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**BILL ANALYSIS**

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House Bill 4284 (Substitute H-2 as passed by the House)
Sponsor: Representative Chris Kolb
House Committee: Land Use and Environment
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 10-21-03

CONTENT

The bill would create the "Joint Municipal Planning Act" to permit the legislative bodies of two or more municipalities to adopt ordinances approving an agreement to establish a joint planning commission. "Municipality" would mean a city, village, or township.

An agreement to establish a joint planning commission would have to contain at least all of the following:

- The composition of the commission, including alternate members.
- The members' qualifications, the selection by election or appointment, and the terms of office.
- Conditions and procedures for removing commission members from office, and for filling vacancies.
- A plan for how the participating municipalities would share the commission's operating budget.
- The commission's area, which could consist of all or part of the combined territory of the participating municipalities.
- Procedures by which a municipality could join or withdraw from the joint commission.
- The planning act whose procedure the commission would follow in adopting a plan or exercising any other power, or performing any other duty, of a planning commission. The planning act would have to apply to at least one participating municipality. (Under the bill, "planning act" would refer to either Public Act 285 of 1931 (municipal planning), or Public Act 168 of 1959 (township planning).)
- The zoning act whose procedure the commission would follow in adopting a plan or exercising the powers and performing the duties of a zoning board or zoning commission. The zoning act would have to apply to at least one participating municipality. (Under the bill, "zoning act" would refer to either the City and Village Zoning Act, or the Township Zoning Act.)
- Any additional provision concerning the powers or duties of a zoning board or zoning commission that the chosen zoning act authorized to be set forth in a zoning ordinance, and that was agreed to by the participating municipalities.

With respect to the jurisdictional area of the joint planning commission, all of the powers and duties of a planning commission under each planning act, as well as all of the powers and duties of a zoning board or zoning commission under each zoning act, would be transferred to the joint planning commission. The commission would have to follow the procedures specified under the applicable planning and zoning acts.

If only part of the territory of a participating municipality were in the jurisdictional area of a joint planning commission, the participating municipality, with the joint planning commission acting as the zoning board or zoning commission, could adopt a zoning ordinance that affected only that portion of its territory in the jurisdictional area of the joint planning commission.

If a municipality adopted an ordinance establishing a joint planning commission, then, within seven days after the municipality published the ordinance (or a synopsis of the it, whichever was required by law), a registered elector of the municipality could file with the municipal clerk a notice of intent to file a petition to place the question of the ordinance before the voters in a referendum. Within 30 days following the ordinance's publication, a petition signed by electors numbering at least 15% of the total votes cast for all candidates for governor at the last preceding general election in the municipality could be filed with the municipal clerk, requesting the submission of the ordinance to the voters for their approval.

When the notice of intent was filed, the ordinance could not take effect until one of the following occurred: 1) 30 days passed without the filing of a petition; 2) the municipal clerk determined that the petition was inadequate; or 3) the municipal clerk determined that the petition was adequate, and the ordinance was approved by a majority of the voters at the next regular election that supplied reasonable time for proper notice and printing of ballots, or at any special election called for that purpose. The municipality's legislative body would have to provide the manner of submitting the ordinance to the voters and determining the result of the election.

A petition, including the circulation and signing of the petition, would be subject to the Michigan Election Law. A person who violated a provision of the Election Law applicable to a petition would be subject to the penalties prescribed in that law. If a municipality had a charter, and the charter provided for a right of referendum on municipal ordinances, then, in that municipality, the charter referendum provisions would apply to the adoption of the ordinance, instead of the procedures described above.

A joint planning commission would be subject to the Open Meetings Act and the Freedom of Information Act.

Legislative Analyst: Claire Layman

FISCAL IMPACT

The bill would have no fiscal impact on State government and an indeterminate fiscal impact on local government.

Fiscal Analyst: David Zin

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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.