

HOUSE BILL NO. 6340

November 12, 2020, Introduced by Rep. Steven Johnson and referred to the Committee on Government Operations.

A bill to amend 1931 PA 246, entitled

"An act to provide for the construction, repair, and maintenance of pavements, sidewalks, and elevated structures on or along public roads and highways; to provide for the levying of taxes and of special assessments; to authorize the borrowing of money and the issuance of bonds; to prescribe the powers and duties of certain state and local agencies and officers; to validate actions taken, special assessments levied, and bonds issued; and to provide for the lighting of certain roads, highways, and bridges,"

by amending sections 5, 8, and 19b (MCL 41.275, 41.278, and 41.289b), section 19b as amended by 1996 PA 127.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. The commissioners shall hear objections to the
 2 proposed improvement at the time and place to be fixed by them
 3 either at the office of the commissioners or at some suitable place
 4 within the township in which the proposed special assessment
 5 district is located. ~~÷ Provided, That the~~ **The** holding of ~~such the~~
 6 hearing may be enforced by mandamus ~~in case if~~ the commissioners
 7 ~~shall fail~~ to hold the hearing within 60 days after the filing of
 8 the petition required under section 1. ~~of this act.~~ At this
 9 hearing, all parties or persons interested ~~shall~~ **must** be given an
 10 opportunity to present their objections, if any, to the proposed
 11 improvement. ~~Notice~~ **Before January 1, 2022, notice** of this hearing
 12 ~~shall must~~ be given by the commissioners by causing a notice
 13 ~~thereof of the hearing~~ to be published at least once in each week
 14 for 2 weeks in succession in some newspaper of general circulation
 15 in ~~such the~~ district, and by posting 5 notices within the limits of
 16 ~~such the~~ district, in public and conspicuous places ~~therein.~~ **Such**
 17 **within the limits of the district. Before January 1, 2022, the**
 18 posting ~~shall must~~ be done and at least 1 publication in the
 19 newspaper ~~shall must~~ be made not less than 10 days ~~prior to such~~
 20 **before the** hearing. ~~Such~~ **Beginning January 1, 2022, the**
 21 **commissioners shall, not less than 10 days before the hearing, post**
 22 **public notice of the hearing as set forth in the local government**
 23 **public notice act. The** notice ~~shall must~~ set forth a description of
 24 the boundaries of the proposed special assessment district or the
 25 several parcels of land proposed to be assessed on account of ~~such~~
 26 **the** improvement and the time and place of hearing. At this hearing,
 27 the commissioners shall make any changes in the specifications
 28 ~~deemed considered~~ advisable without further notice or hearing,

1 provided ~~such the~~ changes do not increase the estimate more than 10
 2 ~~per cent. 10%~~. If ~~they the~~ **changes** do increase the estimate more
 3 than 10 ~~per cent, 10%~~, then a new hearing ~~shall must~~ be ~~had held~~
 4 and notice ~~thereof of the hearing~~ given as in the ~~first instance.~~
 5 **original hearing**. At ~~such the~~ hearing, the commissioners may alter
 6 the boundaries of the proposed assessment district. ~~÷ Provided,~~
 7 ~~however, That~~ **However**, if ~~said the~~ district is enlarged or
 8 otherwise altered ~~so as to~~ embrace additional lands, **the** hearing
 9 thereon after due notice ~~shall must~~ be ~~had held~~ as ~~hereinbefore~~
 10 provided **in this section**.

11 Sec. 8. On the making of the ~~said final~~ order, the
 12 commissioners shall proceed to let the contract for the
 13 construction of the proposed improvement to the lowest responsible
 14 bidder, ~~said the~~ bidder to furnish adequate security for the
 15 performance of the same ~~in a sum to be fixed by the~~
 16 commissioners. ~~÷ Provided, That no A~~ contract ~~shall must not~~ be let
 17 or rolls spread under ~~the provisions of this act when 25 per cent~~
 18 **25%** or more of the total tax levied for all purposes upon real
 19 property within the assessment district ~~shall have has~~ been
 20 delinquent for 1 or more years. ~~The Before January 1, 2022, the~~
 21 commissioners shall give notice of the letting of ~~such the~~ contract
 22 by publishing a notice ~~thereof of the letting of the contract~~ in
 23 some newspaper of general circulation in the county ~~at least once~~
 24 in each week for 2 weeks, and may publish notice ~~thereof of the~~
 25 **letting of the contract** in other newspapers if ~~they shall deem the~~
 26 **commissioners consider** the same advisable. ~~At Before January 1,~~
 27 **2022, at** least 1 publication of the notice ~~shall must~~ be made not
 28 less than 10 days ~~prior to before~~ the date of **the** letting. ~~They~~
 29 **Beginning January 1, 2022, the commissioners shall, not less than**

1 10 days before the date of the letting of the contract, post public
 2 notice of the letting of the contract as set forth in the local
 3 government public notice act. The commissioners may reserve the
 4 right to reject any and all bids. If rejected, the same procedure
 5 for obtaining bids ~~shall~~**must** be repeated, or if ~~deemed~~**considered**
 6 advisable by the commissioners, they shall proceed with the
 7 construction of ~~said~~**the** proposed improvement in the same manner
 8 and with the same authority, when applicable, as they have to build
 9 roads under ~~the provisions of the county road law.~~**chapter IV of**
 10 **1909 PA 283, MCL 224.1 to 224.32.** After the bids have been received
 11 or as soon thereafter as practicable, the commissioners shall enter
 12 into the necessary contract for the construction of the proposed
 13 improvement with the party whose bid ~~shall be~~**is** accepted by them
 14 and who ~~shall have~~**has** furnished the bonds required. The
 15 commissioners shall take such action as ~~may be~~**is** necessary to
 16 commence construction of the proposed improvements, or cause ~~such~~
 17 **the** construction to be commenced, within 6 months, or if weather
 18 does not ~~then~~ permit, as soon thereafter as the weather does permit
 19 after making ~~said~~**the** final order.

20 Sec. 19b. (1) The township board or boards mentioned in
 21 section 19, either on its or their own motion, or upon the filing
 22 of a petition signed by the record owners of not less than 10% of
 23 the number of parcels of land in the district to be lighted
 24 described in the petitions, may order the expenses for lighting the
 25 highways to be defrayed by a special assessment on all the taxable
 26 lands in the territory described in the petitions or the order of
 27 the township board. A petition under this section is not valid if a
 28 majority of the territory described in the petition was included in
 29 a petition filed under this section not more than 1 year earlier.

(2) A part of the expenses may be paid by the township or townships at large and the balance assessed against the lands in the described district.

(3) The township board or boards shall then estimate the cost and expense of the lighting system and fix a day, time, and place for a hearing on the question of creating a district and defraying the expenses of the district by special assessment. ~~A-Before~~ **January 1, 2022, a** notice stating the time, place, and purpose of the hearing ~~shall-must~~ be published in a newspaper of general circulation in the district. ~~If-Before January 1, 2022, if~~ there is not a newspaper of general circulation in the district, then notices ~~shall-must~~ be posted in at least 3 of the most public places in the district. ~~Notice-shall-Before January 1, 2022, notice~~ **must** be published or posted at least 5 days before the date of the hearing. **Beginning January 1, 2022, at least 5 days before the date of the hearing, public notice stating the time, place, and purpose of the hearing must be posted as set forth in the local government public notice act.**

Enacting section 1. This amendatory act does not take effect unless Senate Bill No.____ or House Bill No. 6440 (request no. 02449'19) of the 100th Legislature is enacted into law.