

Legislative Analysis



ELIGIBILITY TO SERVE ON PLANNING COMMISSION

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Senate Bill 726 as passed by the Senate

Sponsor: Sen. Patricia Birkholz

House Committee: Intergovernmental and Regional Affairs

Senate Committee: Local, Urban, and State Affairs

First Analysis (5-17-10)

BRIEF SUMMARY: The bill would eliminate exceptions to the general rule that members of a local planning commission be qualified electors (voters).

FISCAL IMPACT: The bill would have no fiscal impact on state or local government.

THE APPARENT PROBLEM:

Until 2008, local planning was regulated under several different statutes that applied to different local units of government. Public Act 33 of 2008 repealed all of those planning statutes and created one statute, the Michigan Planning Enabling Act.

The Michigan Planning Enabling Act requires that planning commission members be "qualified electors" of the local unit. A qualified elector is someone who is 18 years old or more, has lived in Michigan for at least six months, and meets the requirements of local residence provided by law.

The act, however, makes an exception for planning commission members in a small community that fulfills certain population criteria; in these cases, there is no requirement that a member be a qualified elector of that local unit of government. Instead, the commission member could be from another unit of government (and presumably a qualified elector there.) The exception was originally put in place because it is sometimes difficult to find eligible volunteers to serve as appointees to local planning commissions in small towns.

Since the enactment of Public Act 33, it has been pointed out that the exception to the "qualified elector" requirement for non-residents allows minors to serve on planning commissions--an appointment that is generally reserved for long-time residents of a community having an interest and expertise in land-use planning.

To eliminate this exception, legislation has been introduced to require that all planning commission members be qualified electors--that is to say, at least 18 years old.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Planning Enabling Act to specify that members of a planning commission would have to be qualified electors of a local unit of government.

The act does not at present require that all members of the commission be qualified electors. Instead, the act requires members of a local unit's planning commission to be qualified electors of the local unit, but permits exceptions, by specifying that the following number of members may be individuals who are not qualified electors of that local unit:

- Three, in a city that on September 1, 2008, had a population of more than 2,700 but less than 2,800.
- Two, in a city or village that has, or on September 1, 2008, had, a population of less than 5,000.
- One, in other local units of government.

Under Senate Bill 726 (S-1), all members of a planning commission would have to be registered electors, either in the local unit of government where the planning commission exercises its authority, or in another local unit of government.

MCL 125.3815

HOUSE COMMITTEE ACTION:

The House Intergovernmental and Regional Affairs Committee reported out the Senate-passed version of Senate Bill 726 (S-1) without amendments. Some of the information in this analysis is derived from the analysis of the Senate Fiscal Agency dated 9-21-09.

ARGUMENTS:

For:

Planning commissions make many important land use decisions, generally following planning documents that provide a framework to guide all future economic and social development in a community. Often the appointees work long hours to take testimony on virtually every change proposed by developers, engineers, and transportation planners. Consequently, appointments to serve on a local planning commission are generally reserved for long-time residents having an interest and professional expertise in land use planning.

Planning commission members must take an oath of office in order to serve. They also have specified legal responsibilities, and stand accountable for their public decision-making. Under these circumstances, it is appropriate to require that an individual have reached the age of majority in order to serve as a member of a planning commission.

It is true that the exception to the qualified elector requirement was originally enacted in response to concerns that, in some small towns, there would not be enough qualified people willing to serve on the planning commission. If that is a problem, a local unit of government can recruit interested people who live nearby in adjacent communities.

Against:

Young people who want to make a difference in their communities should not be discouraged from doing so. Many young people are mature and interested in improving their communities. They can understand the responsibilities of a planning commission member and serve in a capable manner. Further, planning commission service can provide young citizens with opportunities to learn professional skills such as arguing from evidence, as they work to make effective decisions with their fellow citizens.

POSITIONS:

The Michigan Municipal League supports the bill. (5-11-10)

The Michigan Townships Association supports the bill. (5-11-10)

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