



Senate Fiscal Agency
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**BILL ANALYSIS**

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House Bills 4366 and 4367 (as passed by the House)
Sponsor: Representative Margaret O'Brien (H.B. 4366)
Representative Sean McCann (H.B. 4367)
House Committee: Transportation
Senate Committee: Transportation

Date Completed: 5-16-11

CONTENT

House Bill 4366 would amend Public Act 566 of 1978, which prohibits public officers and employees from holding incompatible public offices, to allow a person to serve on two public transportation authorities that consisted of the same political subdivision.

House Bill 4367 would amend the Public Transportation Authority Act to allow Kalamazoo County to form more than one transportation authority.

The bills are described in detail below.

House Bill 4366

Section 2 of Public Act 566 of 1978 prohibits a public officer or public employee from holding two or more incompatible offices at the same time, subject to various exceptions. ("Incompatible offices" means public offices held by a public official that, when the official is performing the duties of any of the public offices held by the official, result in the subordination of one public office to another, the supervision of one public office by another, or a breach of duty of public office with respect to those offices held.)

The bill specifies that Section 2 would not prohibit a public officer or public employee of an authority created under the Public Transportation Authority Act from serving as a public officer or public employee of another public transportation authority if each authority had members consisting of identical political subdivisions.

House Bill 4367

The Public Transportation Authority Act allows a political subdivision (a county, city, village, or township) or a combination of two or more political subdivisions to form a public authority. The bill also would allow a county with a population between 240,000 and 255,000 to form more than one public authority. (The only county meeting that criterion is Kalamazoo County.)

Currently, a city, village, or township that forms a public transportation authority by itself or with other political subdivisions may provide that only a portion of the city, village, or township will become part of the authority. The bill would extend this provision to a county.

(An authority formed under the Act may acquire, own, construct, improve, and operate public transportation services by means of public transportation systems and facilities. The Act allows an authority to finance its activities by various means, including a voter-approved property tax of up to five mills, special assessments, and the issuance of bonds or notes.)

MCL 15.183 (H.B. 4366)
124.454 (H.B. 4367)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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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.