

SENATE BILL No. 1120

March 7, 2006, Introduced by Senators GOSCHKA, BARCIA, ALLEN, CROPSEY and BIRKHOLZ and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1957 PA 185, entitled

"An act to authorize the establishing of a department and board of public works in counties; to prescribe the powers and duties of any municipality subject to the provisions of this act; to authorize the incurring of contract obligations and the issuance and payment of bonds or notes; to provide for a pledge by a municipality of its full faith and credit and the levy of taxes without limitation as to rate or amount to the extent necessary; to validate obligations issued; and to prescribe a procedure for special assessments and condemnation,"

by amending sections 13 and 25 (MCL 123.743 and 123.755), section 25 as amended by 2002 PA 407.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13. (1) ~~When~~ **IF** the board of public works ~~shall~~
2 ~~determine~~ **DETERMINES** to spread all or part of the cost of a
3 project to a special assessment district, it shall proceed as

1 provided ~~in~~ **UNDER** chapter 2. ~~of this act.~~

2 (2) If a municipality other than a county operating under this
3 act elects to raise moneys to pay all or any portion of its share
4 of the cost of a project by assessing the ~~same~~ **COST** upon
5 benefited lands, its governing body shall **DO** so ~~determine~~ by
6 resolution and fix the district ~~therefor~~ **FOR ASSESSMENT**.

7 (3) The governing body shall ~~then~~ cause a special assessment
8 roll to be prepared and ~~thereafter~~ the proceedings ~~in respect to~~
9 **OF** the special assessment roll and the making and collection of the
10 special assessments ~~thereon,~~ shall be in accordance with the
11 provisions of the statute or charter governing special assessments
12 in the municipality, except that the total assessment may be
13 divided into any number of installments not exceeding ~~30, and any~~
14 **40**.

15 (4) **ANY** person assessed shall have the right at the hearing
16 upon the special assessment roll to object to the special
17 assessment district ~~previously~~ established ~~in which event due~~
18 ~~consideration shall be given to the objections~~ **UNDER THIS SECTION**.

19 Sec. 25. (1) The board of public works may provide that the
20 assessments made on any roll shall be payable in 1 or more annual
21 installments, not exceeding ~~30~~ **40**. The board may vary the
22 principal amount of each installment but an installment shall not
23 be less than 1/4 of the amount of a subsequent installment. Annual
24 installments need not be extended upon the special assessment roll
25 until after confirmation.

26 (2) All unpaid installments shall bear interest from the date
27 fixed by the board of public works, payable annually, at a rate to

1 be set by the board at the time the special assessment is
2 established, which shall not exceed any of the following:

3 (a) If bonds are not issued, 8% per annum.

4 (b) If bonds are issued, the maximum rate permitted to be
5 charged under the revised municipal finance act, 2001 PA 34, MCL
6 141.2101 to 141.2821.

7 (3) Installments of special assessments shall be spread as
8 provided in this act, 1 each year, upon the tax rolls upon which
9 county taxes are spread. The board of public works shall specify
10 the first year of this spread, which shall not be later than the
11 year following that in which the roll was confirmed. The board may
12 provide the times and conditions upon which installments of special
13 assessments may be paid in advance of their due dates.

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