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Mich. State Law Library

House Bill 4761
Sponsor: Rep. Michael J. Bennane
Committee: Public Health

Complete to 5-18-89

A SUMMARY OF HOUSE BILL 4761 AS INTRODUCED 5-3-89

The bill would amend the Public Health Code to allow for the creation of pest management authorities within local units of government (counties, cities, villages, or townships) having at least 10,000 people. "Pest" would be defined to mean mosquito, gypsy moth, "or other insect determined by an authority to be causing harm to the public health, safety, or welfare, or the environment, or property within the boundaries of the authority."

Establishing and terminating pest management authorities. A petition to a county board of commissioners to create a pest management authority could be initiated either by eight percent of the registered voters or by resolution by at least two local units of government within the proposed district. If, after a public hearing, the board decided that a pest management authority was needed, the board would create an authority and determine its boundaries. Two or more counties could consolidate their pest management authorities if they so desired.

Cities, villages, or townships could develop their own pest management programs, and existing city, village, or township programs would not have to be included in a pest management authority if the local unit's governing body notified the county board of commissioners of its intent not to be included in the authority.

After a pest management authority had been in operation for two years, but no more than once every two years, voters in the district could petition to have the authority operations terminated. The petition would have to be signed by at least eight percent of the registered voters and filed with the county board of commissioners, which then would have to hold a special election within 60 days of receiving the petition. The board would have to terminate the authority if a majority of the votes cast in the special election were in favor of this action.

Pest management board. If an authority were located within a single county, the county board of commissioners could either appoint a five-member governing board to run the authority or assign this responsibility to a county agency. If the authority crossed county lines, the board would consist of five members: two members from each county in the authority (appointed by their respective county boards), and one member, chosen by consensus of the appointed members, who was knowledgeable about pest management. Board members could not be paid for their services, but could be reimbursed for any necessary expenses they incurred when acting as board members.

The board (or its designated agents) would be responsible for taking all "necessary and proper" steps for pest management within the authority. This would include, but not be limited to, using professional entomologists to ensure that pest management operations were in accord with the latest technology and good pesticide management practices, establishing a public

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education program, buying supplies, and hiring seasonal employees (including college students and the chronically unemployed). The board also would be able to accept appropriations from the state or a local unit of government, as well as gifts and contributions from individuals, and to spend this money to implement the bill.

Financing pest management operations. Local units of government would be allowed to finance pest management authority operations in a number of ways. They could:

- (1) appropriate money to the pest management authority board;
- (2) impose a service charge on residents of the authority, which could not be greater than the actual or anticipated costs of the pest management procedures and which could not be imposed until the board held a public hearing on the proposed service charge;
- (3) levy a special assessment on lands benefited by the authority, which could be collected at the same time as ad valorem property taxes; or
- (4) levy an ad valorem tax on the taxable property in the authority if a millage were approved by a majority of the registered voters in a general or special election. An election could be called by resolution of the board, which would have to file a copy of the resolution with the clerks of the affected local units of government at least 60 days before the election. Elections to levy ad valorem taxes for pest management authorities could not be held more than once a calendar year, and the authority would be responsible for its share of the costs of a special election. Pest management authority taxes would be levied and collected in the same way as other ad valorem taxes.

Pesticide spraying reports. Every year, before January 31, certified or commercial pesticide applicators would be required to submit reports to the Department of Public Health (DPH) on all pest control spraying done in the previous year for local units of government, neighborhood organizations, lake associations, or subdivisions. These mandatory reports would have to include the name of the group that hired the pesticide applicator (and two contacts from this group), the date(s) on which spraying was done, the area sprayed, and the kind of pesticides used.

The director of the DPH could offer information on pesticide materials and methods to anyone contracting with pesticide applicators required to submit these reports. The DPH could appoint a state technical advisory committee to advise the department on pest management methods and materials and which could review the required annual reports. Members of the committee would not be paid, and could include medical entomologists, veterinarians, physicians, members of wildlife or conservation organizations, drain commissioners and road commissioners, and anyone designated by the department.

Exemptions from pesticide applications. People owning or renting land in a pest management authority could request annually, in writing, that their property be excluded from pesticide application or other pest management procedures by writing to the district board of trustees. The board could exclude the property from the abatement program if it decided that exclusion of the property would not seriously reduce the effectiveness of the program or if the request was because of a medical condition certified by a physician.