

SECONDARY ROAD PATROL MAINTENANCE OF EFFORT

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House Bill 5569 as reported from committee

Sponsor: Rep. Tommy Brann

Committee: Government Operations

Complete to 4-12-22

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5569 would amend 1846 RS 14, concerning county officers, to allow a county to have a level of secondary road patrol service and expenditure that is below what the county was providing or expending immediately before October 1, 1978, as long as that level is not below what it was providing or expending immediately before October 1, 2021.

The act requires a county to enter into an agreement for secondary road patrol and traffic accident prevention services with the Office of Highway Safety Planning (OHSP) before the county can obtain its grant from the amount annually appropriated for secondary road patrol and accident prevention. (The secondary roads referred to are primary county roads and local roads outside the boundaries of cities and villages, as well as roads within a county park, for which the sheriff's office is the primary agency for patrol, enforcement, investigation, and emergency assistance services.¹) A county applying for a grant must report to OHSP on services to be provided, and a county that received an allocation must report on the services that were provided, in addition to submitting other information.

The act now provides that an agreement described above is void if the county reduces its expenditures or level of road patrol below what the county was expending or providing immediately before October 1, 1978.

However, the above provision does not apply if the county is required to reduce general services because of economic conditions and is not just reducing law enforcement services.

The bill instead would provide that an agreement between a county and OHSP is void if the county reduces its expenditures or level of road patrol below what the county was expending or providing immediately before October 1, 1978, or immediately before October 1, 2021, whichever year the expenditures or level of road patrol is less.

As now, the above provision would not apply if the county must reduce general services because of economic conditions and is not merely reducing law enforcement services.

The bill also would remove references to the Office of Criminal Justice. That office was created by 1978 PA 541, which became ineffective on March 30, 1987.

MCL 51.77

¹ See <https://www.michigan.gov/msp/divisions/ohsp/law-enforcement-programs/srp/srp-information>

FISCAL IMPACT:

House Bill 5569 would likely have a positive fiscal impact on counties but would have a neutral impact on the state. By altering the maintenance of effort (MOE) requirement for counties to receive Secondary Road Patrol (SRP) grants, the bill would allay a concern that counties confront each year when considering their SRP grant allocation and would provide greater flexibility for maintenance of effort. In recent fiscal years, the legislature has adopted concurrent resolutions ensuring that counties failing to meet their MOE requirement do not lose their SRP grant allocation. In the current fiscal year, HCR 14 was adopted to waive the MOE requirement. Without that resolution, Branch, Iosco, Shiawassee, and Wayne Counties would have been in jeopardy of being ineligible to receive their grant funding, which would have amounted to a loss of approximately \$1.8 million in grants for the counties (based on FY 2019-20 distributions).

POSITIONS:

Representatives of the Michigan Sheriffs Association testified in support of the bill. (3-3-22)

The following entities indicated support for the bill:

- Michigan Association of Counties (3-3-22)
- Genesee County Sheriff's Office (3-3-22)
- Livingston County Sheriff's Office (3-3-22)
- Iosco County Sheriff's Office (3-17-22)
- Shiawassee County Sheriff's Office (3-17-22)
- Branch County Sheriff's Office (3-17-22)
- Wayne County Sheriff's Office (3-17-22)

Legislative Analyst: Rick Yuille
Fiscal Analyst: Marcus Coffin

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.