCIENCE** 24 **BOARD.**

25 **SEC. 801. (1) THE MICHIGAN ENVIRONMENTAL SCIENCE BOARD IS**
 26 **CREATED.**

27 **(2) THE MESB SHALL CONSIST OF 9 MEMBERS APPOINTED BY THE**

1 COUNCIL, AS FOLLOWS:

2 (A) A MEMBER WITH EXPERTISE IN ENGINEERING.

3 (B) A MEMBER WITH EXPERTISE IN ECOLOGICAL SCIENCE.

4 (C) A MEMBER WITH EXPERTISE IN ECONOMICS.

5 (D) A MEMBER WITH EXPERTISE IN CHEMISTRY.

6 (E) A MEMBER WITH EXPERTISE IN PHYSICS.

7 (F) A MEMBER WITH EXPERTISE IN BIOLOGICAL SCIENCES.

8 (G) A MEMBER WITH EXPERTISE IN HUMAN MEDICINE.

9 (H) A MEMBER WITH EXPERTISE IN STATISTICS.

10 (I) A MEMBER WITH EXPERTISE IN RISK ASSESSMENT.

11 (3) THE FIRST MEMBERS APPOINTED TO THE MESB SHALL BE APPOINTED
12 WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

13 (4) MEMBERS OF THE MESB SHALL SERVE FOR TERMS OF 3 YEARS OR
14 UNTIL A SUCCESSOR IS APPOINTED, WHICHEVER IS LATER. HOWEVER, OF THE
15 MEMBERS FIRST APPOINTED, 3 SHALL SERVE FOR 1 YEAR AND 3 SHALL SERVE
16 FOR 2 YEARS.

17 (5) IF A VACANCY OCCURS ON THE MESB, THE VACANCY SHALL BE
18 FILLED FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL
19 APPOINTMENT.

20 (6) THE COUNCIL MAY REMOVE A MEMBER OF THE MESB FOR
21 INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR
22 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

23 SEC. 802. (1) THE MESB SHALL BE ADMINISTERED BY AN EXECUTIVE
24 DIRECTOR WHO SHALL BE APPOINTED BY THE COUNCIL WITHIN 90 DAYS AFTER
25 THE EFFECTIVE DATE OF THIS SECTION. THE FIRST MEETING OF THE MESB
26 SHALL BE CALLED BY THE EXECUTIVE DIRECTOR WITHIN 150 DAYS AFTER THE
27 EFFECTIVE DATE OF THIS SECTION. AT THE FIRST MEETING, THE MESB

1 SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS
2 AS IT CONSIDERS APPROPRIATE. AFTER THE FIRST MEETING, THE MESB
3 SHALL MEET AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 2 OR
4 MORE MEMBERS.

5 (2) A MAJORITY OF THE MEMBERS OF THE MESB CONSTITUTE A QUORUM
6 FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE MESB. THE
7 AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THE MESB IS
8 REQUIRED FOR OFFICIAL ACTION OF THE MESB.

9 (3) THE BUSINESS THAT THE MESB MAY PERFORM SHALL BE CONDUCTED
10 AT A PUBLIC MEETING OF THE MESB HELD IN COMPLIANCE WITH THE OPEN
11 MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

12 (4) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
13 RETAINED BY THE MESB IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS
14 SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231
15 TO 15.246.

16 (5) MEMBERS OF THE MESB SHALL SERVE WITHOUT COMPENSATION.
17 HOWEVER, MEMBERS OF THE MESB MAY BE REIMBURSED FOR THEIR ACTUAL AND
18 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL
19 DUTIES AS MEMBERS OF THE MESB.

20 SEC. 803. UPON REQUEST OF THE SENATE MAJORITY LEADER OR THE
21 SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE MESB SHALL ADVISE THE
22 LEGISLATURE ON ISSUES AFFECTING THE CONSERVATION OF THE NATURAL
23 RESOURCES OF THIS STATE. IN ITS DELIBERATIONS, THE MESB SHALL USE
24 SOUND, OBJECTIVE, SCIENTIFIC REASONING AND SHALL CONSIDER BOTH OF
25 THE FOLLOWING:

26 (A) RELATIVE RISK TO THE HUMAN HEALTH AND TO THE ENVIRONMENT.

27 (B) ECONOMIC REASONABLENESS.

1 SEC. 804. (1) AS APPROPRIATE, THE MESB MAY MAKE INQUIRIES,
2 STUDIES, AND INVESTIGATIONS, HOLD HEARINGS, AND RECEIVE COMMENTS
3 FROM THE PUBLIC. AS APPROPRIATE, THE EXECUTIVE DIRECTOR MAY CALL
4 UPON EXPERTS WHO ARE NOT MEMBERS OF THE MESB TO ASSIST THE MESB IN
5 ITS VARIOUS DELIBERATIONS.

6 (2) ALL DEPARTMENTS, BOARDS, COMMISSIONS, OR OFFICERS OF THIS
7 STATE, OR OF ANY POLITICAL SUBDIVISION OF THIS STATE, SHALL GIVE TO
8 THE MESB, OR TO ANY MEMBER OR REPRESENTATIVE OF THE MESB, BOTH OF
9 THE FOLLOWING:

10 (A) ANY NECESSARY ASSISTANCE REQUIRED BY THE MESB, OR ANY
11 MEMBER OR REPRESENTATIVE OF THE MESB, IN THE PERFORMANCE OF THE
12 DUTIES OF THE MESB SO FAR AS IS COMPATIBLE WITH THE ENTITY'S OR
13 OFFICER'S DUTIES.

14 (B) FREE ACCESS TO ANY BOOKS, RECORDS, OR DOCUMENTS IN THE
15 ENTITY'S OR OFFICER'S CUSTODY RELATING TO MATTERS WITHIN THE SCOPE
16 OF THE INQUIRY, STUDY, OR INVESTIGATION OF THE MESB.

17 SEC. 805. THE MICHIGAN ENVIRONMENTAL SCIENCE BOARD CREATED BY
18 EXECUTIVE ORDER NO. 1992-19 AND TRANSFERRED TO THE DEPARTMENT OF
19 ENVIRONMENTAL QUALITY BY EXECUTIVE REORGANIZATION ORDER NO. 1997-3,
20 MCL 324.99904, IS DISSOLVED.

21 Enacting section 1. Chapter 9 of the legislative council act,
22 1986 PA 268, MCL 4.1901, is repealed.