



TOWNSHIP SOUND REDUCTION

**Senate Bill 1086 (Substitute H-1)
Revised First Analysis (6-27-02)**

**Sponsor: Sen. Valde Garcia
House Committee: Tax Policy
Senate Committee: Finance**

THE APPARENT PROBLEM:

Sound attenuation walls are walls that are built to block noise created by traffic, factories, sporting and concert venues, and other sources of noise so that residents can conduct their daily business with minimal interruption and find a little peace and quiet. Some residents of Hamburg Township are frustrated by noise emanating from an industrial park located near their homes, and the township would like to build a sound attenuation wall so that the residents and the industrial park can peacefully coexist. Legislation has been introduced that would allow a township to pay for the wall by creating a special assessment district, in the same manner in which townships currently finance the construction and maintenance of other kinds of local infrastructure, such as sewers, roads, parks, lighting systems, and dams.

THE CONTENT OF THE BILL:

The bill would amend Public Act 188 of 1954, which allows townships to levy taxes and issue bonds to pay for certain public improvements, to permit a township to construct, improve, and maintain sound attenuation (reduction) walls as improvements under the act, unless a written objection was filed by the record owners of land constituting more than 20 percent of the total area in the proposed special assessment district. The objection would have to be filed according to procedures for filing objections to currently allowed improvements as set forth elsewhere in the act. If a written objection was filed, the township board could not proceed with the improvement until a petition signed by the record owners of land constituting more than fifty percent of the total land area in the special assessment district as finally established was filed with the board.

MCL 41.722

HOUSE COMMITTEE ACTION:

The House Committee on Tax Policy adopted a substitute for the bill to provide a process allowing the record owners of 20 percent or more of the land in the proposed special assessment district to file a written objection to a township's decision to levy taxes and issue bonds to construct, improve, or maintain sound walls.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would have no state fiscal impact. (5-22-02)

According to the Senate Fiscal Agency, the number of townships that would build sound attenuation walls is expected to be minimal. As a result, while the bill would allow increased spending by townships and could thus result in higher township taxes, the impact would likely be minimal. (3-18-02)

ARGUMENTS:

For:

The primary enabling statute authorizing townships to pay for certain types of public improvements by special assessments lists specific public improvements that may be financed in this manner. In 1995 the act was amended to allow townships to finance improvements on bodies of water such as lakes, ponds, rivers, and dams, and in 1986 the act was amended to allow townships to finance efforts to control aquatic weeds. If property owners within an area affected by a nuisance believe that their quality of life would be enhanced by such improvements, and if they are willing to pay for the improvement, their local governments should be allowed to finance the improvement by means of a special assessment. As amended by the House Tax Policy Committee, the bill ensures that property owners within the area that would be affected by the assessment had opportunities to object to a proposal to build a sound wall and to override such an objection. Property

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owners have such protections in the case of other public improvements allowed by the act, and such protections are a crucial means of ensuring that those who will ultimately be paying for the “improvement” actually consider it an improvement worth paying for.

POSITIONS:

The Michigan Townships Association supports the bill. (5-22-02)

Analyst: J. Caver

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