Legislative Analysis

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TOWNSHIP MOSQUITO ABATEMENT

House Bill 5024 (H-1) as reported from committee
Sponsor: Rep. Tim Sneller

House Bill 5025 (H-1) as reported from committee
Sponsor: Rep. Gary Howell

1st Committee: Local Government and Municipal Finance
2nd Committee: Ways and Means
Complete to 3-10-20

BRIEF SUMMARY: House Bills 5024 and 5025 would amend 1846 RS 16 to allow townships to levy a millage on taxable property for the purpose of mosquito abatement and allow townships to finance by special assessment mosquito abatement by private contractors. (Other special assessments include the financing of drains, sewers, roads, garbage pickup, and street lights.)

FISCAL IMPACT: The bills would have no net fiscal impact on state or local government unless the township called for a special election to vote on the petition for a mosquito abatement special assessment district. If a special election were held, the cost to the township would be approximately $2,000 per precinct. If a township chose to pursue a millage or special assessment, any millage or special assessment presumably would cover the costs of mosquito abatement in the township. The bills are permissive and would not require action by any township.

THE APPARENT PROBLEM:

Currently, cities with a population of more than 600,000 may provide by ordinance a procedure to finance by special assessment mosquito abatement by private contractors.[1] A special assessment district may be established upon petition by 51% or more of landowners within the proposed district.

The bill is understood to provide townships with this same ability. Reportedly, Mundy Township spent $150,000 spraying for mosquitoes throughout the township as part of a one-year trial. Other townships, including Fenton Township and Deerfield Township, have submitted the question of a mosquito control special assessment to voters, even without a foundation for that process in statute.[2] In 2017, 30 Gaines Township residents filed a lawsuit against the township accusing township officials of improperly putting a mosquito control assessment before voters in 2016.[3] Proponents testified that this legislation would codify current practice.

[1] MCL 117.5i. The population requirement means that this statute applies only to the city of Detroit.
[2] In 2016, the special assessment was approved in Fenton Township (6,986 votes to 1,547) and rejected in Deerfield Township (1,012 votes to 627).
[3] https://www.mlive.com/news/flint/2018/03/residents_sue_gaines_township.html

THE CONTENT OF THE BILLS:

House Bill 5024 would allow a township to levy a tax of up to one mill for up to six years on all of the taxable property in the township for the purpose of mosquito abatement.

In order to levy the tax, a township board would, by resolution, have to adopt the proposal to place it on the ballot. The ballot proposal would have to comply with the requirements of section 24f of the General Property Tax Act concerning the authorization of bond issuances and millage rates. The township could levy a tax for mosquito abatement only if a majority of electors approved the tax. A tax levied under the bill would have to be levied and collected at the same time and in the same manner as in the General Property Tax Act.

Proposed MCL 41.4a

House Bill 5025 would allow a township to provide a procedure to finance by special assessment the provision of mosquito abatement by private contractors.

The township board could use either or both of the following two procedures to authorize the establishment of a township-wide special assessment district:

- The township board could adopt a resolution to initiate the establishment.
- The owners of at least 10% of land in the township could sign petitions to initiate the establishment.

If either or both of these occurred, the township board would have to submit the question of raising money for mosquito abatement by special assessment to the township's electors at a general election or special election. The ballot would have to state the duration of the proposed assessment. The special assessment district for mosquito abatement would be established if approved by a majority of electors.

All proceedings related to the making, levying, and collecting of special assessments authorized under the bill would have to conform with the procedures outlined in the Public Improvements Act.

MCL 41.110c and proposed MCL 41.3c

The bills are tie-barred to one another, which means that neither could take effect unless both were enacted.

BRIEF DISCUSSION:

Proponents argued that, given the increased concern about mosquito-borne diseases such as West Nile Virus and Zika Virus, communities are taking steps to institute mosquito abatement programs. These programs are typically financed by the general fund; this legislation proposes to allow township boards to establish a mosquito abatement special assessment by resolution or submit the question to the citizens. A special assessment would allow township boards greater flexibility, as a dedicated fund would pay for the abatement.

POSITIONS:

Representatives of the Michigan Pest Management Association testified in support of the bill. (10-19-19)

Representatives of the Michigan Mosquito Control Association testified in support of the bill. (10-19-19)

A representative of Michigan Townships Association testified in support of the bill. (1-15-20)

A representative of the Libertarian Party of Michigan testified in opposition to the bill. (1-15-20)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.