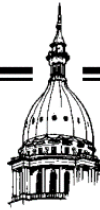




Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 476, 477, and 478 (as introduced 9-11-13)
Sponsor: Senator Dave Hildenbrand
Committee: Regulatory Reform

Date Completed: 10-3-13

CONTENT

Senate Bill 476 would repeal Article 29 of the Occupational Code, which regulates and provides for the registration of auctioneers, and would delete a related provision of the Code.

Senate Bill 477 would repeal Section 28 of the State License Fee Act, which specifies various fees for registration as an auctioneer.

Senate Bill 478 would amend the Natural Resources and Environmental Protection Act (NREPA) to delete a reference to an auctioneer as defined in Article 29 of the Occupational Code.

Senate Bills 477 and 478 are tie-barred to Senate Bill 476.

Senate Bill 476

The bill would repeal Article 29 (Auctioneers) of the Occupational Code. Article 29 defines "auctioneer" as an individual who, for compensation, is engaged in the business of the conduct of or offers to engage in the conduct of an auction. "Auction" means the sale or offer for sale of real or personal property by bidding at a public or private location. Only a person registered under Article 29 may use the title "registered auctioneer".

Article 29 also created a Board of Auctioneers, and requires the Department of Licensing and Regulatory Affairs (LARA) to issue a registration as a registered auctioneer to an individual, or to the qualifying member of a legal entity, who meets certain requirements.

Under the Code, the term of office of a member of the Board of Auctioneers begins on October 1. The bill would delete that provision.

Senate Bill 477

The bill would repeal Section 28 of the State License Fee Act. That section sets fees for a person registered or seeking registration as an auctioneer under Article 29 of the Occupational Code, as shown in Table 1.

Table 1

Fee Type	Amount
Application processing for registered auctioneer	\$50
Examination fee for registered auctioneer	\$50
Registration fee, per year, for an individual	\$200
Registration fee, per year, for a firm	\$200

Senate Bill 478

Part 821 (Snowmobiles) of NREPA defines "dealer" as any person engaged in the sale, lease, or rental of snowmobiles as a regular business, other than an auctioneer as that term is defined in Article 29 of the Occupational Code. The bill would delete that exclusion of an auctioneer.

MCL 339.303a et al. (S.B. 476)
338.2228 (S.B. 477)
324.82101 (S.B. 478)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have a positive fiscal impact on the Department of Licensing and Regulatory Affairs and no fiscal impact on local units of government. The Department has indicated in the past that the regulation of auctioneers is not self-supporting, meaning license fees do not cover LARA's costs related to issuing the licenses. According to a report from LARA, in fiscal year 2011-12, the costs of licensing 55 auctioneers exceeded revenue by approximately \$1,200. By removing the requirement that auctioneers be licensed, the bills would have a small, but positive fiscal impact on LARA.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.