

HOUSE BILL No. 5934

June 11, 1998, Introduced by Reps. Basham, Hale, Anthony, Bogardus, Kelly, Stallworth, LaForge, Parks, Cherry, Scott and Schauer and referred to the Committee on Conservation, Environment and Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 12.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 12

ENVIRONMENTAL OMBUDSMAN

SEC. 1201. AS USED IN THIS PART:

(A) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
QUALITY.

(B) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

(C) "OMBUDSMAN" MEANS THE ENVIRONMENTAL OMBUDSMAN PROVIDED
FOR IN SECTION 1202.

SEC. 1202. (1) THE OFFICE OF THE ENVIRONMENTAL OMBUDSMAN IS
CREATED WITHIN THE DEPARTMENT.

1 (2) THE PRINCIPAL EXECUTIVE OFFICER OF THE OFFICE OF THE
2 ENVIRONMENTAL OMBUDSMAN IS THE ENVIRONMENTAL OMBUDSMAN.

3 (3) THE OMBUDSMAN SHALL BE APPOINTED BY THE DIRECTOR FOR 1
4 NONRENEWABLE 6-YEAR TERM. IF THE OMBUDSMAN FAILS TO SERVE FOR
5 THE ENTIRE 6-YEAR PERIOD, A SUCCESSOR SHALL BE SELECTED FOR A
6 NONRENEWABLE 6-YEAR TERM. THE OMBUDSMAN SHALL BE TRAINED OR
7 KNOWLEDGEABLE IN ENVIRONMENTAL SCIENCES, SHALL BE FAMILIAR WITH
8 THE ENVIRONMENTAL DECISION-MAKING PROCESSES OF STATE AGENCIES,
9 AND SHALL HAVE EXPERIENCE IN LIAISON WITH THE PUBLIC REGARDING
10 ENVIRONMENTAL MATTERS. THE OMBUDSMAN MAY BE REMOVED BY THE
11 DIRECTOR BEFORE THE EXPIRATION OF HIS OR HER TERM FOR CAUSE.

12 SEC. 1203. THE OMBUDSMAN SHALL PERFORM ALL OF THE FOLLOWING
13 DUTIES AND RESPONSIBILITIES:

14 (A) ACT WITHIN STATE GOVERNMENT ON BEHALF OF INDIVIDUALS AND
15 BUSINESSES WHO HAVE CONCERNS REGARDING THE STATE'S SYSTEM OF
16 ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT, AND ASSIST THEM
17 IN DIRECTING AND COMMUNICATING THEIR CONCERNS TO THE APPROPRIATE
18 STATE AGENCY.

19 (B) ASSIST THE PUBLIC IN GAINING ACCESS TO THE ENVIRONMENTAL
20 DECISION-MAKING PROCESS BEFORE ANY FINAL DECISION IS RENDERED BY
21 A STATE AGENCY.

22 (C) ASSIST THE PUBLIC IN OBTAINING EFFICIENT, THOROUGH, AND
23 TIMELY RESPONSES REGARDING NATURAL RESOURCES AND ENVIRONMENTAL
24 PROTECTION QUESTIONS.

25 (D) ASSIST THE PUBLIC IN OBTAINING AN INDEPENDENT ANALYSIS
26 OF TECHNICAL OR SCIENTIFIC ISSUES ASSOCIATED WITH AN
27 ENVIRONMENTAL DECISION OR PROPOSED DECISION OF A STATE AGENCY AND

1 ASSIST IN THE INTERPRETATION OF TECHNICAL OR SCIENTIFIC
2 INFORMATION PREPARED OR PRESENTED BY A STATE AGENCY ON AN ENVI-
3 RONMENTAL ISSUE.

4 (E) RECOMMEND TO APPROPRIATE STATE AGENCIES AND THE LEGISLA-
5 TURE METHODS BY WHICH PUBLIC PARTICIPATION IN NATURAL RESOURCES
6 AND ENVIRONMENTAL DECISION-MAKING COULD BE IMPROVED.

7 (F) COMPILE, MAINTAIN, AND MAKE AVAILABLE UPON REQUEST A
8 COMPLETE LIST OF ALL CITIZEN ADVISORY COMMITTEES WITHIN STATE
9 AGENCIES THAT ARE INVOLVED WITH NATURAL RESOURCES AND ENVIRONMEN-
10 TAL ISSUES.

11 (G) SERVE AS A LIAISON BETWEEN THE PUBLIC AND THE STATE
12 AGENCIES INVOLVED WITH NATURAL RESOURCES AND ENVIRONMENTAL
13 ISSUES.

14 (H) INVESTIGATE COMPLAINTS REGARDING VIOLATIONS OF ENVIRON-
15 MENTAL LAWS AND RULES PROMULGATED UNDER THOSE LAWS, OR REGARDING
16 STATE AGENCIES NOT ENFORCING ENVIRONMENTAL LAWS.

17 (I) ASSIST INDIVIDUALS, BUSINESSES, AND LOCAL UNITS OF GOV-
18 ERNMENT IN OBTAINING INFORMATION REGARDING PERMIT APPLICATIONS
19 AND THE PERMIT PROCESS, BUT REFRAIN FROM INTERVENING ON BEHALF OF
20 ANY PARTY AFTER THE PROCESS HAS COMMENCED.

21 SEC. 1204. ALL AGENCIES OF STATE GOVERNMENT SHALL COOPERATE
22 FULLY WITH THE OMBUDSMAN, AND SHALL ASSIST THE OMBUDSMAN IN THE
23 PERFORMANCE OF HIS OR HER DUTIES AND RESPONSIBILITIES UNDER THIS
24 ACT.

25 SEC. 1205. THE DEPARTMENT SHALL ESTABLISH PROCEDURES FOR
26 APPROVING THE BUDGET OF THE OFFICE, FOR EXPENDING FUNDS, AND FOR
27 THE EMPLOYMENT OF ANY PERSONNEL OF THE OMBUDSMAN.

1 SEC. 1206. THE RESPONSIBILITIES GRANTED TO THE OMBUDSMAN
2 UNDER THIS PART DO NOT LIMIT OR AFFECT ANY EXISTING RIGHTS OF
3 PUBLIC PARTICIPATION OR APPEALS RELATED TO ANY PROGRAMS IN ANY
4 STATE AGENCY, AND ARE INTENDED TO BE IN ADDITION TO ANY SUCH
5 EXISTING PROCESSES.