



STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

**EXECUTIVE ORDER
No. 2016 - 5**

**CREATION OF THE
21ST CENTURY INFRASTRUCTURE COMMISSION**

EXECUTIVE OFFICE OF THE GOVERNOR

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 4 of Article V of the Michigan Constitution of 1963 authorizes the establishment of temporary commissions or agencies for special purposes; and

WHEREAS, under Section 1 of 1931 PA 195, being MCL 10.51, the Governor may, at such times and for such purposes as the Governor deems necessary or advisable, create special advisory bodies consisting of as many members as the Governor deems appropriate; and

WHEREAS, Section 17 of Article V of the Michigan Constitution of 1963 empowers the Governor to present to the Legislature information as to the affairs of the state and recommend measures that he considers necessary or desirable; and

WHEREAS, sound and modern infrastructure is vital to the health and well-being of the people of Michigan, as well as Michigan's economy and vibrant communities to continue and accelerate our economic comeback, we must preserve, maintain, and improve our infrastructure now and in the future; and

WHEREAS, citizens expect state and local government to provide safe and cost-effective access to transportation, water and sewer, wastewater treatment and drainage, energy, communications, and other services; and

WHEREAS, Michigan is building automobiles for the 21st century and therefore must have a 21st century transport systems to move people and goods yet over 1,200 Michigan bridges are structurally deficient and over 1,700 are functionally obsolete; and

WHEREAS, outdated water and sewer infrastructure represent potential significant health hazards and costs to citizens and government; and

WHEREAS, Michigan's aging wastewater treatment systems represent a barrier to economic growth and water quality improvements; and

WHEREAS, an adaptable, reliable, affordable, and environmentally protective energy system is paramount to economic prosperity yet Michigan's infrastructure is aging; and

WHEREAS, Michigan's growing technology sector is heavily reliant on communications and our cyber networks are integral to Michigan's infrastructure, economic growth, and quality of life; and

WHEREAS, it is important that the state of Michigan develop a comprehensive, coordinated, and effective infrastructure system long-term vision that guides strategic infrastructure planning, investment, and prioritization in Michigan; and

WHEREAS, this plan must be strategic, effective, and affordable at the local and state level in order to provide the infrastructure our state needs today and into the future; and

WHEREAS, an ongoing and full assessment of Michigan's infrastructure challenges, opportunities, and costs is needed; and

WHEREAS, Michigan should look to experts and leaders from across the state who are committed to Michigan's future to identify current conditions and future infrastructure needs, develop a comprehensive strategy for identifying and prioritizing investments in transportation, water and sewer, wastewater infrastructure, energy, telecommunications and other areas, and the funding of these investments; and

WHEREAS, the establishment of a 21st Century Infrastructure Commission will advise and assist in matters relating to the assessment and development of a 21st Century infrastructure strategy and will be responsible for providing a full set of recommendations by September 30, 2016;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. CREATION OF THE 21st CENTURY INFRASTRUCTURE COMMISSION

A. The 21st Century Infrastructure Commission (the "Commission") is created as a temporary commission pursuant to Article V, Section 4 of the Constitution of the State of Michigan of 1963 and shall serve an advisory body within the Executive Office of the Governor.

B. The Commission shall be an independent and autonomous entity with the intent that its authority, powers, duties, and responsibilities be exercised free from the direction and supervision of the principal departments in the executive branch and shall be composed of twenty-seven (27) members appointed as follows.

1. The Governor shall appoint fifteen (15) voting members to the Commission, serving at the pleasure of the Governor.

2. The following four (4) voting members:

- One (1) member appointed by the Speaker of the House;
- One (1) member appointed by the House Minority Leader;
- One (1) member appointed by the Senate Majority Leader; and
- One (1) member appointed by the Senate Minority Leader.

3. The directors or chair of the following eight (8) departments and agencies or their designees from within their respective departments or agencies who shall be non-voting, ex officio members:

- Department of Transportation;
- Department of Environmental Quality;
- Department of Agriculture and Rural Development;
- Department of Technology, Management and Budget;
- Michigan Economic Development Corporation;
- Department of Natural Resources;
- Michigan Agency for Energy; and
- Michigan Public Service Commission.

C. A vacancy on the Commission shall be filled in the same manner as the original appointment.

D. The Commission shall include individuals representing the business, government, nonprofit, and philanthropic communities who have a particular interest or expertise in infrastructure. Specifically, Commission members will need to possess expertise in infrastructure design and planning, underground infrastructure, municipal planning, public utilities, water and sewer infrastructure, wastewater treatment and drainage, and/or communications and technology.

II. CHARGE TO THE COMMISSION

The Commission shall act in an advisory capacity to the Governor and the state of Michigan, determine the scope of a comprehensive infrastructure vision for Michigan, and shall do all of the following:

1. Bring together the following infrastructure components for all-inclusive strategic asset management, including short-term capital planning needs, long-term strategy, sharing of templates and best practices and recommended funding mechanisms in the areas of transportation (including mobility), water and sewer, wastewater treatment and drainage, energy, communications and any other necessary components identified by the Commission.

2. Complete an assessment of current infrastructure needs throughout the state, both at the state and local level.
3. Research and benchmark other states and nations to identify and recommend best practices.
4. Develop methods to incentivize and encourage joint evaluation and planning of infrastructure needs, state and local cooperation and collaboration, including asset management coordination and methods to encourage and incentivize longer term planning for more strategic management.
5. Promote partnerships between governments, businesses, nonprofit organizations, and philanthropies towards the creation of a 21st Century Infrastructure Strategy.
6. Give consideration to whole of life costs of infrastructure and the medium and long term economic value of the infrastructure to the state.
7. Develop methods for incorporating land-use, quality of life, and economic development activities with statewide infrastructure planning.
8. Develop methods for incorporating 21st century communications and technology with statewide infrastructure planning.
9. Create an assessment of needed financing options for implementation of infrastructure recommendations, utilizing state and local opportunities along with public-private partnerships.
10. Explore the use of infrastructure evaluation information technology including data analysis that would help in various aspects of planning, evaluation, asset management, investment, operation, and/or potential prediction of failures of various infrastructure.
11. Prioritize needs for the next 30-50 years.
12. Develop confidence in Michigan's residents, businesses, and future industries of our sound infrastructure system.
13. Provide other information or advice as directed by the Governor.
14. No later than November 30, 2016, shall complete its work and issue a final report to the Governor for his consideration. A copy of the final report shall be transmitted to the Legislature.
15. Ninety days (90) after issuance and transference of its final report, the Commission shall be deemed to have met the charges placed upon it by this Executive Order and shall cease operations.

III. OPERATIONS OF THE COMMISSION

A. The Commission shall be staffed by personnel from and assisted by state departments and agencies as directed by the Governor's Office.

B. The Governor shall designate the Chairperson or Chairpersons of the Commission who shall serve as Chair at the pleasure of the Governor.

C. The Commission may select from among its members a Vice Chairperson.

D. The Commission shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Commission. Meetings of the Commission may be held anywhere within the state of Michigan.

E. The Commission may establish workgroups or committees assigning Commission members to and inviting public participation on these workgroups or committees as the Commission deems necessary.

F. The Commission may adopt, reject, or modify recommendations made by the workgroups or committees.

G. A majority of the voting members of the Commission serving constitutes a quorum for the transaction of the commission's business notwithstanding the existence of one (1) or more vacancies. The Commission shall act by majority vote of its present and voting members.

H. The Commission shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

I. The Commission may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. Subject to the Governor's approval, the Commission may consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, government agencies, and the nonprofit sector.

J. Members of the Commission shall serve without compensation. Subject to the Governor's approval and available funding, members of the Commission may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Michigan Civil Service Commission and the Department of Technology, Management and Budget.

K. Subject to the Governor's approval, the Commission may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Commission and the performance of its duties, as the Governor deems advisable and necessary in accordance with the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Technology, Management and Budget.

L. The Commission may accept grants of funds, donations of funds, property, labor, services, or other things of value from any public or private agency or

person. Any donations shall be expended in accordance with applicable laws, rules, and procedures.

M. Members of the Commission, staff, or contractors shall refer all legal, legislative, and media contacts relating to Commission actions or activities to the Office of the Governor.

IV. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Commission, or to any member or representative of the Commission, any necessary assistance required by the Commission or any member or representative of the Commission, in the performance of the duties of the Commission so far as is compatible with its, his, or her duties.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order shall not abate by reason of the taking effect of this Order.

C. Nothing in this Order shall be construed to change the organization of the executive branch of state government or the assignment of functions among its units in a manner requiring the force of law.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Executive Order shall become effective upon filing.



Given under my hand and the Great Seal of the state of Michigan this 10th day of March, in the Year of our Lord Two Thousand Sixteen.

RICHARD D. SNYDER
GOVERNOR

FILED WITH SECRETARY OF STATE
ON 3/10/16 AT 9:40am

BY THE GOVERNOR:

SECRETARY OF STATE