



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 726 (Substitute S-1 as reported)
Sponsor: Senator Patricia L. Birkholz
Committee: Local, Urban and State Affairs

(as enrolled)

Date Completed: 9-21-09

RATIONALE

Until recently, local planning was regulated under several different statutes that applied to different local units of government. Public Act 33 of 2008 repealed all of the planning statutes and created one statute, the Michigan Planning Enabling Act, that applies to all types of local units. The Act requires that planning commission members be "qualified electors" of the local unit. A qualified elector is someone who is at least 18 years old, 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 community that meets certain population criteria--in this case, there is no requirement that a member be a qualified elector of that local unit. The exception addresses concerns that in smaller communities, there might not be enough qualified electors interested in serving on the planning commission, but people from other local units might want to serve.

Since the enactment of Public Act 33, it has been pointed out that the exception to the "qualified elector" requirement for nonresidents allows minors to serve on planning commissions. Some people believe that all planning commission members should be at least 18 years old.

CONTENT

The bill would amend the Michigan Planning Enabling Act to specify that members of a local planning commission who were not qualified electors of that local unit of government would have to be qualified electors of another local unit.

The Act requires members of a local unit's planning commission to be qualified electors of the local unit, except 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.

MCL 125.3815

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The exception to the qualified elector requirement was enacted in response to concerns that in some communities, there would not be enough qualified people willing to serve on the planning commission. People who live in other local units, however, might be interested in planning decisions for various reasons, such as owning a business in the local unit where they would serve.

Planning commission members must take an oath of office in order to serve, and also have specified legal responsibilities. Under these circumstances, it is appropriate to require that an individual have reached the age of majority in order to serve on a planning commission.

Opposing Argument

Many young people are mature and interested in improving their communities, and can understand the responsibilities of a planning commission member and serve in a capable manner. While minors can serve on committees and in advisory roles at the local level, it is more worthwhile if they are in a role with actual decision-making power. In addition, planning commissions can provide youths with opportunities to learn public speaking skills and professional interaction with others. Young people who want to make a difference in their communities should not be discouraged.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or 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.