

MEMBER OF PLANNING COMMISSION TO ABSTAIN FROM VOTING WHEN CONFLICT PRESENT

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House Bill 4968 (proposed substitute H-2)

Sponsor: Rep. Gary Glenn

Committee: Energy Policy

Complete to 12-12-17

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4968 would amend the Michigan Planning Enabling Act to require a planning commission member to abstain from voting on a matter in which the member has a direct financial interest and to allow alternate members to fill empty seats on the planning commission.

The Michigan Planning Enabling Act was enacted in 2008. The Act, among other things, allows a local unit of government to adopt an ordinance creating a planning commission. The planning commission's duties include making and approving a master plan as a guide for development within the planning jurisdiction, which may require a vote from the commission.

Currently, members of a planning commission can be removed for misfeasance, malfeasance, or nonfeasance in office. In addition, a member must disclose any potential conflicts of interest to the planning commission before voting on a matter, which could result in disqualification from voting.

HB 4968 would expand the conflicts section and require a member to disclose and disqualify himself or herself from a vote in which that member has a direct financial interest or if the member knows or should know that his or her spouse, parent or stepparent, child or stepchild, or sibling or half sibling has a direct financial interest in the matter. Failure to do so would constitute malfeasance in office and would result in a felony punishable by up to 4 years' imprisonment, a fine of up to \$5,000, or both.

A member who is disqualified from voting on a matter could not sit on the planning commission during its proceedings on the matter or participate in the proceedings except as a member of the public during an opportunity for public comment.

Because the disqualification could leave open seats on the planning commission, the bill would allow for a local ordinance to provide for additional, alternate members, up to a number sufficient to constitute a quorum. These alternate members would not be counted toward the number of ex officio members allowed on the planning commission. They would be included in a board designated to serve as the planning commission under Section 15(7) for a city or village with a population of less than 5,000 that has not created a planning commission by charter under the Act.

Alternate members may be called to serve as a regular member of the planning commission in the absence of a regular member if the regular member is unable to attend 1 or more meetings for any reason, in addition to filling the seat of a member who is disqualified or abstaining for a conflict of interest. The alternate member would serve in the matter until a final decision is made and would hold the same voting rights as a regular member.

The bill would take effect 90 days after its enactment.

MCL 125.3815

FISCAL IMPACT:

To the extent that the bill results in a greater number of felony convictions, it could increase costs for state and local correctional systems. New felony convictions could result in increased costs related to state prisons and state probation/parole supervision. In fiscal year 2016, the average cost of prison incarceration in a state facility was roughly \$36,000 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,500 per supervised offender in the same year. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.