RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

BRIAN CALLEY
LT. GOVERNOR

EXECUTIVE ORDER
No. 2015 – 14

RESCISSION OF EXECUTIVE ORDER 2015-12

CREATION OF
PIPELINE SAFETY ADVISORY BOARD

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that he considers necessary for efficient administration; and

WHEREAS, it is important that the state of Michigan ensure that oil and gas development and transportation is balanced with protecting public health, safety, and natural resources; and

WHEREAS, the state of Michigan recognizes the importance of oil and gas development, transportation, and use in the state's economy; and

WHEREAS, state government leaders undertook an extensive review of the nexus between energy transmission and environmental protection with formation of the Michigan Petroleum Pipeline Task Force; and

WHEREAS, a key finding of the task force was that effective coordination of state and local resources – including stakeholders in conservation and environment, oil and gas development, and transportation, and other state agencies dealing with energy production and transportation – is needed to provide necessary transparency and to implement other task force recommendations; and

WHEREAS, establishment of a Pipeline Safety Advisory Board within the Michigan Department of Environmental Quality will advise and assist in the implementation of matters relating to hazardous liquid and gas pipeline safety, routing, construction, operation and maintenance, and provide recommendations for statutory, contractual, or procedural changes to improve the safety of pipelines in this state; and

WHEREAS, this amended Order is a replacement of Executive Order 2015-12;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. CREATION OF THE PIPELINE SAFETY ADVISORY BOARD

A. The Pipeline Safety Advisory Board (the "Board") is created as an advisory body to the Governor within the Michigan Department of Environmental Quality (the "Department").

B. The Board shall consist of the following 16 members who shall serve a term expiring on December 31, 2018.

- The director of the Department of Environmental Quality, or his/her designee from within the Department of Environmental Quality;
- The Attorney General, or his/her designee from within the Department of Attorney General;
- The director of the Department of Natural Resources, or his/her designee from within the Department of Natural Resources;
- The director of the Michigan State Police, or his/her designee from within the Department of State Police;
- The executive director of the Michigan Agency for Energy, or his/her designee from within the Michigan Agency for Energy;
- The chairperson of the Public Service Commission, or his/her designee from within the Public Service Commission;
- An individual representing federal response and recovery agencies, or his/her designee from within that federal response and recovery agency, who shall be appointed by the Governor;
- An individual representing an environmental group who shall be appointed by the Governor;
- An individual who is an elected official of a tribal government located within Michigan that is recognized by and eligible to receive services from the United States Bureau of Indian Affairs who shall be appointed by the Governor;
- An individual representing a statewide conservation group who shall be appointed by the Governor;
- An individual representing pipeline operators who shall be appointed by the Governor;
- An individual representing the oil and gas industry who shall be appointed by the Governor;
- An individual representing public universities who shall be appointed by the Governor;
- An individual representing the hospitality and tourism industry who shall be appointed by the Governor;
- A technical consultant with experience in pipeline operations and safety who shall be appointed by the Governor; and

- An individual representing the public who shall be appointed by the Governor.

C. A vacancy on the Board occurring other than by expiration of the term designated in section I.B. shall be filled in the same manner as the original appointment for the balance of the unexpired term.

II. CHARGE TO THE BOARD

A. The Board shall act in an advisory capacity to the Governor and shall do all of the following:

1. Review and make recommendations for statutory, regulatory, and contractual implementation of the Michigan Petroleum Pipeline Task Force Report.

2. Identify areas of best practice in pipeline safety and siting across the United States that could be implemented in Michigan.

3. Review and make recommendations on state policies and procedures regarding emergency response and planning for pipelines.

4. Review and make recommendations on state policies and procedures regarding pipeline siting.

5. Review information submitted to the state in response to the Michigan Petroleum Pipeline Task Force Report.

6. Provide recommendations to increase transparency and public engagement on pipelines.

B. As directed by the Department Director, Department staff shall assist the Board with establishment of policies and procedures regarding the use of grants and other funds.

C. The Board shall provide other information or advice as requested by the Governor or the Department.

III. OPERATIONS OF THE BOARD

A. The Board shall be staffed and assisted by personnel from the Department as directed by the Department Director. Any budgeting, procurement, and related management functions of the Board shall be performed under the direction and supervision of the Department Director.

B. The Governor shall designate the Chairperson(s) of the Board.

C. The Board may select from among its members a Vice Chairperson.

D. The Board may select from among its members a Secretary. Board staff shall assist the Secretary with recordkeeping responsibilities.

E. The Board may create committees and advisory panels from among its members to assist in policymaking recommendations.

F. A majority of the members of the Board serving constitutes a quorum for the transaction of the board's business. The Board shall act in making its recommendations by a majority vote of its serving members.

G. The Board shall adopt procedures consistent with Michigan law and this Order governing its organization and operations, and may establish committees and request public participation on advisory panels as the board deems necessary. The Board may adopt, reject, or modify any recommendations proposed by committees or advisory panels.

H. The Board shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Board.

I. In developing recommendations, the Board may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Board may consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

J. Members of the Board shall serve without compensation but may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Michigan Civil Service Commission and the Department of Technology, Management and Budget, subject to available funding.

K. The Board may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the board and the performance of its duties as the Department Director deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Michigan Civil Service Commission and the Department of Technology, Management and Budget.

L. The Board may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations shall be expended in accordance with applicable laws, rules, and procedures.

M. Members of the Board shall refer all legal, legislative, and media contacts to the Department.

IV. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state may give to the Board, or to any member or representative of the Board, any necessary assistance required by the Board or any member or representative of the Board, in the performance of the duties of the Board so far as is compatible with its, his, or her duties.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

D. A member of the Pipeline Safety Advisory Board appointed and serving under section I.B. of Executive Order 2015-12 shall continue under this Order as a member of the Pipeline Safety Advisory Board. Any and all actions taken by the Pipeline Safety Advisory Board created in Executive Order 2015-12 are ratified and shall carryforward as though taken under this Order.

E. The Board shall dissolve on December 31, 2018, at the expiration of the term of office of Board members provided in Section I.B.

F. Executive Order 2015-12 is rescinded.

This Executive Order shall become effective upon filing.

Given under my hand and the Great Seal of the state of Michigan this 5th day of November, in the Year of our Lord Two Thousand Fifteen

RICHARD D. SNYDER
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

FILED WITH SECRETARY OF STATE

ON 11-5-2015 **AT** 3:25 P.M.