



SENATE BILL No. 949

December 8, 1993, Introduced by Senators Ehlers and Hoffman and referred to the Committee on Natural Resources and Environmental Affairs

A bill to amend the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 11, and 13 of Act No 204 of the Public Acts of 1979, entitled "Michigan resource inventory act," section 8 as amended by Act No 224 of the Public Acts of 1981, being sections 321 202, 321 203, 321 204, 321 205, 321 206, 321 207, 321 208, 321 209, 321 211, and 321 213 of the Michigan Compiled Laws and to repeal certain parts of the act

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 The title and sections 2, 3, 4, 5, 6, 7, 8, 9,
2 11, and 13 of Act No 204 of the Public Acts of 1979, section 8
3 as amended by Act No 224 of the Public Acts of 1981, being
4 sections 321 202, 321 203, 321 204, 321 205, 321 206, 321 207,
5 321 208, 321 209, 321 211, and 321 213 of the Michigan Compiled
6 Laws, are amended to read as follows

TITLE

1
2 An act to provide for a land AND WATER resource and current
3 use inventory in the state to provide for technical assistance
4 on the use of the inventory to ~~municipalities, counties~~ LOCAL
5 UNITS OF GOVERNMENT and governmental planning and resource man-
6 agement entities ~~to create an inventory advisory committee in~~
7 ~~the department of natural resources to advise the legislature,~~
8 ~~governor, and the department to prescribe the powers and duties~~
9 ~~of the inventory advisory committee~~ to provide for funding to
10 ~~municipalities, counties,~~ LOCAL UNITS OF GOVERNMENT and
11 regional planning commissions for their participation in the
12 inventory process to prescribe THE POWERS AND DUTIES OF certain
13 ~~duties of the department of natural resources~~ STATE AGENCIES
14 AND OFFICIALS and to make an appropriation

15 Sec 2 As used in this act

16 (A) "BOARD" MEANS THE GEOGRAPHIC INFORMATION SYSTEMS COORDI-
17 NATION BOARD CREATED IN THE GEOGRAPHIC INFORMATION SYSTEMS ACT

18 (B) ~~(a)~~ "Classification system" means a mechanism to iden-
19 tify the current use of WATER RESOURCES, land, and any structures
20 on the land

21 ~~(b) "Data management system" means a mechanism which relies~~
22 ~~on a computer to manipulate, store, and retrieve information col-~~
23 ~~lected and updated during a resource inventory~~

24 (c) "Department" means the DIRECTOR OF THE department of
25 natural resources OR HIS OR HER DESIGNEE

1 (D) "GEOGRAPHIC DATA" MEANS INFORMATION DESCRIBING OBJECTS
 2 IN TERMS OF THEIR GEOGRAPHICAL POSITION, ATTRIBUTES UNRELATED TO
 3 GEOGRAPHICAL POSITION, AND SPATIAL INTERRELATIONSHIPS

4 (E) "GIS" OR "GEOGRAPHIC INFORMATION SYSTEM" MEANS AN INTE-
 5 GRATED SET OF COMPUTER HARDWARE AND APPLICATION SOFTWARE FOR COL-
 6 LECTING, STORING, RETRIEVING, MANIPULATING, ANALYZING, AND DIS-
 7 PLAYING GEOGRAPHICAL DATA

8 (F) ~~-(d)-~~ "Inventory" means the land AND WATER resource and
 9 current use inventory

10 (G) "MICHIGAN RESOURCE INFORMATION SYSTEM" MEANS THE GEO-
 11 GRAPHIC INFORMATION SYSTEM ESTABLISHED PURSUANT TO THIS ACT,
 12 WHICH CONTAINS THE INVENTORY

13 (H) ~~-(e)- "Municipality"~~ "LOCAL UNIT OF GOVERNMENT" means a
 14 COUNTY, city, village, or township, A SUBUNIT OF ANY OF THESE
 15 ENTITIES, OR A COMBINATION OF ANY OF THESE ENTITIES

16 (I) ~~-(f)-~~ "Regional planning commission" means a regional
 17 planning commission designated by the governor pursuant to execu-
 18 tive directive to carry out planning in a multicounty region of
 19 the state

20 (J) ~~-(g)-~~ "Technical assistance" means the aid which the
 21 department ~~shall provide~~ PROVIDES PURSUANT TO THIS ACT to
 22 ~~municipalities, counties,~~ LOCAL UNITS OF GOVERNMENT and other
 23 interested groups and individuals, on the use of the land AND
 24 WATER resource and current use inventory and related information
 25 for planning and resource management decisions

26 Sec 3 (1) The department shall ~~make or cause to be made~~
 27 ~~a project design study~~ The study shall determine the

1 appropriate operational criteria, computer software and hardware,
 2 staffing, available information resources, data updating method-
 3 ology, most economical inventory resources, location of data man-
 4 agement operations, linkages with other data management systems
 5 in the state, data geographic base configuration, data delivery
 6 system, and other information necessary to complete the inventory
 7 and ~~development of~~ TO DEVELOP a NATURAL RESOURCES data manage-
 8 ment system

9 (2) The department shall make or cause to be made a land AND
 10 WATER resource and current use inventory, as provided in sections
 11 6 and 7, of all land AND WATER RESOURCES, public or private, in
 12 this state The land AND WATER resource and current use invento-
 13 ry, if appropriate, shall rely on any other information and
 14 surveys

15 (3) The department shall create a technical assistance pro-
 16 gram for the purpose of providing services to ~~municipalities and~~
 17 ~~counties~~ LOCAL UNITS OF GOVERNMENT as provided in section 5

18 (4) The department shall prepare recommendations for consid-
 19 eration by the ~~inventory advisory committee~~ BOARD regarding
 20 means to address problems or issues indicated by the inventory

21 Sec 4 (1) ~~There is created an inventory advisory commit-~~
 22 ~~tee in the department The governor shall appoint members of the~~
 23 ~~inventory advisory committee with the advice and consent of the~~
 24 ~~senate The committee shall be composed of representatives from~~
 25 ~~municipalities, counties, regional planning commissions, soil~~
 26 ~~conservation districts, the major state agencies affected by the~~
 27 ~~inventory, federal agencies, major land resource based~~

~~1 industries, environmental groups, and the general public from~~
~~2 various areas of the state The committee shall consist of 20~~
~~3 members Not less than 4 of the members shall be from the Upper~~
~~4 Peninsula not less than 4 of the members shall be from the Lower~~
~~5 Peninsula north of townline 16, and not less than 4 of the mem-~~
~~6 bers shall be from the Lower Peninsula south of townline 16 The~~
~~7 term of each member shall be 4 years, except that of those first~~
~~8 appointed, 5 shall be appointed for 1 year, 5 for 2 years, 5 for~~
~~9 3 years, and 5 for 4 years A vacancy shall be filled for the~~
~~10 balance of the unexpired term in the same manner as the original~~
~~11 appointment (2) A minimum of 5 subcommittees of the inventory~~
~~12 advisory committee shall be created The subcommittees shall be~~
~~13 composed of members of the inventory advisory committee and other~~
~~14 individuals The subcommittees shall study the inventory~~
~~15 requirements in the areas of agriculture, forestry, minerals,~~
~~16 unique and special environments, and developed land Each sub-~~
~~17 committee shall include members of the inventory advisory commit-~~
~~18 tee whose particular interests are affected by those portions of~~
~~19 the inventory dealing with 1 of those areas (3) The inventory~~
~~20 advisory committee shall be responsible for reviewing and assist-~~
~~21 ing the department's efforts in completing the inventory and pro-~~
~~22 viding for its use The committee's~~ THE BOARD SHALL REVIEW AND
23 ASSIST THE DEPARTMENT IN ITS EFFORTS TO COMPLETE THE INVENTORY
24 AND PROVIDE FOR ITS USE IN CARRYING OUT ITS RESPONSIBILITIES
25 UNDER THIS ACT, PRIOR TO TAKING ACTION, THE BOARD SHALL REFER ALL
26 MATTERS TO THE BOARD'S SUBCOMMITTEE ON THE MICHIGAN RESOURCE
27 INFORMATION SYSTEM AS PROVIDED FOR IN THE GEOGRAPHIC INFORMATION

1 SYSTEMS ACT FOR A RECOMMENDATION THE BOARD'S review and
 2 assistance shall include the development of ALL OF THE
 3 FOLLOWING

4 (a) The definitions of the features to be inventoried in the
 5 land AND WATER resource inventory as provided in section 6

6 (b) The technical assistance program to help ~~municipalities~~
 7 ~~and counties~~ LOCAL UNITS OF GOVERNMENT effectively use the
 8 inventory as provided in section 5

9 (c) Final recommendations to be sent to the legislature and
 10 the governor regarding the manner of addressing the problems or
 11 issues indicated by the inventory as provided in section 3(4)

12 (2) ~~-(4)-~~ The ~~inventory advisory committee~~ BOARD shall
 13 approve or disapprove the criteria for participation in the cur-
 14 rent use portion of inventory process as provided in section 8

15 ~~-(5) The inventory advisory committee shall meet not less~~
 16 ~~than 3 times each year~~

17 ~~-(6) The legislature annually shall establish a schedule for~~
 18 ~~reimbursement of expenses of the inventory advisory committee~~
 19 ~~members~~

20 Sec 5 (1) The department shall create a technical assist-
 21 ance program designed to help ~~municipalities and counties~~ LOCAL
 22 UNITS OF GOVERNMENT AND PUBLIC, NONPROFIT ORGANIZATIONS effec-
 23 tively use the inventory The technical assistance program, when
 24 feasible, shall utilize the technical assistance programs of
 25 MULTIAGENCY INSTITUTIONS SUCH AS regional planning commissions
 26 AND HEALTH DISTRICTS The technical assistance shall include ALL
 27 OF THE FOLLOWING

1 (a) The publication and ~~distribution~~ AVAILABILITY of the
2 inventory as applicable to ~~each municipality and county in the~~
3 ~~state~~ LOCAL UNITS OF GOVERNMENT AND PUBLIC, NONPROFIT ORGANIZA-
4 TIONS, INCLUDING REGIONAL PLANNING COMMISSIONS

5 (b) The preparation and ~~distribution~~ AVAILABILITY of land
6 AND WATER resource management manuals AND OTHER TECHNICAL TRAIN-
7 ING AND EXPERTISE to assist ~~municipalities and counties~~ LOCAL
8 UNITS OF GOVERNMENT, planning and resource management entities,
9 and other federal ~~—~~ AND state ~~—~~ and ~~local~~ agencies in
10 updating their planning and resource management programs to
11 incorporate the inventory Land AND WATER resource management
12 manuals may also be prepared to assist ~~municipalities and~~
13 ~~counties~~ LOCAL UNITS OF GOVERNMENT in solving problems which
14 confront their planning resource management programs

15 (c) The conducting of workshops, in conjunction with local
16 government associations, regarding the inventory

17 ~~(d) The provision of a team of experts on the inventory to~~
18 ~~assist in problem solving by municipalities and counties~~

19 (D) ~~(e)~~ The provision of an inventory information center
20 and library function which ~~municipalities and counties~~ LOCAL
21 UNITS OF GOVERNMENT may utilize in their own programs

22 Sec 6 ~~(1)~~ The land AND WATER resource ~~portion of the~~
23 inventory shall be completed in a format that may be readily
24 integrated into ~~the data management~~ A GEOGRAPHIC INFORMATION
25 system, and shall provide a base of information to analyze the
26 existing and future productivity of the state's natural resources
27 and provide information to assist in the analysis of the timing,

1 location, and intensity of future development in the state The
2 format should also include information that will be readily
3 usable and available to assist local ~~governmental~~ units OF
4 GOVERNMENT in their land use planning The inventory may include
5 BUT IS NOT LIMITED TO any of the following

6 (a) Geological features, including groundwater features such
7 as depth to groundwater, groundwater recharge zones, and potable
8 aquifers

9 (b) Land area with characteristics which pose problems to
10 development such as an area subject to reasonably predictable
11 hazardous natural phenomenon which may include flooding, high
12 risk erosion, or subsidence

13 (c) Land area with characteristics which make it suited for
14 agricultural use

15 (d) Land area with characteristics which make it suited for
16 silvicultural use

17 (e) Metallic and nonmetallic mineral deposits

18 (f) Hydrological features, including WATERSHED BOUNDARIES,
19 lakes, rivers and creeks, impoundments, drainage basins,
20 FLOODPLAINS, and wetlands

21 (g) Land area of wildlife habitat, including each signifi-
22 cant breeding area or area used by migratory wildlife

23 (h) Topographic contours

24 (I) THREATENED AND ENDANGERED SPECIES

25 (J) SITES OF ENVIRONMENTAL CONTAMINATION

26 ~~-(2) If the department designates an area as wetland, the~~
27 ~~state may negotiate and contract for an option to purchase or~~

~~1 exchange the wetland in order to protect the wetland The option~~
~~2 to purchase or exchange the wetland shall be valid for 5 years~~
~~3 After an option to purchase is negotiated a person may apply for~~
~~4 and receive consideration for an exemption from property taxes~~
~~5 levied pursuant to Act No 206 of the Public Acts of 1893, as~~
~~6 amended, being sections 211 1 to 211 157 of the Michigan Compiled~~
~~7 Laws, for the duration of the option to purchase~~

8 Sec 7 The current use portion of the inventory shall be
9 completed using a consistent classification system that can be
10 readily integrated into ~~the data management~~ A GEOGRAPHIC
11 INFORMATION system, and shall provide the base to analyze the
12 existing use and cover in the state The current use inventory
13 may include any of the following

14 (a) Substantially undeveloped land devoted to the production
15 of plants and animals useful to humanity, including forages and
16 sod crops grain and feed crops dairy and dairy products live-
17 stock, including the breeding and grazing of those animals
18 fruits of all kinds vegetables and other similar uses and
19 activities

20 (b) Land in the production of fiber and other woodland prod-
21 ucts, or supporting trees for the protection of water resources,
22 soils, recreation, or wildlife habitat

23 (c) Land which is being mined, drilled, or excavated for
24 metallic and nonmetallic mineral, rock, stone, gravel, clay,
25 soil, or other earth, petroleum, or natural gas resources

26 (d) A site, structure, district, or archaeological landmark
27 which is officially included in the national register of historic

1 places or designated as an historic site pursuant to state or
2 federal law

3 (e) Urban and developed land, including residential, commer-
4 cial, industrial, transportation, communication, utilities, and
5 open space uses, including recreational land

6 (f) Land owned on behalf of the public, including land man-
7 aged by federal, state, or local government or school districts

8 (g) Land enrolled in THE FARMLAND AND OPEN SPACE PRESERVA-
9 TION ACT, Act No 116 of the Public Acts of 1974, as amended,
10 being sections 554 701 to 554 719 of the Michigan Compiled Laws

11 (h) Land enrolled in Act No 94 of the Public Acts of 1925
12 as amended, being sections 320 301 to 320 314 of the Michigan
13 Compiled Laws

14 (i) Land designated for tax abatements, restricted use, or
15 specific use under a public act of the state of Michigan

16 Sec 8 (1) The current use portion of the inventory may be
17 conducted by ~~municipalities, counties,~~ LOCAL UNITS OF
18 GOVERNMENT or regional planning commissions ~~as provided in sub-~~
19 ~~section (4)~~ A ~~municipality, county,~~ LOCAL UNIT OF GOVERNMENT
20 or regional planning commission conducting a portion of the cur-
21 rent use inventory shall conduct that portion on a scale, level
22 of detail, format, and classification system prepared by the
23 department

24 (2) ~~By December 27, 1980, the~~ THE department shall
25 ~~prepare~~ PROVIDE criteria for ~~municipality, county,~~ LOCAL
26 UNITS OF GOVERNMENT and regional planning ~~commission~~
27 ~~participation~~ COMMISSIONS TO PARTICIPATE in the current use

1 inventory process The criteria shall specify the scale, level
2 of detail, format, and classification system to be used in the
3 current use portion of the inventory ~~, and shall contain forms~~
4 ~~and information on the financial reimbursement provisions pro-~~
5 ~~vided in section 9~~

6 (3) The ~~inventory advisory committee~~ BOARD shall approve
7 or disapprove the criteria for participation in the current use
8 portion of the inventory as prepared by the department under sub-
9 section (2) If the ~~committee~~ BOARD disapproves the criteria,
10 the department shall again prepare the criteria, taking into con-
11 sideration any comments made by the ~~committee~~ BOARD

12 ~~(4) The criteria prepared under subsection (2) shall be~~
13 ~~circulated by the department to local government associations and~~
14 ~~to a municipality, county, or regional planning commission, upon~~
15 ~~request By March 27, 1982, a municipality with an established~~
16 ~~planning commission may submit to the department and to the~~
17 ~~county board of commissioners of the county in which the munici-~~
18 ~~pality is primarily located a notice of intent to perform or~~
19 ~~cause to be performed the work necessary to complete the current~~
20 ~~use portion of the inventory By June 27 1982, a county with an~~
21 ~~established planning commission may submit to the department a~~
22 ~~notice of intent to perform or cause to be performed the work~~
23 ~~necessary to complete the current use portion of the inventory~~
24 ~~for each area for which a municipality is not performing the work~~
25 ~~necessary to complete the current use portion of the inventory~~
26 ~~By September 27, 1982, a regional planning commission may submit~~
27 ~~a notice of intent to the department to perform the work~~

~~1 necessary to complete the current use inventory for each area not~~
~~2 covered by a municipality or county notice of intent For each~~
~~3 area not covered by a notice of intent under this subsection, the~~
~~4 department shall make or cause to be made the current use portion~~
~~5 of the inventory~~

6 (4) ~~(5) A municipality, county, or regional planning~~
~~7 commission~~ LOCAL UNITS OF GOVERNMENT AND PUBLIC, NONPROFIT
 8 ORGANIZATIONS engaged in the preparation OR UPDATING of the cur-
 9 rent use portion of the inventory may make use of assistance,
 10 data, and information made available to them by public or private
 11 organizations

12 Sec 9 The state ~~shall~~ MAY reimburse each ~~municipality,~~
 13 ~~county,~~ LOCAL UNIT OF GOVERNMENT or regional planning commission
 14 engaged in the preparation of the current use portion of the
 15 inventory for ~~75%~~ 50% of the expenditures certified by the
 16 department Certification shall be based upon conformance to the
 17 format, scale and classification system provisions of the con-
 18 tract between the ~~municipality county~~ LOCAL UNIT OF
 19 GOVERNMENT or regional planning commission and the department
 20 If the amount appropriated during any fiscal year is not suffi-
 21 cient to provide the ~~75%~~ 50% reimbursement, the director of the
 22 department of management and budget shall prorate an amount among
 23 the eligible ~~municipalities, counties,~~ LOCAL UNITS OF
 24 GOVERNMENT and regional planning commissions

25 Sec 11 (1) The DEPARTMENT SHALL REVIEW AND UPDATE THE
 26 land AND WATER resource portion of the inventory ~~shall be~~

1 ~~reviewed and updated when~~ AS necessary ~~, but not less than~~
2 ~~once every 10 years~~

3 (2) The DEPARTMENT SHALL REVIEW AND UPDATE THE current use
4 portion of the inventory ~~shall be reviewed and updated when~~ AS
5 necessary ~~, but not less than once each 5 years~~

6 Sec 13 ~~(1) There is hereby appropriated from the general~~
7 ~~fund for the fiscal year ending September 30, 1980 the sum of~~
8 ~~\$250,000 00 for the department of natural resources for the pur-~~
9 ~~pose of carrying out the project design study described in sec-~~
10 ~~tion 3(1) of this act~~ (2) To further carry out the require-
11 ments of this act, it is anticipated that a minimum of approxi-
12 mately \$1,000,000 00 for each year ~~for the next 3 years~~ will be
13 required

14 Section 2 Section 10 of Act No 204 of the Public Acts of
15 1979, being section 321 210 of the Michigan Compiled Laws, is
16 repealed

17 Section 3 This amendatory act shall not take effect unless
18 Senate Bill No 950
19 of the 87th Legislature is enacted into law