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BILL ANALYSIS

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Senate Bill 684 (as introduced 6-30-05)

Sponsor: Senator Patricia L. Birkholz

Committee: Natural Resources and Environmental Affairs

Date Completed: 5-23-06

CONTENT

The bill would add Part 364 (Land Use Leadership Council) to the Natural Resources and Environmental Protection Act to do the following:

- **Create the Land Use Leadership Council within the Department of Labor and Economic Growth (DLEG).**
- **Require the Council to identify the trends, causes, and consequences of unmanaged growth and development.**
- **Require the Council to make recommendations on particular issues to the Governor and the Legislature.**
- **Allow the Council to propose innovative and cooperative land use approaches.**
- **Require the Council to issue an annual report to the Governor, the Secretary of the Senate, and the Clerk of the House.**

The bill would repeal Part 364 five years after its effective date.

Membership & Procedures

The Council would consist of 26 regular members, appointed as follows:

- The Speaker of the House of Representatives, the House Minority Leader, the Senate Majority Leader, and the Senate Minority Leader each could designate one member of the Legislature to participate as a Council member.
- The Governor would have to appoint 11 additional members from a list of candidates recommended by the Speaker of the House and the Senate Majority Leader.
- The Governor would have to appoint 11 additional members after consulting with the House and Senate Minority Leaders.

The Directors of the Departments of Agriculture, Labor and Economic Growth, Environmental Quality, History, Arts, and Libraries, Natural Resources, and Transportation, or their designees, would have to serve as ex officio, nonvoting participants at Council meetings.

The members first appointed to the Council would have to be appointed within 30 days after the bill took effect. A member would serve at the pleasure of the officer who appointed him or her. A vacancy would have to be filled in the same manner as the original appointment.

The Governor would have to designate two of his or her appointees as cochairpeople who equally would share the powers of directing the Council. The cochairpeople would serve in that capacity at the pleasure of the Governor.

The Council would have to meet at the call of the cochairs and as provided in procedures adopted by the Council. At the first meeting, the Council would have to elect from among its members other officers as it considered necessary or appropriate. After the first meeting, the Council would have to meet at least quarterly, or more frequently at the call of a chairperson or if requested by three or more members.

A majority of the members would constitute a quorum for the transaction of business at a Council meeting. A majority of the members serving would be required for official action of the Council.

The Council would be subject to the Open Meetings Act and the Freedom of Information Act.

The Council could adopt procedures governing its organization and operations. Council members would serve without compensation, but could be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as Council members.

Powers & Duties

The Council would have to identify the trends, causes, and consequences of unmanaged growth and development. Additionally, the Council would have to provide to the Governor and the Legislature recommendations designed to minimize the negative economic, environmental, and social impacts of current land use trends; promote urban revitalization and reinvestment; foster intergovernmental and public-private land use partnerships; identify new growth and development opportunities; protect the State's natural resources, including farmland and open space; and better manage the cost of public investments in infrastructure to support growth.

In exercising its duties, the Council could do any of the following:

- Evaluate the effectiveness of current State, regional, and local land use laws, including zoning and planning laws, housing laws, building codes, and annexation laws.
- Survey developers, builders, contractors, farmers, planners, engineers, surveyors, environmentalists, historic preservationists, attorneys, academics, citizen groups, and others in the private sector, State agencies, and local governmental agencies about problems associated with current land use trends and current policies and suggested policy changes.
- Stimulate statewide discussion on problems related to current land use trends, identifying best development practices and alternative land use and capital investment solutions.
- Review model legislation and studies on land use techniques and collect information on states that had developed innovative solutions to similar land use challenges.
- Identify any State programs or regulations that directly or indirectly encouraged or subsidized low-density development and outward migration from urban areas.
- Identify public information, training, and technical assistance related to land use needed by State, regional, and local agencies.
- Identify incentives or techniques for sharing the benefits of economic growth and eliminating or reducing fiscal competition among local units of government and for fostering intergovernmental cooperation.
- Make inquiries, studies, and investigations; hold hearings; receive comments from the public; and consult with outside experts.

Additionally, the Council could propose innovative and cooperative land use approaches that would do one or more of the following:

- Accommodate and guide growth and development through cooperation and partnerships on a local and regional basis.

- Ensure the construction of adequate supporting services and infrastructure, including utilities, storm water management systems, and transportation.
- Provide opportunities for or eliminate barriers to affordable housing.
- Protect the environment and historic and scenic resources.

The Council would have to issue an annual report and recommendations, including any proposed legislation, to the Governor, the Clerk of the House, and the Secretary of the Senate.

Administrative Provisions

The Council would have to be staffed by personnel within DLEG, as designated by the Director. The Directors of the Departments of Agriculture, Environmental Quality, History, Arts, and Libraries, Natural Resources, and Transportation would have to provide personnel assistance at the DLEG Director's request.

The cochairpeople would have to appoint an executive coordinator for the Council.

The Council could hire or retain contractors, subcontractors, advisors, consultants, and agents and could enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties as the DLEG Director considered advisable, in accordance with the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

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

Council members appointed by the Governor would have to refer all legal, legislative, and media contacts to DLEG.

If requested, any officer or agency of the State or of any political subdivision of the State would have to give to the Council, or to any Council member or representative, both of the following:

- Any necessary assistance required by the Council, or any Council member or representative, in the performance of the Council's duties, so far as was compatible with the duties of the officer or agency.
- Free access to any books, records, or documents in the officer's or agency's custody relating to matters within the scope of the Council's powers or duties.

Proposed MCL 324.36401-324.36413

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would require the Department to provide administrative and staff support to the new Council. No fund source is designated to support these costs. It is estimated that the cost of supporting the Council could be approximately \$100,000 and up to 1.0 FTE to prepare the report and recommendations that would be required by the bill. The bill would have no fiscal impact on local government.

Fiscal Analyst: Elizabeth Pratt
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.