

SENATE BILL No. 684

June 30, 2005, Introduced by Senators BIRKHOLZ, KUIPERS and ALLEN and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 364; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 364. LAND USE LEADERSHIP COUNCIL

SEC. 36401. AS USED IN THIS PART:

(A) "COUNCIL" MEANS THE LAND USE LEADERSHIP COUNCIL CREATED IN SECTION 36403.

(B) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND ECONOMIC GROWTH.

(C) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS OR HER DESIGNEE TO WHOM THE DIRECTOR DELEGATES A POWER OR DUTY BY

1 WRITTEN INSTRUMENT.

2 SEC. 36403. (1) THE LAND USE LEADERSHIP COUNCIL IS CREATED
3 WITHIN THE DEPARTMENT.

4 (2) THE COUNCIL SHALL HAVE 26 REGULAR MEMBERS, APPOINTED AS
5 FOLLOWS:

6 (A) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE HOUSE
7 MINORITY LEADER, THE SENATE MAJORITY LEADER, AND THE SENATE
8 MINORITY LEADER EACH MAY DESIGNATE 1 MEMBER OF THE LEGISLATURE TO
9 PARTICIPATE AS A MEMBER OF THE COUNCIL.

10 (B) FROM A LIST OF CANDIDATES RECOMMENDED BY THE SPEAKER OF
11 THE HOUSE OF REPRESENTATIVES AND THE SENATE MAJORITY LEADER, THE
12 GOVERNOR SHALL APPOINT 11 MEMBERS OF THE COUNCIL.

13 (C) AFTER CONSULTATION WITH THE HOUSE MINORITY LEADER AND THE
14 SENATE MINORITY LEADER, THE GOVERNOR SHALL APPOINT 11 ADDITIONAL
15 MEMBERS OF THE COUNCIL.

16 (3) THE DIRECTORS OF THE DEPARTMENTS OF AGRICULTURE, LABOR AND
17 ECONOMIC GROWTH, ENVIRONMENTAL QUALITY, HISTORY, ARTS, AND
18 LIBRARIES, NATURAL RESOURCES, AND TRANSPORTATION, OR THEIR
19 DESIGNEES, SHALL SERVE AS EX OFFICIO, NONVOTING PARTICIPANTS AT
20 MEETINGS OF THE COUNCIL.

21 (4) THE MEMBERS FIRST APPOINTED TO THE COUNCIL SHALL BE
22 APPOINTED WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

23 (5) A MEMBER OF THE COUNCIL SHALL SERVE AT THE PLEASURE OF THE
24 OFFICER WHO APPOINTED THE MEMBER.

25 (6) A VACANCY ON THE COUNCIL SHALL BE FILLED IN THE SAME
26 MANNER AS THE ORIGINAL APPOINTMENT.

27 SEC. 36405. (1) THE GOVERNOR SHALL DESIGNATE 2 MEMBERS OF THE

1 COUNCIL APPOINTED BY THE GOVERNOR AS COCHAIRPERSONS WHO SHALL SHARE
2 EQUALLY THE POWERS OF DIRECTING THE COUNCIL. THE COCHAIRPERSONS
3 SHALL SERVE AS COCHAIRPERSONS AT THE PLEASURE OF THE GOVERNOR.

4 (2) THE COUNCIL SHALL MEET AT THE CALL OF THE COCHAIRPERSONS
5 AND AS MAY BE PROVIDED IN PROCEDURES ADOPTED BY THE COUNCIL. AT THE
6 FIRST MEETING, THE COUNCIL SHALL ELECT FROM AMONG ITS MEMBERS OTHER
7 OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST
8 MEETING, THE COUNCIL SHALL MEET AT LEAST QUARTERLY, OR MORE
9 FREQUENTLY AT THE CALL OF A CHAIRPERSON OR IF REQUESTED BY 3 OR
10 MORE MEMBERS.

11 (3) A MAJORITY OF THE MEMBERS OF THE COUNCIL CONSTITUTE A
12 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE COUNCIL.
13 A MAJORITY OF THE MEMBERS SERVING ARE REQUIRED FOR OFFICIAL ACTION
14 OF THE COUNCIL.

15 (4) THE BUSINESS THAT THE COUNCIL MAY PERFORM SHALL BE
16 CONDUCTED AT A PUBLIC MEETING OF THE COUNCIL HELD IN COMPLIANCE
17 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

18 (5) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
19 RETAINED BY THE COUNCIL IN THE PERFORMANCE OF AN OFFICIAL FUNCTION
20 IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
21 15.231 TO 15.246.

22 (6) THE COUNCIL MAY ADOPT PROCEDURES GOVERNING ITS
23 ORGANIZATION AND OPERATIONS.

24 (7) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION.
25 HOWEVER, MEMBERS OF THE COUNCIL MAY BE REIMBURSED FOR THEIR ACTUAL
26 AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
27 OFFICIAL DUTIES AS MEMBERS OF THE COUNCIL.

1 SEC. 36407. (1) THE COUNCIL IS AN ADVISORY BODY. THE COUNCIL
2 SHALL DO ALL OF THE FOLLOWING:

3 (A) IDENTIFY THE TRENDS, CAUSES, AND CONSEQUENCES OF UNMANAGED
4 GROWTH AND DEVELOPMENT.

5 (B) PROVIDE RECOMMENDATIONS TO THE GOVERNOR AND THE
6 LEGISLATURE DESIGNED TO MINIMIZE THE NEGATIVE ECONOMIC,
7 ENVIRONMENTAL, AND SOCIAL IMPACTS OF CURRENT LAND USE TRENDS;
8 PROMOTE URBAN REVITALIZATION AND REINVESTMENT; FOSTER
9 INTERGOVERNMENTAL AND PUBLIC-PRIVATE LAND USE PARTNERSHIPS;
10 IDENTIFY NEW GROWTH AND DEVELOPMENT OPPORTUNITIES; PROTECT THE
11 NATURAL RESOURCES OF THIS STATE, INCLUDING FARMLAND AND OPEN SPACE;
12 AND BETTER MANAGE THE COST OF PUBLIC INVESTMENTS IN INFRASTRUCTURE
13 TO SUPPORT GROWTH.

14 (2) IN EXERCISING ITS DUTIES, THE COUNCIL MAY DO ANY OF THE
15 FOLLOWING:

16 (A) EVALUATE THE EFFECTIVENESS OF CURRENT STATE, REGIONAL, AND
17 LOCAL LAND USE LAWS, INCLUDING, BUT NOT LIMITED TO, ZONING AND
18 PLANNING LAWS, HOUSING LAWS, BUILDING CODES, AND ANNEXATION LAWS.

19 (B) SURVEY DEVELOPERS, BUILDERS, CONTRACTORS, FARMERS,
20 PLANNERS, ENGINEERS, SURVEYORS, ENVIRONMENTALISTS, HISTORIC
21 PRESERVATIONISTS, ATTORNEYS, ACADEMICS, CITIZEN GROUPS, AND OTHERS
22 IN THE PRIVATE SECTOR; STATE AGENCIES; AND LOCAL GOVERNMENTAL
23 AGENCIES ABOUT PROBLEMS ASSOCIATED WITH CURRENT LAND USE TRENDS AND
24 CURRENT POLICIES AND SUGGESTED POLICY CHANGES.

25 (C) STIMULATE STATEWIDE DISCUSSION ON PROBLEMS RELATED TO
26 CURRENT LAND USE TRENDS, IDENTIFYING BEST DEVELOPMENT PRACTICES AND
27 ALTERNATIVE LAND USE AND CAPITAL INVESTMENT SOLUTIONS.

1 (D) REVIEW MODEL LEGISLATION AND STUDIES ON LAND USE
2 TECHNIQUES AND COLLECT INFORMATION ON STATES THAT HAVE DEVELOPED
3 INNOVATIVE SOLUTIONS TO SIMILAR LAND USE CHALLENGES.

4 (E) IDENTIFY ANY STATE PROGRAMS OR REGULATIONS THAT DIRECTLY
5 OR INDIRECTLY ENCOURAGE OR SUBSIDIZE LOW-DENSITY DEVELOPMENT AND
6 OUTWARD MIGRATION FROM URBAN AREAS.

7 (F) IDENTIFY PUBLIC INFORMATION, TRAINING, AND TECHNICAL
8 ASSISTANCE RELATED TO LAND USE NEEDED BY STATE, REGIONAL, AND LOCAL
9 AGENCIES.

10 (G) IDENTIFY INCENTIVES OR TECHNIQUES FOR SHARING THE BENEFITS
11 OF ECONOMIC GROWTH AND ELIMINATING OR REDUCING FISCAL COMPETITION
12 AMONG LOCAL UNITS OF GOVERNMENT AND FOR FOSTERING INTERGOVERNMENTAL
13 COOPERATION.

14 (H) PROPOSE INNOVATIVE AND COOPERATIVE LAND USE APPROACHES
15 THAT WILL DO 1 OR MORE OF THE FOLLOWING:

16 (i) ACCOMMODATE AND GUIDE GROWTH AND DEVELOPMENT THROUGH
17 COOPERATION AND PARTNERSHIPS ON A LOCAL AND REGIONAL BASIS.

18 (ii) ENSURE THE CONSTRUCTION OF ADEQUATE SUPPORTING SERVICES
19 AND INFRASTRUCTURE, INCLUDING UTILITIES, STORM WATER MANAGEMENT
20 SYSTEMS, AND TRANSPORTATION.

21 (iii) PROVIDE OPPORTUNITIES FOR OR ELIMINATE BARRIERS TO
22 AFFORDABLE HOUSING.

23 (iv) PROTECT THE ENVIRONMENT AND HISTORIC AND SCENIC RESOURCES.

24 (v) ENHANCE COMMUNITY LIVABILITY.

25 (vi) PRESERVE FARMLAND.

26 (vii) MINIMIZE NEGATIVE IMPACTS ON NATURAL RESOURCES.

27 (I) MAKE INQUIRIES, STUDIES, AND INVESTIGATIONS, HOLD

1 HEARINGS, RECEIVE COMMENTS FROM THE PUBLIC, AND CONSULT WITH
2 OUTSIDE EXPERTS.

3 (3) THE COUNCIL SHALL ISSUE AN ANNUAL REPORT AND
4 RECOMMENDATIONS, INCLUDING ANY PROPOSED LEGISLATION, TO THE
5 GOVERNOR, THE CLERK OF THE HOUSE OF REPRESENTATIVES, AND THE
6 SECRETARY OF THE SENATE.

7 SEC. 36409. (1) THE COUNCIL SHALL BE STAFFED BY PERSONNEL
8 WITHIN THE DEPARTMENT, AS DESIGNATED BY THE DIRECTOR. THE DIRECTORS
9 OF THE DEPARTMENTS OF AGRICULTURE, ENVIRONMENTAL QUALITY, HISTORY,
10 ARTS, AND LIBRARIES, NATURAL RESOURCES, AND TRANSPORTATION SHALL
11 PROVIDE PERSONNEL ASSISTANCE TO THE COUNCIL AT THE REQUEST OF THE
12 DIRECTOR.

13 (2) THE COCHAIRPERSONS SHALL APPOINT AN EXECUTIVE COORDINATOR
14 FOR THE COUNCIL.

15 (3) THE COUNCIL MAY HIRE OR RETAIN SUCH CONTRACTORS,
16 SUBCONTRACTORS, ADVISORS, CONSULTANTS, AND AGENTS AND MAY ENTER
17 INTO CONTRACTS NECESSARY OR INCIDENTAL TO THE EXERCISE OF THE
18 POWERS OF THE COUNCIL AND THE PERFORMANCE OF ITS DUTIES AS THE
19 DIRECTOR CONSIDERS ADVISABLE, IN ACCORDANCE WITH THE RELEVANT
20 STATUTES, RULES, AND PROCEDURES OF THE CIVIL SERVICE COMMISSION AND
21 THE DEPARTMENT OF MANAGEMENT AND BUDGET.

22 (4) THE COUNCIL MAY ACCEPT DONATIONS OF LABOR, SERVICES, OR
23 OTHER THINGS OF VALUE FROM ANY PUBLIC OR PRIVATE AGENCY OR PERSON.

24 (5) MEMBERS OF THE COUNCIL APPOINTED BY THE GOVERNOR SHALL
25 REFER ALL LEGAL, LEGISLATIVE, AND MEDIA CONTACTS TO THE DEPARTMENT.

26 SEC. 36411. IF REQUESTED, ANY OFFICER OR AGENCY OF THIS STATE
27 OR OF ANY POLITICAL SUBDIVISION OF THIS STATE SHALL GIVE TO THE

1 COUNCIL, OR ANY MEMBER OR REPRESENTATIVE OF THE COUNCIL, BOTH OF
2 THE FOLLOWING:

3 (A) ANY NECESSARY ASSISTANCE REQUIRED BY THE COUNCIL, OR ANY
4 MEMBER OR REPRESENTATIVE OF THE COUNCIL, IN THE PERFORMANCE OF THE
5 DUTIES OF THE COUNCIL SO FAR AS IS COMPATIBLE WITH THE DUTIES OF
6 THE OFFICER OR AGENCY.

7 (B) FREE ACCESS TO ANY BOOKS, RECORDS, OR DOCUMENTS IN THE
8 CUSTODY OF THE OFFICER OR AGENCY, RELATING TO MATTERS WITHIN THE
9 SCOPE OF POWERS OR DUTIES OF THE COUNCIL.

10 SEC. 36413. THIS PART IS REPEALED EFFECTIVE 5 YEARS AFTER THE
11 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS PART.