



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 736 (as enrolled)
Sponsor: Senator Loren Bennett
Committee: Finance

Date Completed: 1-9-96

RATIONALE

Public Act 246 of 1931 provides for the construction and improvement of pavements, sidewalks, and elevated structures on or along public roads in townships. Section 19b of the Act specifically allows a township board to authorize funding to provide for the lighting of roads and bridges; that is, on its own motion or upon petitions signed by at least 10 property owners in a proposed special assessment district described in the petitions, a township board may order the expenses of the lighting to be defrayed by a special assessment after a public hearing on the question. This means that, regardless of the number of people living in a proposed special assessment district, it takes only 10 people to require a township board to consider the creation of such a district. Further, the Act places no limit on the number of times petitions may be submitted. Reportedly, in some well populated areas where the majority of the residents have rejected the idea of creating a special assessment district, proponents have found it simple to collect 10 signatures and resubmit petitions, thus repeatedly requiring a township board to respond to requests for the creation of a special assessment district. It has been suggested that the threshold for requiring consideration of petitions requesting a special assessment district be raised, and that restrictions be placed on the number of times such petitions may be submitted in a given year.

CONTENT

The bill would amend Public Act 246 of 1931 to provide that the owners of at least 10% of the number of parcels of land in a proposed district to be lighted would have to sign a petition in order to require a township board to consider the creation of a special assessment district for lighting. (A township board still could propose a special assessment on its own motion.) Further, the bill

provides that a petition would be invalid if a majority of the territory described in the petition were included in a petition filed within one year earlier.

MCL 41.289b

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Currently under Public Act 246 of 1931, for purposes of lighting streets within a proposed area of a township, a township board must consider whether to create a special assessment district if presented with a petition requesting a district and signed by at least 10 people within the district. The requirement that 10 signatures be collected for the submission of petitions requesting a special assessment for street lighting can be traced back to 1925 (Public Act 40). While this requirement may have been appropriate at a time when heavily populated neighborhoods were a rarity, today it means that regardless of the number of people living in a proposed special assessment district, the signatures of only 10 people can validate a petition that then must be considered by the board. Further, there is no limit on the number of times petitions may be submitted. In heavily populated areas of certain townships, then, the Act's provisions allow a tiny minority repeatedly to request consideration of the imposition of a special assessment for a purpose that the vast majority of residents may have repeatedly opposed. By requiring the signatures of the owners of at least 10% of the parcels of land in a proposed district, and limiting the number of times petitions could be submitted, the bill would prevent the submission of

petitions as a nuisance, help to represent more accurately the views of a majority of people in an area, and prevent endless resubmission of petitions absent substantial support for a proposed special assessment.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have no State fiscal impact.

The bill would make special assessments for street lighting more difficult to obtain in most townships.

Fiscal Analyst: R. Ross

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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.