

Ottawa County
Current Legislative Priorities (August 2022)

1. [Sheriff's Office's Secondary Road Patrol Funding \(HB 5569 and HB 5732\)](#)

The Secondary Road Patrol has played a vital role in Ottawa County for many years by improving our traffic safety program through education and enforcement. Traffic concerns are still one of the largest issues with our residents according to the Sheriff's Office, and these concerns will only increase as Ottawa County keeps growing. This bill allows the handful of counties that are unlikely to ever again meet the Maintenance of Effort (MOE) requirement due to hardship to reset at their current level of service, while making sure that counties meeting their MOE from 1978 continue to meet that obligation (so no one is pulling county money out to replace it with these dollars). Second, it allows the state legislature to continue to meet its oversight obligation without having to pass a resolution every year to allow the dollars to go out. The bill dedicates \$15 million from the Liquor Tax to the Secondary Road Patrol and Training Fund, and this amount will have an inflationary adjustment every five years. It eliminates the \$10 Secondary Road Patrol fee on moving violations. It eliminates the MOE to the lesser of road patrol expenditures in 1978 or 2021. The House passed this bill (101-1) on April 13, 2022. The bills passed out of the Senate Committee on Appropriations (18-1).

Action Requested: Support this legislation.

2. [Allow Remote Participation in Open Meeting \(HB 6283\)](#)

Currently, members of a public body can only meet remotely if they are on military duty. This bill would allow a member of a public body to participate in a public meeting remotely (e.g., Zoom) if there is at least a quorum of the public body's members attend the meeting in person in a physical place available to the general public. A member of the public body may attend remotely no more than 10% of the meetings or three meetings per year, whichever is less. The member who wants to attend remotely must provide written notice to the other members of the public body of their intention to attend remotely at least 18 hours before the meeting unless a majority of the public body members pass a motion to not permit that member remotely. In addition, a public body may meet in either a physical place in which at least one of the members attends in person and other members attend remotely or a virtual place at which all of the public body's participating members attend remotely, as long as the virtual meeting is accessible to the public. The public body would still be required to hold an annual meeting or any public hearing in person.

Action Requested: Support this legislation.

3. [Elections-Related Reforms \(HBs 4127, 4128, 4129, 4132, 4133 and 4134\)](#)

HBs 4127-4129 have been introduced to address three reportable conditions identified by the Michigan Office of the Auditor General's audit of the Bureau of Elections. HBs 4127 and 4128 would amend the Michigan Election law to require the Michigan Secretary of State (SOS) to remove from the qualified voter file (QVF) voters who do not respond to a mailing notifying them that they have "placeholder" birthdates in the QVF, or that they have not voted since the November 2000 general election and that failure to respond will result in their removal. HB 4129 would require the SOS to post on the SOS website in odd-numbered years the names of clerks who have not completed the required training. HB 4132 and 4133 would amend the Michigan Election Law to state that a person who knowingly filled out and submitted or caused to be submitted an absent voter ballot application containing or using another person's name and personal ID information, except as otherwise expressly authorized by law, would be guilty of a felony. HB 4134 would amend the Michigan Election Law to increase the number of electors allowed in a precinct from 2,999 to 5,000 beginning in 2022. This would save the County money by requiring fewer numbers of voting equipment and resources, such as absentee voter counting board tabulators. The County Clerks Legislative Committee, of which Justin Roebuck is the chairperson, and the Michigan Association of County Clerks support these bills. House Bills 4127-4128 have passed the House and the Senate. The Governor has vetoed these bills, so they have been referred back to the House Committee on Elections and Ethics. The House has passed the other bills, which are now in the Senate.

Action Requested: Support this legislation.

4. **Behavioral Health Redesign Package (HBs 4925-4929, SBs 597-598)**

Representative Mary Whiteford has introduced a package of bills to redesign how mental-health services are provided in Michigan. It would combine services for both behavioral and physical health and would remove counties from the structure of the system and calls into question who provides the “safety net” services to people with various mental-health issues. Senate Majority Leader Shirkey has also created a similar proposal and recently introduced two bills in the Senate. Senator Shirkey has indicated that he will accept feedback from stakeholders on his bills through the beginning of August, so it’s possible that the Senate bills may be amended. We also plan to request a meeting with Rep. Whiteford to see if she is open to making amendments to her bill to address some of our concerns.

Action Requested: Oppose this legislation.

5. **Requiring Courts to Accept Email Filing and Create Website to Provide Information on Every Court Case (HB 4164)**

This bill would require certain courts (including our 58th District Court, Ottawa County Probate Court and the 20th Circuit Court for the case types where it does not currently accept e-filing) to accept the filing of documents through email. By January 1, 2023, the court would be required to make available to the public through a website the register of actions and a digital image of all documents filed in any case in that court. The information in this newly created website must be free of charge, accessible to anyone without requiring a username or password and does not require a person to provide personal identifying information. This could provide difficulties in how courts can accept payments for court filings and may represent an unfunded mandate due to the cost of developing and managing a new website. Additional unfunded work may be required of court staff and County Clerk staff to redact non-public information from the register of action and case documents before making them publicly available via a website. Both the MAC and MACC (Michigan Association of County Clerks) are opposed to this bill. The House has passed this bill, and it has now been referred to the Senate Committee on Judiciary and Public Safety. We have met with Senator Victory to discuss our concerns with this bill.

Action Requested: Oppose this legislation.

6. **Approach to Local Control (HB 4722/SB 446)**

Several pieces of legislation have been introduced by members of both parties, which limit the historic local control by local units of government. The most recent example is HB 4722 and SB 446, which pre-empt local zoning ordinances by stating that all short-term rentals are a residential (not commercial) use of property and a permitted use in all residential zones. Short-term rentals would not be subject to any special use or conditional use permit. The bill states that local units may still regulate for noise, traffic and other conditions. The House has passed this bill. Senator Victory has indicated that he opposes this bill in its current form, but he would like to see some sort of compromise. More recently, Republican Representatives John Damoose and Jack O’Malley introduced HB 4985, which appears to be a compromise. It would allow a local zoning ordinance to make the rental (including the short-term rental) of a dwelling in a residential district subject to a special use or conditional use. If the total number of days of short-term rental in a calendar year is 14 days or less per year, it is a residential use of property and permitted in all residential zones. If the total number of days of short-term rental exceeds 14 days per calendar year, the local zoning ordinance may classify it as either a residential or commercial use of property.

Action Requested: Ottawa County and our local units strongly support the concept of local control and oppose legislation that removes that right.

7. **Making Corrections Officers Eligible for Compulsory Arbitration of Labor Disputes (HB 4725/SB485)**

Democratic Representative Kelly Breen introduced this bill, which would add “a corrections officer employed by a county sheriff in a county jail” to the definition of employee groups that would be entitled to compulsory arbitration of labor disputes under Act 312. Thus, if the County and the union representing corrections deputies in Ottawa County could not reach a settlement on a collective bargaining agreement, then the union could file for binding arbitration under Act 312. The arbitrator could then impose a binding settlement on the County, which may not be in the County’s best interests. The House passed HB 4725 by a vote of 97-10. It has now been referred to the Senate’s Committee of the Whole.

Action Requested: Oppose this legislation, as the Board of Commissioners and not an arbitrator should determine the wages and benefits of County employees.

8. Eliminating Various Juvenile Court Fees (HBs 4987-4991)

A series of bills were introduced to eliminate various Juvenile Court fees. HB 4987 prohibits any fees or costs associated with the consent calendar. This docket allows for the informal treatment of mostly first-time juvenile offenders, so they do not end up with a criminal record. It often uses counseling, community service, apologies and behavioral contracts to provide accountability. Eliminating all costs for services that cost money/staff time will only result in elimination of the service or pushing the full cost back on the counties.

HB 4988 prohibits reimbursement for diversion services. Like the consent calendar, diversion is another tool used by juvenile courts (and sometimes the prosecutor's office) to provide an opportunity for holding youth accountable while keeping them in the community (vs. detention or placement) and minimizing any type of criminal record. Such services are provided at a cost (often staff time is the most critical component), so if there is no opportunity for collections, the result may be no diversionary programs, leading to more criminalization of youth as treatment options are limited, and there could be more reliance on out-of-county residential placements.

HB 4989 eliminates the DNA assessment of \$60 that currently applies to adults and juveniles. The DNA sample is required by law in certain cases, and the \$60 fee was negotiated in part to cover the testing costs. If it is eliminated without eliminating the test itself, it becomes an unfunded state mandate.

HB 4990 prohibits collection of "reimbursement" for placements outside of the juvenile's home. Any outside placements cost money, so if reimbursement is prohibited, then either the state or the county will have to cover the cost. If funding is not easily accessible, this may force judges to keep more juveniles at home, which is good in some situations, but in other cases it may lead to more domestic violence and public safety risks.

HB 4991 eliminates 20% late fees if a juvenile fails to pay within 56 days of a court order. Since this fee was originally created by the legislature as a way to increase some revenue by using the courts as their personal collection agency and has no connection with the rehabilitation of a juvenile, we should support eliminating the fee.

Action Requested: Oppose HBs 4987, 4988, 4989 and 4990. Support HB 4991.

9. Statewide Sanitary Code

HB 5752 of 2018 and HB 5753 of 2018, which was re-referred from the Committee on Natural Resources to the Committee on Local Government, would create a statewide sanitary code. Michigan is the only state without such a code. Concerns are many and significant. The legislation would eliminate the right of local jurisdictions to have a real estate transfer evaluation program, such as the very successful Ottawa County program. The legislation would also require regular inspection of most septic systems every five years instead of at point of sale, which the Ottawa program accomplishes. The Public Health Department would need significantly more staff to fulfill such a mandate. A significant amount of property would become undevelopable. The legislation would likely be viewed as an intrusion on private property rights and definitely would be an erosion of local control and authority of the Board of Commissioners. The House did not pass these bills at the end of the 2018 legislative session. It is likely that these bills will be reintroduced in 2020.

Action Requested: Do not support legislation that would negatively impact the Ottawa County Sewer Inspection Ordinance.