

HOUSE BILL No. 5811

February 16, 2010, Introduced by Reps. Valentine, Meadows, Bauer, Jackson, Bennett, Angerer and Johnson and referred to the Committee on Ethics and Elections.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 205 (MCL 257.205), as amended by 1980 PA 398.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 205. (1) ~~The~~ **SUBJECT TO SUBSECTION (2), THE** secretary of
2 state shall maintain an office in the state capitol complex, ~~and~~
3 in other places in the state as ~~the secretary of state~~ **HE OR SHE**
4 considers necessary to carry out the powers and duties vested in
5 the secretary of state. At least 1 office shall be established in
6 each county of the state and in each city of the state having a
7 population of 10,000 or more, but not within a radius of 5 miles

1 from a county office location. This subsection does not apply in a
2 county having a population of 300,000 or more, nor to contiguous
3 cities having a combined population of 10,000 or more.

4 (2) BEGINNING THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
5 ADDED THIS SUBSECTION, THE SECRETARY OF STATE SHALL CEASE THE
6 CLOSURE, OPENING, OR CONSOLIDATION OF BRANCH OFFICES UNTIL SUCH
7 TIME AS THE CONDITIONS DESCRIBED IN SUBSECTIONS (3) AND (4) ARE
8 FULFILLED. SUBSECTION (3) IS CONSIDERED FULFILLED WHEN A REPORT
9 DESCRIBING THE DECISION PROCESS IS FILED WITH THE SECRETARY OF
10 STATE AND PUBLISHED ON THE SECRETARY OF STATE'S WEBSITE.

11 (3) THE SECRETARY OF STATE SHALL ESTABLISH, BY ADMINISTRATIVE
12 ORDER, A WRITTEN PROCEDURE REGARDING THE CLOSURE, OPENING, OR
13 CONSOLIDATION OF BRANCH OFFICES THAT INCLUDES, BUT IS NOT LIMITED
14 TO, THE FOLLOWING FACTORS:

15 (A) THE METHOD OF CALCULATING THE AMOUNT OF FINANCIAL SAVINGS
16 TO THE DEPARTMENT OF THE CHANGE. THE AMOUNT OF FINANCIAL SAVINGS
17 SHALL IDENTIFY AND PROVIDE A SPECIFIC BREAKDOWN OF THE CURRENT
18 OPERATIONAL COSTS, PROPOSED OPERATIONAL COSTS, AND MOVING COSTS.
19 THE CALCULATION SHALL ALSO DETERMINE THE LENGTH OF TIME OVER WHICH
20 THE COSTS ARE CONSIDERED RECOVERABLE.

21 (B) FACTORS DEMONSTRATING CONVENIENCE DUE TO THE CHANGE IN
22 LOCATION OR CONSOLIDATION. THE DETERMINATION OF CONVENIENCE SHALL
23 ADDRESS THE INCREASE OR DECREASE IN SPACE, POINTS OF SERVICE,
24 STAFFING, HOURS OF OPERATION, AND LOCATION INSOFAR AS PROXIMITY TO
25 THE LARGEST POPULATION CONSIDERED LIKELY TO PHYSICALLY VISIT THE
26 OFFICE.

27 (C) CLOSE PROXIMITY TO PUBLIC TRANSPORTATION.

1 (D) FACTORS DEMONSTRATING ANY INCREASED EFFICIENCY IN THE
2 DELIVERY OF SERVICE.

3 (4) NOT LATER THAN 30 DAYS BEFORE THE DEPARTMENT SIGNS ANY
4 DOCUMENTATION EXECUTING THE MOVE OR CONSOLIDATION OF THE OFFICE,
5 THE SECRETARY OF STATE SHALL SEND WRITTEN NOTICE TO THE FOLLOWING:

6 (A) THE CHAIR OF THE COUNTY BOARD OF COMMISSIONERS.

7 (B) THE COUNTY EXECUTIVE OR ADMINISTRATOR.

8 (C) ANY MEMBER OF THE SENATE OR THE HOUSE OF REPRESENTATIVES
9 REPRESENTING THE DISTRICT IN WHICH THE MOVE OR CONSOLIDATION IS
10 OCCURRING.

11 (D) THE AUDITOR GENERAL.

12 (5) A person licensed **AS A DEALER** under section 248 ~~is~~ is not
13 eligible for appointment to conduct, manage, or be an employee of a
14 branch or fee office of the secretary of state.

15 (6) ~~(2)~~—A bond may be required of a person in an office
16 established under subsection (1) in an amount that the secretary of
17 state prescribes to cover the safe handling of money received under
18 this act. The secretary of state shall not be held personally
19 liable for a loss of money because of armed robbery, larceny,
20 embezzlement, riot, act of God, or other act of a person resulting
21 in a loss of money ~~which is~~ within the authority and responsibility
22 of the secretary of state as the administrator of this act.

23 (7) ~~(3)~~—A person appointed to conduct a branch office shall
24 receive **THE NECESSARY EXPENSES OF THE OFFICE AND** compensation **TO BE**
25 fixed by the secretary of state. ~~and necessary expenses of the~~
26 ~~office.~~—The compensation and expenses shall be paid out of the
27 Michigan transportation fund **ESTABLISHED IN SECTION 10 OF 1951 PA**

1 51, MCL 247.660, and shall be deducted from the fund before the
2 fund is certified to the state treasurer.