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BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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Senate Bill 757

Sponsor: Senator Vern Ehlers

Committee: Natural Resources and Environmental Affairs

Date Completed: 3-13-90

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SUMMARY OF SENATE BILL 757 as introduced 1-24-90:

The bill would create the "Environmental Ombudsman Act" to establish the "Office of the Environmental Ombudsman" within the Legislative Council and to require the Director of each State department to appoint an "Environmental Auditor" for that department. The bill would take effect on April 15, 1990.

Ombudsman

The executive officer of the proposed Office would be the Legislative Environmental Ombudsman. The Ombudsman would be appointed by the Legislative Council for one nonrenewable six-year term. The Ombudsman could be removed for cause before the term of office expired. If the Ombudsman failed to serve for the length of the term, a successor would have to be appointed for a nonrenewable six-year term. In addition to other duties assigned by the Council, the Ombudsman would have to do all of the following:

- Act within State government on behalf of individuals who had concerns about the State's system of environmental protection and natural resources management; assist individuals in directing and communicating those concerns to the proper State agency; and serve as a liaison between the public and the State agencies involved with environmental protection and natural resources management.
- Assist the public in gaining access to the natural resources management and environmental protection decision-making process and in obtaining thorough, efficient, and timely responses regarding related questions.
- Assist individuals, businesses, and local units of government in obtaining permits, if their permit applications were unduly delayed.
- Recommend to the Legislature and State agencies, appropriate methods to improve public participation in decision-making related to natural resources management and environmental protection.
- Investigate complaints about State agencies' failure to adhere to or enforce environmental laws or rules.
- Compile, maintain, and make available upon request, a list of citizen advisory committees within State agencies that are involved with environmental protection and natural resource management issues.

The Ombudsman's responsibilities under the bill could not limit or affect any existing rights of public participation or appeals pertaining to State agencies, but would be in addition to any such processes. The Council would have to establish procedures for approving the Office's budget, spending funds, and hiring personnel.

Other State Agencies

The bill would require all agencies of State government to cooperate with the Ombudsman's Office and to assist the Ombudsman in performing his or her duties and responsibilities. Each department's Environmental Auditor would have to assure that his or her department complied with all environmental laws and rules. The Environmental Auditor would have to serve as a liaison between his or her department and the Office.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would result in increased costs to the State. The annual budget for the Office of Environmental Ombudsman would depend on approval of the Legislative Council. A minimal staff of one professional and one clerical worker would cost approximately \$100,000.

The cost of environmental auditors for each State department would depend on whether the functions of that office could be performed by existing staff. If a new FTE employee had to be hired in each State department, the cost would be approximately \$700,000 to \$1,000,000 annually depending on the civil service classification for the position.

Fiscal Analyst: B. Bowerman

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