

HOUSE BILL No. 5151

September 8, 2005, Introduced by Reps. Brandenburg, Wenke, Gosselin, Hoogendyk, Palmer, Garfield, Acciavatti, Ball, Nitz, Marleau, Pastor, Amos, Hansen, Drolet, Stakoe, Robertson, Hummel, Steil, Jones, Vander Veen, Hune, Gaffney, Baxter, Farhat, Pearce, Casperson, Meyer, Stahl, Stewart, Caswell, Ward, Hildenbrand and David Law and referred to the Committee on Tax Policy.

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 certain cities; 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 acts and parts of acts,"

by amending section 1 (MCL 41.801), as amended by 2002 PA 501.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) The township board of a township, or the township

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

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

27 (3) The township board, or the township boards of adjoining

1 townships acting jointly, may provide that the sums prescribed in
2 subsection (2) for purchasing and housing equipment, for the
3 operation of the equipment, or both, may be defrayed by special
4 assessment on the lands and premises in the township or townships
5 to be benefited, except, beginning in 2002, lands and premises
6 exempt from the collection of taxes under the general property tax
7 act, 1893 PA 206, MCL 211.1 to 211.157, and may issue bonds in
8 anticipation of the collection of these special assessments. ~~The~~
9 **BEFORE JANUARY 1, 2005, THE** question of raising money by special
10 assessment may be submitted to the electors of the township or
11 townships by the township board, or township boards acting jointly,
12 at a general election or special election called for that purpose
13 by the township board or township boards. ~~The~~ **BEFORE JANUARY 1,**
14 **2005, THE** question of raising money by special assessment shall be
15 submitted by the township board, or township boards acting jointly,
16 if in the affected township, or in each of the affected townships,
17 the owners of 10% of the land to be made into a special assessment
18 district petition the township board or boards. **AFTER DECEMBER 31,**
19 **2004, THE QUESTION OF RAISING MONEY BY SPECIAL ASSESSMENT TO DEFRAY**
20 **THE EXPENSES OF POLICE AND FIRE PROTECTION AND THE BOUNDARIES OF**
21 **THE SPECIAL ASSESSMENT DISTRICT SHALL BE SUBMITTED TO THE ELECTORS**
22 **OF THE TOWNSHIP OR TOWNSHIPS BY THE TOWNSHIP BOARD, OR TOWNSHIP**
23 **BOARDS ACTING JOINTLY, AT A GENERAL ELECTION OR SPECIAL ELECTION**
24 **CALLED FOR THAT PURPOSE.**

25 (4) If a special assessment district is proposed under
26 subsection (3), the township board, or township boards acting
27 jointly, shall estimate the cost and expenses of the police and

1 fire motor vehicles, apparatus, equipment, and housing and police
2 and fire protection, and fix a day for a hearing on the estimate
3 and on the question of creating a special assessment district and
4 defraying the expenses of the special assessment district by
5 special assessment on the property to be especially benefited,
6 except, beginning in 2002, property exempt from the collection of
7 taxes under the general property tax act, 1893 PA 206, MCL 211.1 to
8 211.157. The hearing shall be a public meeting held in compliance
9 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
10 Public notice of the time, date, and place of the meeting shall be
11 given in the manner required by the open meetings act, 1976 PA 267,
12 MCL 15.261 to 15.275. In addition, the township board, or township
13 boards acting jointly, shall publish in a newspaper of general
14 circulation in the proposed district a notice stating the time,
15 place, and purpose of the meeting. If there is not a newspaper of
16 general circulation in the proposed district, notices shall be
17 posted in not less than 3 of the most public places in the proposed
18 district. This notice shall be published or posted not less than 5
19 days before the hearing. On the day appointed for the hearing, the
20 township board, or township boards acting jointly, shall be in
21 session to hear objections that may be offered against the estimate
22 and the creation of the special assessment district. Before January
23 1, 1999, if the township board, or township boards acting jointly,
24 determine to create a special assessment district, they shall
25 determine the boundaries by resolution, determine the amount of the
26 special assessment levy, and direct the supervisor or supervisors
27 to spread the assessment levy on all of the lands and premises in

1 the district that are to be especially benefited by the police and
2 fire protection, according to benefits received, except, beginning
3 in 2002, lands and premises exempt from the collection of taxes
4 under the general property tax act, 1893 PA 206, MCL 211.1 to
5 211.157, to defray the expenses of police and fire protection.
6 After December 31, 1998 **AND BEFORE JANUARY 1, 2005**, if the township
7 board, or township boards acting jointly, determine to create a
8 special assessment district, they shall determine the boundaries by
9 resolution, determine the amount of the special assessment levy,
10 and direct the supervisor or supervisors to spread the assessment
11 levy on the taxable value of all of the lands and premises in the
12 district that are to be especially benefited by the police and fire
13 protection, according to benefits received, except, beginning in
14 2002, lands and premises exempt from the collection of taxes under
15 the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, to
16 defray the expenses of police and fire protection. **AFTER DECEMBER**
17 **31, 2004, IF THE CREATION OF A SPECIAL ASSESSMENT DISTRICT IS**
18 **APPROVED BY THE ELECTORS OF THE TOWNSHIP OR TOWNSHIPS AS PROVIDED**
19 **IN SUBSECTION (3), THE TOWNSHIP BOARD, OR TOWNSHIP BOARDS ACTING**
20 **JOINTLY, SHALL DIRECT THE SUPERVISOR OR SUPERVISORS TO SPREAD THE**
21 **ASSESSMENT LEVY ON THE TAXABLE VALUE OF ALL OF THE LANDS AND**
22 **PREMISES IN THE DISTRICT THAT ARE TO BE ESPECIALLY BENEFITED BY THE**
23 **POLICE AND FIRE PROTECTION, ACCORDING TO BENEFITS RECEIVED, EXCEPT**
24 **LANDS AND PREMISES EXEMPT FROM THE COLLECTION OF TAXES UNDER THE**
25 **GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.157, TO**
26 **DEFRAY THE EXPENSES OF POLICE AND FIRE PROTECTION.** The township
27 board, or township boards acting jointly, shall hold a hearing on

1 objections to the distribution of the special assessment levy. This
2 hearing shall be held in the same manner and with the same notice
3 as provided in this section. The township board, or township boards
4 acting jointly, shall annually determine the amount to be assessed
5 in the district for police and fire protection, shall direct the
6 supervisor or supervisors to distribute the special assessment
7 levy, and shall hold a hearing on the estimated costs and expenses
8 of police and fire protection and on the distribution of the levy.
9 The assessment may be made either in a special assessment roll or
10 in a column provided in the regular tax roll. The assessment shall
11 be distributed and shall become due and be collected at the same
12 time as other township taxes are assessed, levied, and collected,
13 and shall be returned in the same manner for nonpayment. If a
14 township has a July property tax levy, not more than 2 mills of the
15 assessment may be collected at the same time and in the same manner
16 as the July levy. If the collections received from the special
17 assessment levied to defray the cost or portion intended to be
18 defrayed for police and fire protection are, at any time,
19 insufficient to meet the obligations or expenses incurred for the
20 maintenance and operation of the police and fire departments, the
21 township board of the township, or township boards acting jointly,
22 may, by resolution, authorize the transfer or loan of sufficient
23 money from the general fund of the township or townships, to the
24 special assessment police and fire department fund. This money
25 shall be repaid to the general fund of the township or townships
26 out of special assessment funds when collected.

27 (5) The powers granted by this act with respect to police and

1 fire protection may be exercised with respect to police protection
2 alone, fire protection alone, or police and fire protection in
3 combination.

4 (6) After December 31, 1998, an ad valorem special assessment
5 levied under this act shall be levied on the taxable value of the
6 property assessed.

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

10 (8) If the levy of an ad valorem special assessment on the
11 property's taxable value is found to be invalid by a court of
12 competent jurisdiction, the levy of the ad valorem special
13 assessment shall be levied on the property's state equalized value.

14 (9) Bonds issued under this act are subject to the revised
15 municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.