



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JOHN D. CHERRY, JR.
LT. GOVERNOR

EXECUTIVE ORDER
No. 2007 – 42

DEPARTMENT OF ENVIRONMENTAL QUALITY
MICHIGAN CLIMATE ACTION COUNCIL

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

WHEREAS, the world's scientific community has concluded with a very high level of confidence that emissions of carbon dioxide, methane, and other greenhouse gases are causing the Earth's climate to warm;

WHEREAS, the extent of warming of the Earth's climate depends upon actions taken today to reduce greenhouse gas emissions;

WHEREAS, the State of Michigan can play an important role in meeting the challenge of global climate change while simultaneously spurring economic growth;

WHEREAS, recent studies on the net positive economic and environmental impacts of renewable portfolio standards, energy efficiency standards, and other policy actions for Michigan offer a compelling case for immediate proactive steps to address climate change;

WHEREAS, actions to reduce greenhouse gas emissions such as improving energy efficiency, conserving natural resources, and developing renewable energy sources are beneficial as they reduce costs and spur economic development and job creation;

WHEREAS, establishment of a climate action council will assist this state in identifying the best opportunities to mitigate and adapt to climate change, reduce costs, and foster economic growth in Michigan;

NOW, THEREFORE, I, Jennifer M. Granholm, 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. DEFINITIONS

As used in this Order:

A. "Department of Environmental Quality" or "Department" means the principal department of state government created under Executive Order 1995-18, MCL 324.99903.

B. "Council" means the Michigan Climate Action Council created under Section II of this Order.

C. "Greenhouse gas" means a gas from a human-generated activity that traps heat within the atmosphere of the Earth causing climate change, including, but not limited to, carbon dioxide, methane, nitrous oxide, ozone, and fluorinated gases.

D. "Climate change" refers to any significant change in measures of climate, such as temperature, precipitation, or wind, lasting for an extended period of time of a decade or longer.

E. "Renewable energy source" means that term as defined under Section 10g of 1939 PA 3, MCL 460.10g.

II. CREATION OF THE MICHIGAN CLIMATE ACTION COUNCIL

A. The Michigan Climate Action Council is created as an advisory body within the Department of Environmental Quality.

B. The Council shall consist of the following members:

1. The Director of the Department of Environmental Quality.
2. The Director of the Department of Agriculture.
3. The Director of the Department of Labor and Economic Growth.
4. The Director of the Department of Management and Budget.
5. The Director of the Department of Natural Resources.
6. The President of the Michigan Strategic Fund.
7. The Chairperson of the Michigan Public Service Commission.
8. The State Climatologist.
9. 27 other residents of this state appointed by the Governor.

C. Members of the Council shall serve until December 31, 2008.

D. A vacancy on the Council for a member appointed under Section II.B.9 shall be filled in the same manner as the original appointment.

E. The Director of the Department shall serve as the Chairperson of the Council. The Council shall elect a member of the Council to serve as Vice-Chairperson of the Council.

III. CHARGE TO THE COUNCIL

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

1. Produce an inventory and forecast of greenhouse gas emissions in Michigan and their sources from 1990 to 2020.

2. Consider potential state and multi-state climate change mitigation and adaptation actions in each of the following sectors, and such other sectors as deemed appropriate by the Council:

- a. Energy supply.
- b. Residential.
- c. Commercial and industrial.
- d. Transportation.
- e. Land use.
- f. Agriculture.
- g. Forestry.
- h. Waste management.

3. Compile a comprehensive climate action plan for this state with specific recommendations for reducing greenhouse gas emissions in Michigan, including, but not limited to, identification of mitigation and adaptive measures for state and local units of government, businesses, and Michigan residents to minimize climate change and better prepare for the effects of climate change in Michigan.

4. Advise state and local governmental entities on measures to address climate change.

B. The Council shall complete its work in the following two phases:

1. The Council shall develop a comprehensive list of policy recommendations to reduce greenhouse gas emissions, including preliminary short-term, mid-term, and long-term greenhouse gas emissions reduction goals or targets for this state, for submission as an interim report to the Governor by April 30, 2008.

2. The second phase of the Council's work shall include all of the following, which shall be presented, along with any recommended legislation, to the Governor in a final report of the Council, issued by December 31, 2008:

a. Further development of the policy recommendations included in the interim report of the Council under Section III.B.1 and analysis of the greenhouse gas reduction potential, estimated costs and savings, other environmental benefits, and feasibility of the recommendations.

b. Recommendations for appropriate short-term, mid-term, and long-term greenhouse gas emissions reduction goals or targets for this state.

c. Assessment of climate change impacts to this state, the likelihood of occurrence, and recommendations for potential adaptive measures.

d. A comprehensive climate action plan for this state.

C. The Council shall complete its work by December 31, 2008.

IV. OPERATIONS OF THE COUNCIL

A. The Council shall be staffed and assisted by personnel from the Department, subject to available funding. Any budgeting, procurement, or related management functions of the Council shall be performed under the direction and supervision of the Director of the Department.

B. The Council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. A majority of the members of the Council serving constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of its serving members.

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

E. The Council may establish advisory workgroups composed of representatives of entities participating in Council activities or other members of the public as deemed necessary by the Council to assist the Council in performing its duties and responsibilities. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

F. The Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council may also 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.

G. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

H. The Council 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 Council and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, the relevant statutes, and the rules and procedures of the Civil Service Commission and the Department of Management and Budget.

I. The Council may accept donations of labor, services, or other things of value from any public or private agency or person.

J. Members of the Council shall refer all legal, legislative, and media contacts to the Department.

V. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the Council or to any member or representative of the Council, any necessary assistance required by the Council or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Council.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

D. This Order is effective upon filing.



Given under my hand and the Great Seal of
the State of Michigan this 14th day of
November in the year of our Lord, two
thousand seven.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

Secretary of State

FILED WITH SECRETARY OF STATE
ON 11/14/07 AT 2:47 PM