

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 356

A bill to amend 1951 PA 33, entitled

"An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts,"

by amending section 1 (MCL 41.801), as amended by 1998 PA 545.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. (1) The township board of a township, or the
2 township boards of adjoining townships acting jointly, whether or
3 not the townships are located in the same county, may purchase

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1 police and fire motor vehicles, apparatus, equipment, and housing
2 and for that purpose may provide by resolution for the appropria-
3 tion of general or contingent funds. Before January 1, 1999, the
4 appropriation for fire motor vehicles, apparatus, equipment, and
5 housing in a 1-year period shall not exceed 10 mills of the
6 assessed valuation of the area in their respective townships for
7 which fire protection is to be furnished. After December 31,
8 1998, the appropriation for fire motor vehicles, apparatus,
9 equipment, and housing in a 1-year period shall not exceed 10
10 mills of the taxable value of the area in their respective town-
11 ships for which fire protection is to be furnished. Before
12 January 1, 1999, the appropriation for police motor vehicles,
13 apparatus, equipment, and housing in a 1-year period shall not
14 exceed 10 mills of the assessed valuation of the area in their
15 respective townships for which police protection is to be
16 furnished. After December 31, 1998, the appropriation for police
17 motor vehicles, apparatus, equipment, and housing in a 1-year
18 period shall not exceed 10 mills of the taxable value of the area
19 in their respective townships for which police protection is to
20 be furnished.

21 (2) The township board of a township, or the township boards
22 of adjoining townships acting jointly, whether or not the town-
23 ships are located in the same county, may provide annually by
24 resolution for the appropriation of general or contingent funds
25 for maintenance and operation of police and fire departments.

26 (3) The township board, or the township boards of adjoining
27 townships acting jointly, may provide that the sums prescribed in

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1 subsection (2) for purchasing and housing equipment, for the
2 operation of the equipment, or both, may be defrayed by special
3 assessment on the lands and premises in the township or townships
4 to be benefited, EXCEPT LANDS AND PREMISES EXEMPT FROM THE COL-
5 LECTION OF TAXES UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA 206,
6 MCL 211.1 TO 211.157, and may issue bonds in anticipation of the
7 collection of these special assessments. The question of raising
8 money by special assessment may be submitted to the electors of
9 the township or townships by the township board, or township
10 boards acting jointly, at a general election or special election
11 called for that purpose by the township board or township
12 boards. The question of raising money by special assessment
13 shall be submitted by the township board, or township boards
14 acting jointly, if in the affected township, or in each of the
15 affected townships, the owners of 10% of the land to be made into
16 a special assessment district petition the township board or
17 boards.

18 (4) If a special assessment district is proposed under sub-
19 section (3), the township board, or township boards acting joint-
20 ly, shall estimate the cost and expenses of the police and fire
21 motor vehicles, apparatus, equipment, and housing and police and
22 fire protection, and fix a day for a hearing on the estimate and
23 on the question of creating a special assessment district and
24 defraying the expenses of the special assessment district by spe-
25 cial assessment on the property to be especially benefited,
26 EXCEPT PROPERTY EXEMPT FROM THE COLLECTION OF TAXES UNDER THE
27 GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.157. The

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1 hearing shall be a public meeting held in compliance with the
2 open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public
3 notice of the time, date, and place of the meeting shall be given
4 in the manner required by the open meetings act, 1976 PA 267,
5 MCL 15.261 to 15.275. In addition, the township board, or town-
6 ship boards acting jointly, shall publish in a newspaper of gen-
7 eral circulation in the proposed district a notice stating the
8 time, place, and purpose of the meeting. If there is not a news-
9 paper of general circulation in the proposed district, notices
10 shall be posted in not less than 3 of the most public places in
11 the proposed district. This notice shall be published or posted
12 not less than 5 days before the hearing. On the day appointed
13 for the hearing, the township board, or township boards acting
14 jointly, shall be in session to hear objections that may be
15 offered against the estimate and the creation of the special
16 assessment district. Before January 1, 1999, if the township
17 board, or township boards acting jointly, determine to create a
18 special assessment district, they shall determine the boundaries
19 by resolution, determine the amount of the special assessment
20 levy, and direct the supervisor or supervisors to spread the
21 assessment levy on all of the lands and premises in the district
22 that are to be especially benefited by the police and fire pro-
23 tection, according to benefits received, EXCEPT LANDS AND
24 PREMISES EXEMPT FROM THE COLLECTION OF TAXES UNDER THE GENERAL
25 PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.157, to defray
26 the expenses of police and fire protection. After December 31,
27 1998, if the township board, or township boards acting jointly,

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1 determine to create a special assessment district, they shall
2 determine the boundaries by resolution, determine the amount of
3 the special assessment levy, and direct the supervisor or super-
4 visors to spread the assessment levy on the taxable value of all
5 of the lands and premises in the district that are to be espe-
6 cially benefited by the police and fire protection, according to
7 benefits received, EXCEPT LANDS AND PREMISES EXEMPT FROM THE COL-
8 LECTION OF TAXES UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA 206,
9 MCL 211.1 TO 211.157, to defray the expenses of police and fire
10 protection. The township board, or township boards acting joint-
11 ly, shall hold a hearing on objections to the distribution of the
12 special assessment levy. This hearing shall be held in the same
13 manner and with the same notice as provided in this section. The
14 township board, or township boards acting jointly, shall annually
15 determine the amount to be assessed in the district for police
16 and fire protection, shall direct the supervisor or supervisors
17 to distribute the special assessment levy, and shall hold a hear-
18 ing on the estimated costs and expenses of police and fire pro-
19 tection and on the distribution of the levy. The assessment may
20 be made either in a special assessment roll or in a column pro-
21 vided in the regular tax roll. The assessment shall be distrib-
22 uted and shall become due and be collected at the same time as
23 other township taxes are assessed, levied, and collected, and
24 shall be returned in the same manner for nonpayment. ~~However,~~
25 ~~if~~ IF A TOWNSHIP HAS A JULY PROPERTY TAX LEVY, NOT MORE THAN
26 2 MILLS OF THE ASSESSMENT MAY BE COLLECTED AT THE SAME TIME AND
27 IN THE SAME MANNER AS THE JULY LEVY. IF the collections received

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1 from the special assessment levied to defray the cost or portion
2 intended to be defrayed for police and fire protection are, at
3 any time, insufficient to meet the obligations or expenses
4 incurred for the maintenance and operation of the police and fire
5 departments, the township board of the township, or township
6 boards acting jointly, may, by resolution, authorize the transfer
7 or loan of sufficient money from the general fund of the township
8 or townships, to the special assessment police and fire depart-
9 ment fund. This money shall be repaid to the general fund of the
10 township or townships out of special assessment funds when
11 collected.

12 (5) The powers granted by this act with respect to police
13 and fire protection may be exercised with respect to police pro-
14 tection alone, fire protection alone, or police and fire protec-
15 tion in combination.

16 (6) After December 31, 1998, an ad valorem special assess-
17 ment levied under this act shall be levied on the taxable value
18 of the property assessed.

19 (7) As used in this section, "taxable value" means that
20 value determined under section 27a of the general property tax
21 act, 1893 PA 206, MCL 211.27a.

22 (8) If the levy of an ad valorem special assessment on the
23 property's taxable value is found to be invalid by a court of
24 competent jurisdiction, the levy of the ad valorem special
25 assessment shall be levied on the property's state equalized
26 value.

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1 (9) BONDS ISSUED UNDER THIS ACT ARE SUBJECT TO THE REVISED
2 MUNICIPAL FINANCE ACT, 2001 PA 34, MCL 141.2101 TO 141.2821.