



HOUSE BILL No. 4774

May 12, 1993, Introduced by Reps. Middaugh, Alley, Gnodtke, Bodem, McNutt, Randall, Brown, Shepich, Wetters, Freeman and Byrum and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 23 of Act No. 222 of the Public Acts of 1976, entitled as amended "Sand dune protection and management act," as added by Act No. 146 of the Public Acts of 1989, being section 281.673 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 23 of Act No. 222 of the Public Acts of
2 1976, as added by Act No. 146 of the Public Acts of 1989, being
3 section 281.673 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 23. (1) By June 15, 1991 a legislative study committee
6 shall be created by the majority leader of the senate and the
7 speaker of the house of representatives to report to the
8 legislature on the issues listed in subsection (2). This
9 legislative committee shall consist of 3 members of the house of

1 representatives, EXCEPT AS PROVIDED IN SUBSECTION (4), who shall
2 be appointed by the speaker of the house of representatives and 3
3 members of the senate who shall be appointed by the majority
4 leader of the senate. Of the members appointed, 2 of the members
5 appointed from the senate and 2 of the members appointed from the
6 house of representatives shall have critical dune areas within
7 their districts. In addition, 1 of the committee members
8 appointed from each house shall be a member of the standing com-
9 mittee of that house that addresses legislation pertaining to
10 environmental protection and natural resources.

11 (2) The written report of the legislative committee shall be
12 submitted to each of the members of the legislature by June 15,
13 1993. The report shall contain information and analyses of each
14 of the following issues pertaining to the implementation of this
15 chapter and chapter 4 and of zoning ordinances approved pursuant
16 to this act:

17 (a) The accuracy and precision of the critical dune area
18 designations in the "atlas of critical dune areas" dated
19 February 1989.

20 (b) The number of use permits requested and the number of
21 permits issued and denied under this act by the department and by
22 local units of government.

23 (c) The number of requests for variances and the number of
24 those requests that are denied by the department and by local
25 units of government, including any pertinent pattern in the issu-
26 ance or denial of variances by geographic areas of the state.

1 (d) The effectiveness of the criteria and standards in the
2 model zoning plan, including but not limited to, slope and
3 setback restrictions, vegetation removal, and erosion related
4 measures.

5 (e) Whether the model zoning plan and approved ordinances
6 are accomplishing the objectives of the act.

7 (f) Whether the law pertaining to the taking of private
8 property for public use is being utilized due to the operation of
9 the model zoning plan or approved zoning ordinances, and if tak-
10 ings are occurring whether there are apparent inequities.

11 (3) During its consideration of the issues listed in
12 subsection (2), the legislative committee shall consult, at a
13 minimum, with representatives from each of the following:

14 (a) The public.

15 (b) The Michigan townships association.

16 (c) The Michigan municipal league.

17 (d) A conservation organization.

18 (e) An environmental protection organization.

19 (f) Land development interests.

20 (g) Construction industry interests.

21 (h) The department.

22 (4) IF A JOINT LEADERSHIP AGREEMENT BETWEEN REPUBLICAN AND
23 DEMOCRATIC MEMBERS IN THE HOUSE OF REPRESENTATIVES PROVIDING FOR
24 CO-SPEAKERSHIP IS IN EFFECT, THE CO-SPEAKERS SHALL JOINTLY
25 APPOINT 4 MEMBERS OF THE HOUSE OF REPRESENTATIVES, 2 FROM EACH
26 PARTY, TO THE COMMITTEE.