

# HOUSE BILL No. 4883

June 29, 1987, Introduced by Reps. Bennane and Leland and referred to the Committee on Public Health.

A bill to amend Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws, by adding part 137.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as  
2 amended, being sections 333.1101 to 333.25211 of the Michigan  
3 Compiled Laws, is amended by adding part 137 to read as follows:

4 PART 137. MOSQUITO CONTROL

5 SEC. 13701. (1) AS USED IN THIS PART:

6 (A) "BOARD OF TRUSTEES" MEANS THE BOARD OF TRUSTEES OF A  
7 MOSQUITO ABATEMENT DISTRICT CREATED PURSUANT TO THIS PART.

8 (B) "DISTRICT" MEANS A MOSQUITO ABATEMENT DISTRICT CREATED  
9 PURSUANT TO THIS PART.

1 (C) "LOCAL UNIT OF GOVERNMENT" MEANS A COUNTY, CITY,  
2 VILLAGE, OR TOWNSHIP.

3 (D) "TRUSTEE" MEANS A MEMBER OF A BOARD OF TRUSTEES.

4 (2) IN ADDITION, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND  
5 PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS  
6 CODE.

7 SEC. 13705. A MOSQUITO ABATEMENT DISTRICT MAY BE CREATED  
8 WITHIN A LOCAL UNIT OF GOVERNMENT HAVING A POPULATION OF 10,000  
9 OR MORE.

10 SEC. 13707. (1) THE COUNTY BOARD OF COMMISSIONERS OF THE  
11 COUNTY IN WHICH A PROPOSED DISTRICT IS LOCATED, UPON RECEIPT OF A  
12 PETITION DESCRIBING THE BOUNDARIES OF THE PROPOSED DISTRICT AND  
13 SIGNED BY AT LEAST 8% OF THE REGISTERED VOTERS WITHIN THE BOUNDA-  
14 RIES OF THE PROPOSED DISTRICT WHO CAST VOTES FOR GOVERNOR IN THE  
15 LAST GENERAL ELECTION WITHIN THE DISTRICT, OR UPON RECEIPT OF A  
16 PETITION ADOPTED BY RESOLUTION OF THE GOVERNING BODIES OF 2 OR  
17 MORE LOCAL UNITS OF GOVERNMENT WITHIN THE BOUNDARIES OF THE PRO-  
18 POSED DISTRICT, SHALL HOLD A HEARING ON THE PETITION. THE HEAR-  
19 ING SHALL BE HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, ACT  
20 NO. 267 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS 15.261 TO  
21 15.275 OF THE MICHIGAN COMPILED LAWS, AND NOTICE OF THE TIME,  
22 DATE, AND PLACE OF THE HEARING SHALL BE GIVEN IN THE MANNER  
23 REQUIRED BY THAT ACT. IF THE COUNTY BOARD OF COMMISSIONERS IS  
24 SATISFIED THAT A DISTRICT IS NEEDED, IT SHALL CREATE A DISTRICT  
25 AND SET FORTH THE BOUNDARIES OF THE DISTRICT.

26 (2) THIS PART SHALL NOT PRECLUDE A CITY, VILLAGE, OR A  
27 TOWNSHIP FROM DEVELOPING A MOSQUITO ABATEMENT PROGRAM WITHIN ITS

1 BOUNDARIES UNDER THE PROVISIONS OF THE GENERAL POWERS OF THAT  
2 CITY, VILLAGE, OR TOWNSHIP. HOWEVER, A MOSQUITO ABATEMENT PRO-  
3 GRAM SO ESTABLISHED SHALL BE SUBJECT TO THE PLAN APPROVAL  
4 REQUIREMENTS OF SECTION 13721.

5 (3) A CITY, VILLAGE, OR TOWNSHIP OPERATING A MOSQUITO ABATE-  
6 MENT PROGRAM ON THE EFFECTIVE DATE OF THIS PART SHALL NOT BE  
7 INCLUDED WITHIN A MOSQUITO ABATEMENT DISTRICT UNDER THIS SECTION,  
8 IF THE GOVERNING BODY OF THE CITY, VILLAGE, OR TOWNSHIPS SENDS  
9 NOTICE TO THE COUNTY BOARD OF COMMISSIONERS OF ITS INTENT NOT TO  
10 BE INCLUDED WITHIN THE DISTRICT.

11 (4) IF 2 OR MORE ADJACENT COUNTIES CREATE DISTRICTS, THE  
12 COUNTY BOARD OF COMMISSIONERS OF THOSE COUNTIES MAY, BY WRITTEN  
13 CONTRACT, ARRANGE FOR THE CONSOLIDATION OF THOSE DISTRICTS BY  
14 POOLING ABATEMENT FUNDS, APPORTIONING COSTS, AND COOPERATING IN  
15 THE USE OF EQUIPMENT AND PERSONNEL FOR ENGAGING JOINTLY IN MOS-  
16 QUITO ABATEMENT.

17 (5) IF A MOSQUITO ABATEMENT DISTRICT IS LOCATED OR IS TO BE  
18 LOCATED ENTIRELY WITHIN A SINGLE COUNTY, THE COUNTY BOARD OF COM-  
19 MISSIONERS MAY ASSIGN THE RESPONSIBILITY FOR ORGANIZING AND OPER-  
20 ATING THE MOSQUITO ABATEMENT DISTRICT TO AN EXISTING COUNTY  
21 AGENCY.

22 SEC. 13709. (1) WITHIN 30 DAYS AFTER CREATION OF A DIS-  
23 TRICT, A GOVERNING BOARD OF TRUSTEES FOR THE DISTRICT SHALL BE  
24 APPOINTED PURSUANT TO SUBSECTION (2). HOWEVER, IF A COUNTY  
25 AGENCY IS DESIGNATED PURSUANT TO SECTION 13707(5), THAT AGENCY  
26 SHALL ASSUME THE POWERS, DUTIES, FUNCTIONS, AND RESPONSIBILITIES  
27 OF THE BOARD OF TRUSTEES UNDER THIS PART.

1 (2) IF THE DISTRICT IS SITUATED ENTIRELY IN 1 COUNTY, THE  
2 BOARD OF TRUSTEES SHALL CONSIST OF 5 TRUSTEES APPOINTED BY THE  
3 COUNTY BOARD OF COMMISSIONERS. IF THE DISTRICT IS SITUATED IN 2  
4 OR MORE COUNTIES, THE BOARD OF TRUSTEES SHALL CONSIST OF THE  
5 DIRECTOR OF THE HEALTH DEPARTMENT OR A REPRESENTATIVE OF THE  
6 DIRECTOR OF THE HEALTH DEPARTMENT OF EACH COUNTY IN THE DISTRICT,  
7 AND 2 TRUSTEES FROM EACH COUNTY IN THE DISTRICT APPOINTED BY  
8 THEIR RESPECTIVE COUNTY BOARDS OF COMMISSIONERS.

9 (3) A TRUSTEE SHALL HOLD OFFICE FOR A TERM OF 2 YEARS BEGIN-  
10 NING JANUARY 2 FOLLOWING HIS OR HER APPOINTMENT. AT THE FIRST  
11 MEETING, THE BOARD OF TRUSTEES SHALL CLASSIFY THE TRUSTEES BY LOT  
12 IN SUCH A MANNER THAT 1/2 OF THEIR NUMBER, IF THE TOTAL MEMBER-  
13 SHIP IS AN EVEN NUMBER, AND IF UNEVEN, THEN THAT A BARE MAJORITY  
14 OF THEIR NUMBER SHALL HAVE TERMS WHICH EXPIRE AT THE END OF 1  
15 YEAR AND THE REMAINDER OF THE TRUSTEES SHALL HAVE TERMS THAT  
16 EXPIRE AT THE END OF 2 YEARS.

17 SEC. 13711. THE BOARD OF TRUSTEES SHALL ELECT 1 TRUSTEE AS  
18 PRESIDENT AND 1 TRUSTEE AS SECRETARY AND ESTABLISH RULES AND PRO-  
19 CEDURES NECESSARY FOR PROPER FUNCTIONING OF THE BOARD.

20 SEC. 13713. (1) THE BOARD OF TRUSTEES OF A DISTRICT OR ITS  
21 DESIGNATED AGENTS SHALL TAKE ALL NECESSARY AND PROPER STEPS FOR  
22 THE ABATEMENT OF MOSQUITOES WITHIN THE DISTRICT, INCLUDING, BUT  
23 NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

24 (A) THE PURCHASE OF SUPPLIES AND MATERIALS.

25 (B) THE EMPLOYMENT OF PERSONNEL WHICH SHALL INCLUDE, BUT NOT  
26 BE LIMITED TO, SEASONAL EMPLOYMENT FOR COLLEGE AND UNIVERSITY

1 STUDENTS AND EMPLOYMENT AND TRAINING FOR THE CHRONICALLY  
2 UNEMPLOYED.

3 (C) THE INSTITUTION AND MAINTENANCE OF A SENIOR CITIZEN SUR-  
4 VEILLANCE NETWORK THROUGH WHICH SENIOR CITIZENS SHALL BE EMPLOYED  
5 TO PROVIDE DATA FOR THE DETERMINATION OF MOSQUITO POPULATIONS,  
6 SEQUENTIAL HATCHING, AND THE EFFECTIVENESS OF CHEMICALS USED FOR  
7 THE CONTROL OF MOSQUITOES.

8 (D) THE ESTABLISHMENT OF AN ACTIVE PUBLIC RELATIONS PROGRAM  
9 AS MAY BE NECESSARY OR PROPER IN THE FURTHERANCE OF THE OBJECTS  
10 OF THIS PART.

11 (2) THE BOARD OF TRUSTEES SHALL EMPLOY A PROFESSIONAL ENTO-  
12 MOLOGIST OR OTHER PERSON WITH KNOWLEDGE AND EXPERIENCE IN THE  
13 FIELD OF MOSQUITO CONTROL TO SUPERVISE THE OPERATIONS OF THE  
14 DISTRICT.

15 SEC. 13715. THE OWNER OR LESSEE OF PROPERTY LOCATED WITHIN  
16 THE BOUNDARIES OF A DISTRICT MAY, BY LETTER TO THE BOARD OF  
17 TRUSTEES OF THE DISTRICT, REQUEST THAT THE PROPERTY BE EXCLUDED  
18 FROM PESTICIDE APPLICATION OR OTHER MOSQUITO ABATEMENT PROCEDURES  
19 OF THE DISTRICT. IF THE BOARD OF TRUSTEES OF THE DISTRICT IS  
20 SATISFIED THAT THE EXCLUSION OF THE PROPERTY WOULD NOT SERIOUSLY  
21 REDUCE THE EFFECTIVENESS OF THE MOSQUITO ABATEMENT PROGRAM IN THE  
22 DISTRICT, THE BOARD MAY DIRECT THAT THE PROPERTY BE EXCLUDED FROM  
23 THE PROGRAM.

24 SEC. 13717. A PERSON WHO PREVENTS, HINDERS, DELAYS, OR  
25 INTERFERES WITH THE BOARD OR ITS DESIGNATED AGENTS IN THE EXER-  
26 CISE OF ITS POWERS OR DUTIES UNDER THIS PART IS GUILTY OF A  
27 MISDEMEANOR.

1        SEC. 13719. THE BOARD OF TRUSTEES MAY ACCEPT APPROPRIATIONS  
2 FROM A LOCAL UNIT OF GOVERNMENT OR THE STATE AND MAY ACCEPT GIFTS  
3 AND CONTRIBUTIONS FROM ANY PERSON. THE BOARD OF TRUSTEES MAY  
4 MAKE EXPENDITURES NECESSARY TO IMPLEMENT THIS ACT FROM THE APPRO-  
5 PRIATIONS, GIFTS, AND CONTRIBUTIONS RECEIVED. TO FINANCE THE  
6 OPERATION OF A MOSQUITO ABATEMENT DISTRICT, 1 OR MORE LOCAL UNITS  
7 OF GOVERNMENT MAY:

8        (A) IMPOSE A SERVICE CHARGE ON RESIDENTS OF THE DISTRICT.

9        (B) LEVY A SPECIAL ASSESSMENT UPON LANDS BENEFITED BY THE  
10 DISTRICT.

11        (C) APPROPRIATE MONEY TO THE BOARD OF TRUSTEES FOR PURPOSES  
12 OF MOSQUITO CONTROL IN THE DISTRICT.

13        (D) LEVY AN AD VALOREM PROPERTY TAX OF NOT TO EXCEED 1 MILL  
14 ON THE TAXABLE PROPERTY WITHIN THE MOSQUITO ABATEMENT DISTRICT,  
15 IF THE MILLAGE IS APPROVED BY A MAJORITY OF THE ELECTORS IN THE  
16 DISTRICT VOTING ON THE QUESTION AT A GENERAL OR SPECIAL  
17 ELECTION.

18        SEC. 13721. (1) THE BOARD OF TRUSTEES OF EACH MOSQUITO  
19 ABATEMENT DISTRICT BEFORE JANUARY 31 OF EACH YEAR SHALL SUBMIT TO  
20 THE DEPARTMENT FOR APPROVAL A DETAILED PLAN OF THE WORK PLANNED  
21 TO BE COMPLETED, METHODS TO BE EMPLOYED, MATERIALS TO BE USED,  
22 AND MONEY TO BE EXPENDED, DURING THAT CALENDAR YEAR.

23        (2) BEFORE JANUARY 31 OF EACH YEAR, THE BOARD OF TRUSTEES OF  
24 A MOSQUITO ABATEMENT DISTRICT SHALL SUBMIT TO THE DEPARTMENT A  
25 DETAILED ANNUAL REPORT OF WORK COMPLETED, METHODS EMPLOYED AND  
26 THE IMPACT OF MOSQUITO CONTROL ON NONTARGET ORGANISMS,  
27 EFFECTIVENESS OF TREATMENT IN RELATION TO STATED OBJECTIVES,

1 MATERIALS USED, AND MONEY EXPENDED DURING THE PRECEDING CALENDAR  
2 YEAR OF OPERATION OF THE DISTRICT.

3 (3) THE DEPARTMENT SHALL INSURE THAT THE METHODS AND MATERI-  
4 ALS PROPOSED AND USED BY A DISTRICT ARE THOSE CONSIDERED TO BE  
5 EFFECTIVE AND HAVE THE LEAST POTENTIAL FOR HARM TO OTHER ORGAN-  
6 ISMS AND PEOPLE. THE DEPARTMENT SHALL ADVISE THE BOARD OF TRUST-  
7 EES AND THE PERSON IN CHARGE OF THE OPERATION OF A DISTRICT OF  
8 THOSE METHODS AND MATERIALS RECOMMENDED FOR USE AND SHALL EXER-  
9 CISE OVERSIGHT OVER THE OPERATIONS OF THE DISTRICT.

10 (4) THE DIRECTOR OF THE DEPARTMENT SHALL APPOINT AN ADVISORY  
11 COMMITTEE TO ADVISE THE DEPARTMENT ON THOSE METHODS AND MATERIALS  
12 TO BE RECOMMENDED FOR USE IN MOSQUITO CONTROL BY THE DISTRICT.  
13 THE ADVISORY COMMITTEE SHALL SERVE WITHOUT COMPENSATION AND SHALL  
14 CONSIST OF REPRESENTATIVES OF VETERINARIANS, PHYSICIANS, ENVIRON-  
15 MENTALISTS AND CONSERVATIONISTS, SOIL CONSERVATIONISTS, DRAIN  
16 COMMISSIONERS, AND THE PUBLIC AT LARGE. THE STATE COOPERATIVE  
17 EXTENSION SERVICE AND THE STATE DEPARTMENTS OF AGRICULTURE,  
18 PUBLIC HEALTH, AND NATURAL RESOURCES MAY PROVIDE CONSULTANTS TO  
19 THE ADVISORY COMMITTEE. THE STATE COOPERATIVE EXTENSION SERVICE  
20 AND THE DIRECTORS OF THE DEPARTMENTS OF AGRICULTURE AND NATURAL  
21 RESOURCES MAY SUBMIT TO THE DIRECTOR OF PUBLIC HEALTH THEIR REC-  
22 OMMENDATIONS FOR APPOINTMENT OF THE STATE CONSULTANTS AND  
23 ADVISORY COMMITTEE.

24 (5) THE STATE CONSULTANTS AND ADVISORY COMMITTEE SHALL  
25 REVIEW THE PLANS AND REPORTS OF EACH DISTRICT REQUIRED BY THIS  
26 SECTION. THE DIRECTOR, WITH THE ADVICE OF THE ADVISORY COMMITTEE  
27 AND STATE CONSULTANTS, SHALL SPECIFY THE TYPE OF INFORMATION TO

1 BE PROVIDED IN THE PLANS AND REPORTS. ANY CONSULTANT OR MEMBER  
2 OF THE ADVISORY COMMITTEE MAY REQUIRE THAT APPROVAL OF A PROPOSED  
3 PLAN BE POSTPONED PENDING THE DEVELOPMENT OF AN ENVIRONMENTAL  
4 IMPACT STATEMENT BY THE DISTRICT. AN ENVIRONMENTAL IMPACT STATE-  
5 MENT REQUIRED BY THIS SECTION SHALL BE SUBJECT TO REVIEW AS SET  
6 FORTH IN PROCEDURES OF THE DEPARTMENT.

7 SEC. 13725. (1) AFTER A MOSQUITO ABATEMENT DISTRICT HAS  
8 OPERATED FOR AT LEAST 2 YEARS UNDER THIS PART, A PETITION MAY BE  
9 FILED WITH THE COUNTY BOARD OF COMMISSIONERS TO TERMINATE THE  
10 OPERATIONS OF THE DISTRICT. THE PETITION SHALL BE SIGNED BY AT  
11 LEAST 8% OF THE REGISTERED VOTERS WITHIN THE BOUNDARIES OF THE  
12 DISTRICT WHO CAST VOTES FOR GOVERNOR IN THE LAST GENERAL ELECTION  
13 WITHIN THE DISTRICT.

14 (2) WITHIN 60 DAYS AFTER A PETITION IS RECEIVED, THE COUNTY  
15 BOARD OF COMMISSIONERS SHALL GIVE NOTICE OF THE HOLDING OF A SPE-  
16 CIAL ELECTION IN THE MANNER PROVIDED BY LAW.

17 (3) IF A MAJORITY OF VOTES CAST IN THE SPECIAL ELECTION IS  
18 IN FAVOR OF TERMINATING THE DISTRICT, THE COUNTY BOARD OF COMMIS-  
19 SIONERS SHALL TERMINATE THE OPERATIONS OF THE DISTRICT.

20 (4) THE COUNTY BOARD OF COMMISSIONERS SHALL NOT ENTERTAIN  
21 PETITIONS FOR THE DISCONTINUANCE OF A MOSQUITO ABATEMENT DISTRICT  
22 NOR HOLD A SPECIAL ELECTION UNDER THIS SECTION MORE THAN ONCE  
23 EVERY 2 YEARS.