



**House  
Legislative  
Analysis  
Section**

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**REGIONAL PLANNING COMM.: PER DIEMS**

Senate Bill 295 with House committee amendments  
First Analysis (5-30-89)

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Sponsor: Sen. Gilbert J. DiNello

Senate Committee: Local Government and Veterans Affairs Library  
House Committee: Towns and Counties

**THE APPARENT PROBLEM:**

The regional planning act (Public Act 281 of 1945) allows local governments to join in creating regional planning commissions, which in general provide many services to local governments (such as the coordination of solid waste management plans and passing federal transportation funds to local governments) that would be too costly for local agencies to undertake alone.

Although many counties appoint a county commissioner as their representative to serve on these commissions, until Public Act 427 of 1976, there was no statutory basis for such appointments, and the attorney general had ruled that county boards had the power of appointment only where specified by law. P.A. 427 amended the regional planning act to say that members of county boards of commissioners could not be prohibited from serving on regional planning commissions. The 1976 act also said that members of a regional planning commission could receive a per diem allowance and mileage as established by the planning commission, in addition to actual expenses. Until that time, apparently, elected officials who were members of a planning commission received per diem compensation from their local units of government for the time they spent on commission duties, but citizen members did not, and the legislation was intended to allow citizen members of regional planning commissions to be reimbursed for their services as well. However, a 1979 attorney general opinion that held that the 1976 amendment to the regional planning act indicated "legislative intent that the sole compensation for attendance at meetings of the regional planning commission be paid for by the regional planning commission." Thus, it was the attorney general's opinion "that no per diem or mileage compensation may be paid from the county general fund to a member of the county board of commissioners for attending a meeting of a regional planning commission."

Since the 1979 attorney general opinion, Macomb County has joined the Southeast Michigan Council of Governments (SEMCOG), which functions as a regional planning commission for the counties of Livingston, Macomb, Monroe, Oakland, St. Clair, Wayne, and Washtenaw. (A 1967 amendment to the regional planning act allows regional planning commissions to transfer their functions, assets, and liabilities to a regional council of government.) Macomb County pays its commissioners to attend a variety of meetings, and wishes to pay its commissioners when they attend SEMCOG meetings as members of the council. Macomb County has requested legislation that would allow it to pay its commissioners for attending regional planning commission meetings.

**THE CONTENT OF THE BILL:**

The bill would amend the regional planning act to allow members of regional planning commissions to receive per diem allowances and mileage either as established and

paid by the regional commission, or, if none were established and paid by the commission, as established and paid by the local unit of government appointing that member to the commission.

MCL 125.14

**HOUSE COMMITTEE ACTION:**

The House Towns and Counties Committee amended the bill to clarify that regional planning commissions could not set per diem rates for local units of government to pay.

**FISCAL IMPLICATIONS:**

The Senate Fiscal Agency reports that the bill would have no fiscal implications for the state. (5-5-89)

**ARGUMENTS:**

**For:**

Many regional planning commissions were formed about 20 years ago with the expectation that they would operate much like other organizations to which counties send representatives, such as community mental health boards. County representatives often have to travel some distance and spend a great deal of time to attend meetings and conferences in the course of representing their counties on these regional commissions. Very few people serving as county commissioners, moreover, do so on a full-time, compensated basis. Instead, they spend their own time and money to attend regional planning meetings (though apparently some counties have continued to pay their representatives, despite the 1979 attorney general opinion).

If a county (or other local unit of government) wishes to pay its representatives to a regional planning commission per diem compensation, it should be allowed to do so, particularly if the regional commission could not or did not do so.

**For:**

According to the Senate Fiscal Agency, the bill could provide a shifting of the costs associated with funding a local regional planning commission's per diem and mileage allowances from the regional planning commission to participating local units of government. However, a representative from SEMCOG testified before the House Committee on Towns and Counties that under federal regulations, SEMCOG could pay members mileage but were prohibited from paying per diems. Since SEMCOG does not now pay per diem compensation to its board members, the Senate version of the bill would not shift responsibility for these costs from SEMCOG to participating local units of government. Instead, it conceivably could allow regional planning commissions to set per diem rates which the local units of government then would be responsible for paying. If local units of government are to

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be allowed to pay per diem allowances for their members on regional planning commissions, it is important to clarify that these local units also would be the only ones setting those per diem rates. The House committee amendments would continue to allow regional planning commissions to set per diem rates for their members, and, in addition, would allow local units of government also to set per diem rates, while making it clear that the body setting the per diem rates would be the body responsible for paying these rates.

***POSITIONS:***

The Michigan Association of Counties supports the bill.  
(5-25-89)

SEMCOG supports the bill. (5-25-89)