

# SENATE BILL No. 1495

September 16, 2008, Introduced by Senators BIRKHOLZ, VAN WOERKOM, SWITALSKI and BRATER and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding part 50.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 50 ON-SITE WASTEWATER TREATMENT SYSTEMS

SEC. 5001. AS USED IN THIS PART:

(A) "ADVISORY COUNCIL" MEANS THE ON-SITE WASTEWATER TREATMENT SYSTEM ADVISORY COUNCIL CREATED IN SECTION 5008.

(B) "ALTERNATIVE SYSTEM" MEANS AN ON-SITE WASTEWATER TREATMENT SYSTEM THAT IS NOT A CONVENTIONAL SYSTEM AND PROVIDES FOR AN EQUIVALENT OR BETTER DEGREE OF PROTECTION FOR PUBLIC HEALTH AND THE ENVIRONMENT, THROUGH UNIFORM DISTRIBUTION OF EFFLUENT TO THE FINAL DISPOSAL SYSTEM OR ENHANCED TREATMENT PRIOR TO FINAL DISPOSAL, OR A COMBINATION OF THESE METHODS.

(C) "CONVENTIONAL SYSTEM" MEANS AN ON-SITE WASTEWATER

1 TREATMENT SYSTEM FOR TREATING SANITARY SEWAGE THAT UTILIZES A  
2 WATERTIGHT SEPTIC TANK WITH 6,000 GALLONS OR LESS IN VOLUME OR IN  
3 WHICH THE FLOW FROM THE SYSTEM IS 10,000 GALLONS OR LESS PER DAY  
4 AND WITH NONUNIFORM DISTRIBUTION OF EFFLUENT TO SUBSURFACE SOIL.

5 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL  
6 QUALITY.

7 (E) "INSPECTOR" MEANS AN EMPLOYEE OF AN AUTHORIZED LOCAL  
8 HEALTH DEPARTMENT OR OTHER INDIVIDUAL CERTIFIED UNDER SECTION 5005  
9 TO CONDUCT INSPECTIONS OF CONVENTIONAL SYSTEMS OR ALTERNATIVE  
10 SYSTEMS, OR BOTH.

11 (F) "LOCAL HEALTH DEPARTMENT" MEANS A LOCAL HEALTH DEPARTMENT  
12 AS DEFINED IN SECTION 1105 OF THE PUBLIC HEALTH CODE, 1978 PA 368,  
13 MCL 333.1105.

14 (G) "ON-SITE WASTEWATER TREATMENT SYSTEM" MEANS A SYSTEM  
15 RELYING ON NATURAL PROCESSES OR MECHANICAL COMPONENTS TO COLLECT,  
16 TREAT, AND DISCHARGE OR RECLAIM WASTEWATER FROM 1 OR MORE DWELLINGS  
17 OR BUILDINGS WITHOUT THE USE OF A SEWERAGE SYSTEM, INCLUDING  
18 INDIVIDUAL SYSTEMS, COMMUNITY SYSTEMS, AND COMMERCIAL SYSTEMS THAT  
19 USE SUBSURFACE DISPERSAL.

20 (H) "SANITARY SEWAGE" MEANS WATER AND CONTAMINANTS DISCHARGED  
21 FROM SANITARY CONVENIENCES, INCLUDING BATHROOM, KITCHEN, AND  
22 HOUSEHOLD LAUNDRY FIXTURE OF DWELLINGS, OFFICE BUILDINGS,  
23 INDUSTRIAL PLANTS, COMMERCIAL BUILDINGS, AND INSTITUTIONS. SANITARY  
24 SEWAGE DOES NOT INCLUDE COMMERCIAL LAUNDRY WASTES AND WASTES FROM  
25 INDUSTRIAL AND COMMERCIAL PROCESSES.

26 (I) "TECHNICAL COMMITTEE" MEANS THE ALTERNATIVE SYSTEM  
27 TECHNICAL ADVISORY COMMITTEE ESTABLISHED IN SECTION 5009.

1           SEC. 5002. IF A PERSON ENTERS INTO A CONTRACT FOR THE  
2 PERFORMANCE OF AN INSPECTION OF A CONVENTIONAL SYSTEM OR AN  
3 ALTERNATIVE SYSTEM, THAT PERSON SHALL CONTRACT FOR THAT INSPECTION  
4 WITH A CERTIFIED INSPECTOR.

5           SEC. 5003. BEGINNING JANUARY 1, 2010, THE OWNER OF THE  
6 FOLLOWING ON-SITE WASTEWATER TREATMENT SYSTEMS SHALL OBTAIN AN  
7 INSPECTION OF THE ON-SITE WASTEWATER TREATMENT SYSTEMS BY AN  
8 INSPECTOR AT LEAST EVERY 10 YEARS:

9           (A) A CONVENTIONAL SYSTEM THAT WAS PERMITTED FOR USE BY A  
10 LOCAL HEALTH DEPARTMENT ON OR AFTER JANUARY 1, 2010.

11           (B) A CONVENTIONAL SYSTEM IN WHICH A LOCAL HEALTH DEPARTMENT  
12 DETERMINES THAT THE SYSTEM POSES A THREAT TO PUBLIC HEALTH OR  
13 SAFETY.

14           (C) A CONVENTIONAL SYSTEM THAT HAS BEEN INSPECTED ON OR AFTER  
15 JANUARY 1, 2010.

16           (D) AN ALTERNATIVE SYSTEM THAT WAS PERMITTED FOR USE BY A  
17 LOCAL HEALTH DEPARTMENT PRIOR TO JANUARY 1, 2010.

18           SEC. 5004. (1) IN CONDUCTING AN INSPECTION OF A CONVENTIONAL  
19 SYSTEM, AN INSPECTOR SHALL DO ALL OF THE FOLLOWING:

20           (A) LOCATE, EXPOSE, OPEN, AND INSPECT THE SEPTIC TANK  
21 ASSOCIATED WITH THE SYSTEM.

22           (B) OBSERVE THE SURROUNDING AREA LOOKING FOR SURFACE DRAINAGE  
23 PROBLEMS OR EVIDENCE OF A DRAIN FIELD MALFUNCTION.

24           (C) CHECK FOR LOCATIONS OF AN ILLICIT DISCHARGE SUCH AS TO A  
25 WATERWAY, WETLAND, DITCH, OR SUBSURFACE DRAIN.

26           (D) LOCATE THE DRAIN FIELD.

27           (E) ASSESS WHETHER THE SYSTEM IS EXHIBITING ANY OF THE

1 FOLLOWING:

2 (i) EVIDENCE OF BACKUP OF SEWAGE INTO A STRUCTURE.

3 (ii) EVIDENCE OF A DISCHARGE OF EFFLUENT ONTO THE GROUND OR  
4 INTO A WATER BODY.

5 (iii) A LIQUID LEVEL IN THE SEPTIC TANK THAT IS ABOVE THE  
6 OUTLET.

7 (iv) A STRUCTURAL FAILURE OF THE SEPTIC TANK.

8 (2) THE DEPARTMENT, IN CONSULTATION WITH THE ADVISORY COUNCIL,  
9 SHALL DEVELOP AND MAKE AVAILABLE ON ITS WEBSITE AN INSPECTION  
10 REPORT FORM FOR USE IN DOCUMENTING THE RESULTS OF AN INSPECTION OF  
11 A CONVENTIONAL SYSTEM.

12 (3) AN INSPECTOR WHO CONDUCTS AN INSPECTION OF A CONVENTIONAL  
13 SYSTEM SHALL PREPARE AN INSPECTION REPORT THAT DESCRIBES THE  
14 RESULTS OF THE INSPECTION. THE INSPECTOR SHALL PROVIDE A COPY OF  
15 THE INSPECTION REPORT TO THE OWNER OF THE CONVENTIONAL SYSTEM AND  
16 THE LOCAL HEALTH DEPARTMENT WITH JURISDICTION OVER THE LOCATION OF  
17 THE CONVENTIONAL SYSTEM.

18 (4) LOCAL HEALTH DEPARTMENTS SHALL COLLABORATE ON ESTABLISHING  
19 COMPATIBLE FORMATS FOR MAINTAINING RECORDS OF INSPECTION REPORTS.

20 SEC. 5005. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), BEGINNING  
21 JANUARY 1, 2010, AN INDIVIDUAL SHALL NOT CONDUCT AN INSPECTION OF A  
22 CONVENTIONAL SYSTEM OR AN ALTERNATIVE SYSTEM UNLESS THE INDIVIDUAL  
23 HAS BEEN CERTIFIED BY A LOCAL HEALTH DEPARTMENT, THE DEPARTMENT, OR  
24 AN ORGANIZATION APPROVED BY THE DEPARTMENT TO CONDUCT INSPECTIONS  
25 OF CONVENTIONAL SYSTEMS OR ALTERNATIVE SYSTEMS, OR BOTH. THE  
26 DEPARTMENT SHALL APPROVE AN ORGANIZATION THAT PROVIDES  
27 CERTIFICATION FOR INSPECTORS IF THE DEPARTMENT DETERMINES THAT THE

1 ORGANIZATION REQUIRES MINIMUM LEVELS OF EDUCATION AND EXPERIENCE IN  
2 ORDER TO CONDUCT THE INSPECTIONS.

3 (2) A PERSON WHO, PRIOR TO JANUARY 1, 2010, WAS DETERMINED TO  
4 BE QUALIFIED TO CONDUCT INSPECTIONS OF CONVENTIONAL SYSTEMS BY A  
5 LOCAL HEALTH DEPARTMENT SHALL BE CONSIDERED TO BE CERTIFIED UNDER  
6 SUBSECTION (1).

7 SEC. 5006. (1) BEGINNING JANUARY 1, 2010, A PERSON SHALL NOT  
8 INSTALL AN ALTERNATIVE SYSTEM UNLESS THAT TYPE OF ALTERNATIVE  
9 SYSTEM HAS BEEN APPROVED FOR USE IN THIS STATE BY THE DEPARTMENT.

10 (2) UPON APPLICATION, THE DEPARTMENT SHALL REVIEW AND APPROVE  
11 OR DISAPPROVE THE USE OF A PARTICULAR TYPE OF ALTERNATIVE SYSTEM IN  
12 THIS STATE. IN REVIEWING APPLICATIONS UNDER THIS SECTION, THE  
13 DEPARTMENT SHALL CONSIDER RELEVANT GUIDANCE DOCUMENTS PREPARED BY  
14 THE TECHNICAL COMMITTEE. IF THE DEPARTMENT APPROVES THE USE OF AN  
15 ALTERNATIVE SYSTEM, THE DEPARTMENT SHALL REQUIRE COMPLIANCE WITH  
16 LOCAL SANITARY CODES AND SHALL IDENTIFY THE APPROPRIATE  
17 CHARACTERISTIC SOILS, SITE CONDITIONS, AND OPERATING CONDITIONS IN  
18 WHICH THE ALTERNATIVE SYSTEM MAY BE USED. THE DEPARTMENT SHALL ALSO  
19 DETERMINE THE FREQUENCY OF INSPECTIONS THAT ARE REQUIRED OF THE  
20 ALTERNATIVE SYSTEM. INSPECTIONS SHALL BE CONDUCTED BY CERTIFIED  
21 INSPECTORS. THE DEPARTMENT MAY CHARGE A FEE FOR THE REVIEW OF  
22 APPLICATIONS UNDER THIS SECTION.

23 (3) UNLESS A PERSON HAS OBTAINED A GROUNDWATER DISCHARGE  
24 PERMIT UNDER PART 31 FOR THE USE OF AN ALTERNATIVE SYSTEM, THE  
25 PERSON SHALL NOT INSTALL AN ALTERNATIVE SYSTEM UNLESS HE OR SHE HAS  
26 RECEIVED A PERMIT FROM THE LOCAL HEALTH DEPARTMENT IN WHICH THE  
27 ALTERNATIVE SYSTEM IS PROPOSED TO BE LOCATED. IF A LOCAL HEALTH

1 DEPARTMENT ADMINISTERS AN ALTERNATIVE SYSTEM PERMIT PROGRAM WITHIN  
2 ITS JURISDICTION, THE LOCAL HEALTH DEPARTMENT SHALL APPROVE THE  
3 INSTALLATION OF AN ALTERNATIVE SYSTEM IF ALL OF THE FOLLOWING  
4 CONDITIONS ARE MET:

5 (A) THE ALTERNATIVE SYSTEM HAS BEEN APPROVED FOR USE BY THE  
6 DEPARTMENT.

7 (B) THE SOILS, SITE CONDITIONS, AND OPERATING CONDITIONS AT  
8 THE LOCATION ARE APPROPRIATE FOR THE USE OF THE ALTERNATIVE SYSTEM  
9 AS ESTABLISHED BY THE DEPARTMENT.

10 (C) THE ALTERNATIVE SYSTEM WILL BE SUBJECT TO INSPECTIONS BY  
11 AN INSPECTOR CERTIFIED TO INSPECT ALTERNATIVE SYSTEMS OR THE  
12 DEPARTMENT IN ACCORDANCE WITH REQUIREMENTS OF THE DEPARTMENT.

13 SEC. 5007. (1) THE DEPARTMENT MAY COLLABORATE WITH INTERESTED  
14 ORGANIZATIONS SUCH AS THE MICHIGAN 4-H YOUTH CONSERVATION COUNCIL  
15 AND THE MICHIGAN STATE UNIVERSITY EXTENSION IN REVIEWING EXISTING  
16 EDUCATIONAL MATERIALS AND APPROVING OR DEVELOPING ADDITIONAL  
17 EDUCATIONAL MATERIALS, INCLUDING A MULTIMEDIA EDUCATIONAL CAMPAIGN,  
18 REGARDING THE PROPER MAINTENANCE OF CONVENTIONAL SYSTEMS AND THE  
19 CONSEQUENCES TO PUBLIC HEALTH AND THE ENVIRONMENT FROM THE FAILURE  
20 TO PROPERLY MAINTAIN CONVENTIONAL SYSTEMS. THE DEPARTMENT MAY MAKE  
21 THESE EDUCATIONAL MATERIALS AVAILABLE FOR COPYING AND DISTRIBUTION  
22 TO OWNERS OF CONVENTIONAL SYSTEMS AND TO SEPTAGE WASTE SERVICERS  
23 AND INSPECTORS. THE DEPARTMENT SHALL ALSO MAKE THE EDUCATIONAL  
24 MATERIALS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

25 (2) THE DEPARTMENT MAY SPECIFICALLY IDENTIFY 1 OR MORE SETS OF  
26 EDUCATIONAL MATERIALS THAT MAY BE DISTRIBUTED BY INSPECTORS AT THE  
27 TIME THAT THEY CONDUCT INSPECTIONS UNDER THIS PART.

1           SEC. 5008. (1) THE ON-SITE WASTEWATER TREATMENT SYSTEM  
2   ADVISORY COUNCIL IS CREATED WITHIN THE DEPARTMENT.

3           (2) THE ADVISORY COUNCIL SHALL CONSIST OF THE FOLLOWING  
4   MEMBERS:

5           (A) FOUR MEMBERS APPOINTED BY THE SENATE MAJORITY LEADER AS  
6   FOLLOWS:

7           (i) A REPRESENTATIVE OF A LOCAL HEALTH DEPARTMENT WHO IS  
8   DIRECTLY INVOLVED IN DAILY INSPECTIONS AND SITE VISITS.

9           (ii) A DIRECTOR OF ENVIRONMENTAL HEALTH IN A LOCAL HEALTH  
10   DEPARTMENT.

11          (iii) A LICENSED PROFESSIONAL ENGINEER WHO IS INVOLVED IN  
12   DESIGNING DECENTRALIZED WASTEWATER TREATMENT FACILITIES.

13          (iv) AN ENGINEER OR SOIL SCIENTIST STAFF MEMBER FROM A COLLEGE  
14   OR UNIVERSITY.

15          (B) FOUR MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF  
16   REPRESENTATIVES AS FOLLOWS:

17          (i) AN OPERATOR OF DECENTRALIZED WASTEWATER SYSTEMS THAT IS  
18   CERTIFIED BY THE DEPARTMENT.

19          (ii) A CONTRACTOR WHO INSTALLS DECENTRALIZED WASTEWATER  
20   SYSTEMS.

21          (iii) A MANUFACTURER'S REPRESENTATIVE OR EQUIPMENT DISTRIBUTOR  
22   OF COMPONENTS COMMONLY USED IN DECENTRALIZED WASTEWATER TREATMENT  
23   SYSTEMS.

24          (iv) A REPRESENTATIVE OF AN ORGANIZATION OF LICENSED  
25   RESIDENTIAL HOME BUILDERS.

26          (C) FOUR MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

27          (i) A REPRESENTATIVE OF AN ORGANIZATION OF LICENSED REAL ESTATE

1 AGENTS.

2 (ii) A RESIDENT OF A RESIDENTIAL COMMUNITY THAT IS SERVED BY A  
3 COMMUNITY DECENTRALIZED WASTEWATER TREATMENT FACILITY.

4 (iii) A REPRESENTATIVE OF A LOCAL UNIT OF GOVERNMENT.

5 (iv) A REPRESENTATIVE OF AN ENVIRONMENTAL OR CONSERVATION  
6 ASSOCIATION.

7 (3) THE MEMBERS FIRST APPOINTED TO THE ADVISORY COUNCIL SHALL  
8 BE APPOINTED WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THE  
9 AMENDATORY ACT THAT ADDED THIS SECTION.

10 (4) MEMBERS OF THE ADVISORY COUNCIL SHALL SERVE FOR TERMS OF 4  
11 YEARS OR UNTIL A SUCCESSOR IS APPOINTED.

12 (5) A VACANCY ON THE ADVISORY COUNCIL SHALL BE FILLED FOR THE  
13 UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

14 (6) A MEMBER OF THE ADVISORY COUNCIL MAY BE REMOVED FOR  
15 INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR  
16 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

17 (7) THE FIRST MEETING OF THE ADVISORY COUNCIL SHALL BE CALLED  
18 BY THE DEPARTMENT. AT THE FIRST MEETING, THE ADVISORY COUNCIL SHALL  
19 ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT  
20 CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST MEETING, THE  
21 ADVISORY COUNCIL SHALL MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY  
22 AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 5 OR MORE  
23 MEMBERS.

24 (8) A MAJORITY OF THE MEMBERS OF THE ADVISORY COUNCIL  
25 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF  
26 THE ADVISORY COUNCIL. A MAJORITY OF THE MEMBERS PRESENT AND SERVING  
27 ARE REQUIRED FOR OFFICIAL ACTION OF THE ADVISORY COUNCIL.



1           (9) THE BUSINESS THAT THE ADVISORY COUNCIL MAY PERFORM SHALL  
2 BE CONDUCTED AT A PUBLIC MEETING OF THE ADVISORY COUNCIL HELD IN  
3 COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO  
4 15.275.

5           (10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR  
6 RETAINED BY THE ADVISORY COUNCIL IN THE PERFORMANCE OF AN OFFICIAL  
7 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442,  
8 MCL 15.231 TO 15.246.

9           (11) MEMBERS OF THE ADVISORY COUNCIL SHALL SERVE WITHOUT  
10 COMPENSATION. HOWEVER, MEMBERS OF THE ADVISORY COUNCIL MAY BE  
11 REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE  
12 PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE ADVISORY  
COUNCIL.

13           (12) THE ADVISORY COUNCIL SHALL DO ALL OF THE FOLLOWING:

14           (A) WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY  
15 ACT THAT ADDED THIS SECTION, REVIEW AND MAKE RECOMMENDATIONS ON THE  
16 ESTABLISHMENT AND FUNDING FOR A STATEWIDE DATABASE TO DOCUMENT THE  
17 LOCATIONS OF ON-SITE WASTEWATER TREATMENT SYSTEMS AND PROBLEMS  
18 ASSOCIATED WITH THEM THAT MAY ADVERSELY AFFECT THE WATERS OF THE  
19 STATE.

20           (B) STUDY AND MAKE RECOMMENDATIONS FOR A STATEWIDE SEWAGE  
21 CODE.

22           (C) STUDY AND MAKE RECOMMENDATIONS FOR A CERTIFICATION PROGRAM  
23 FOR INSPECTORS.

24           (D) STUDY AND MAKE RECOMMENDATIONS FOR ADDITIONAL REGULATIONS  
25 TO FURTHER IMPROVE WATER QUALITY RELATED TO THE USE OF ON-SITE

1 WASTEWATER TREATMENT SYSTEMS.

2 SEC. 5009. (1) THE ALTERNATIVE SYSTEM TECHNICAL ADVISORY  
3 COMMITTEE IS CREATED WITHIN THE DEPARTMENT.

4 (2) THE TECHNICAL COMMITTEE SHALL CONSIST OF THE FOLLOWING  
5 MEMBERS:

6 (A) TWO MEMBERS APPOINTED BY THE SENATE MAJORITY LEADER AS  
7 FOLLOWS:

8 (i) A REPRESENTATIVE OF A LOCAL HEALTH DEPARTMENT WHO IS  
9 DIRECTLY INVOLVED IN DAILY INSPECTIONS AND SITE VISITS.

10 (ii) A DIRECTOR OF ENVIRONMENTAL HEALTH IN A LOCAL HEALTH  
11 DEPARTMENT.

12 (B) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF  
13 REPRESENTATIVES AS FOLLOWS:

14 (i) A LICENSED PROFESSIONAL ENGINEER WHO IS INVOLVED IN  
15 DESIGNING DECENTRALIZED WASTEWATER TREATMENT FACILITIES.

16 (ii) AN ENGINEER OR SOIL SCIENTIST STAFF MEMBER FROM A COLLEGE  
17 OR UNIVERSITY.

18 (C) THREE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

19 (i) AN OPERATOR OF DECENTRALIZED WASTEWATER SYSTEMS THAT IS  
20 CERTIFIED BY THE DEPARTMENT.

21 (ii) A CONTRACTOR WHO INSTALLS DECENTRALIZED WASTEWATER  
22 SYSTEMS.

23 (iii) A MANUFACTURER'S REPRESENTATIVE OR EQUIPMENT DISTRIBUTOR  
24 OF COMPONENTS COMMONLY USED IN DECENTRALIZED WASTEWATER TREATMENT  
25 SYSTEMS.

26 (D) A REPRESENTATIVE OF THE DEPARTMENT.

27 (3) THE MEMBERS FIRST APPOINTED TO THE TECHNICAL COMMITTEE

1 SHALL BE APPOINTED WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THE  
2 AMENDATORY ACT THAT ADDED THIS SECTION.

3 (4) MEMBERS OF THE TECHNICAL COMMITTEE SHALL SERVE FOR TERMS  
4 OF 4 YEARS OR UNTIL A SUCCESSOR IS APPOINTED.

5 (5) A VACANCY ON THE TECHNICAL COMMITTEE SHALL BE FILLED FOR  
6 THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

7 (6) A MEMBER OF THE TECHNICAL COMMITTEE MAY BE REMOVED FOR  
8 INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR  
9 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

10 (7) THE FIRST MEETING OF THE TECHNICAL COMMITTEE SHALL BE  
11 CALLED BY THE DEPARTMENT. AT THE FIRST MEETING, THE TECHNICAL  
12 COMMITTEE SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND  
13 OTHER OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE  
14 FIRST MEETING, THE TECHNICAL COMMITTEE SHALL MEET AT LEAST  
15 QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF  
16 REQUESTED BY 4 OR MORE MEMBERS.

17 (8) A MAJORITY OF THE MEMBERS OF THE TECHNICAL COMMITTEE  
18 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF  
19 THE TECHNICAL COMMITTEE. A MAJORITY OF THE MEMBERS PRESENT AND  
20 SERVING ARE REQUIRED FOR OFFICIAL ACTION OF THE TECHNICAL  
21 COMMITTEE.

22 (9) THE BUSINESS THAT THE TECHNICAL COMMITTEE MAY PERFORM  
23 SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE TECHNICAL COMMITTEE  
24 HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL  
25 15.261 TO 15.275.

26 (10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR  
27 RETAINED BY THE TECHNICAL COMMITTEE IN THE PERFORMANCE OF AN

1 OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT,  
2 1976 PA 442, MCL 15.231 TO 15.246.

3 (11) MEMBERS OF THE TECHNICAL COMMITTEE SHALL SERVE WITHOUT  
4 COMPENSATION. HOWEVER, MEMBERS OF THE TECHNICAL COMMITTEE MAY BE  
5 REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE  
6 PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE TECHNICAL  
COMMITTEE.

7 (12) THE TECHNICAL COMMITTEE SHALL PREPARE AND RECOMMEND TO  
8 THE DEPARTMENT GUIDANCE DOCUMENTS FOR THE USE OF GENERIC  
9 ALTERNATIVE SYSTEM TECHNOLOGIES.