

SENATE BILL No. 1136

February 26, 2002, Introduced by Senators DE BEAUSSAERT and MC MANUS and referred to the Committee on Finance.

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, and by adding section 1a.

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

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

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

1 (3) The township board, or the township boards of adjoining
2 townships acting jointly, may provide that the sums prescribed in
3 subsection (2) for purchasing and housing equipment, for the
4 operation of the equipment, or both, may be defrayed by special
5 assessment on the lands and premises in the township or townships
6 to be benefited NOT EXEMPT UNDER SECTION 1A and may issue bonds
7 in anticipation of the collection of these special assessments.
8 The question of raising money by special assessment may be sub-
9 mitted to the electors of the township or townships by the town-
10 ship board, or township boards acting jointly, at a general elec-
11 tion or special election called for that purpose by the township
12 board or township boards. The question of raising money by spe-
13 cial assessment shall be submitted by the township board, or
14 township boards acting jointly, if in the affected township, or
15 in each of the affected townships, the owners of 10% of the land
16 to be made into a special assessment district petition the town-
17 ship board or 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 NOT
26 EXEMPT UNDER SECTION 1A. The hearing shall be a public meeting
27 held in compliance with the open meetings act, 1976 PA 267, MCL

1 15.261 to 15.275. Public notice of the time, date, and place of
2 the meeting shall be given in the manner required by the open
3 meetings act, 1976 PA 267, MCL 15.261 to 15.275. In addition,
4 the township board, or township boards acting jointly, shall pub-
5 lish in a newspaper of general circulation in the proposed dis-
6 trict a notice stating the time, place, and purpose of the
7 meeting. If there is not a newspaper of general circulation in
8 the proposed district, notices shall be posted in not less than 3
9 of the most public places in the proposed district. This notice
10 shall be published or posted not less than 5 days before the
11 hearing. On the day appointed for the hearing, the township
12 board, or township boards acting jointly, shall be in session to
13 hear objections that may be offered against the estimate and the
14 creation of the special assessment district. Before January 1,
15 1999, if the township board, or township boards acting jointly,
16 determine to create a special assessment district, they shall
17 determine the boundaries by resolution, determine the amount of
18 the special assessment levy, and direct the supervisor or super-
19 visors to spread the assessment levy on all of the lands and
20 premises in the district that are to be especially benefited by
21 the police and fire protection THAT ARE NOT EXEMPT UNDER SECTION
22 1A, according to benefits received, to defray the expenses of
23 police and fire protection. After December 31, 1998, if the
24 township board, or township boards acting jointly, determine to
25 create a special assessment district, they shall determine the
26 boundaries by resolution, determine the amount of the special
27 assessment levy, and direct the supervisor or supervisors to

1 spread the assessment levy on the taxable value of all of the
2 lands and premises in the district that are to be especially ben-
3 efitied by the police and fire protection THAT ARE NOT EXEMPT
4 UNDER SECTION 1A, according to benefits received, to defray the
5 expenses of police and fire protection. The township board, or
6 township boards acting jointly, shall hold a hearing on objec-
7 tions to the distribution of the special assessment levy. This
8 hearing shall be held in the same manner and with the same notice
9 as provided in this section. The township board, or township
10 boards acting jointly, shall annually determine the amount to be
11 assessed in the district for police and fire protection, shall
12 direct the supervisor or supervisors to distribute the special
13 assessment levy, and shall hold a hearing on the estimated costs
14 and expenses of police and fire protection and on the distribu-
15 tion of the levy. The assessment may be made either in a special
16 assessment roll or in a column provided in the regular tax roll.
17 The assessment shall be distributed and shall become due and be
18 collected at the same time as other township taxes are assessed,
19 levied, and collected, and shall be returned in the same manner
20 for nonpayment. However, if the collections received from the
21 special assessment levied to defray the cost or portion intended
22 to be defrayed for police and fire protection are, at any time,
23 insufficient to meet the obligations or expenses incurred for the
24 maintenance and operation of the police and fire departments, the
25 township board of the township, or township boards acting joint-
26 ly, may, by resolution, authorize the transfer or loan of
27 sufficient money from the general fund of the township or

1 townships, to the special assessment police and fire department
2 fund. This money shall be repaid to the general fund of the
3 township or townships out of special assessment funds when
4 collected.

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

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

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

15 (8) If the levy of an ad valorem special assessment on the
16 property's taxable value is found to be invalid by a court of
17 competent jurisdiction, the levy of the ad valorem special
18 assessment shall be levied on the property's state equalized
19 value.

20 SEC. 1A. PROPERTY EXEMPT FROM THE COLLECTION OF AD VALOREM
21 TAXES UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1
22 TO 211.157, IS EXEMPT FROM A SPECIAL ASSESSMENT LEVIED UNDER THIS
23 ACT.