

HOUSE BILL NO. 5037

June 16, 2021, Introduced by Reps. Lasinski, Coleman, Sabo, Aiyash, Sowerby, Scott, Puri, Weiss, Anthony, Morse, Brabec, Young, Hood, Cavanagh and Whitsett and referred to the Committee on Communications and Technology.

A bill to amend 1954 PA 188, entitled

"An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds,"

by amending sections 2 and 3 (MCL 41.722 and 41.723), section 2 as amended by 2002 PA 585 and section 3 as amended by 1995 PA 139.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) The following improvements may be made under this
2 act:

3 (a) The construction, improvement, and maintenance of storm or
4 sanitary sewers or the improvement and maintenance of, but not the
5 construction of new or expanded, combined storm and sanitary sewer
6 systems.

7 (b) The construction, improvement, and maintenance of water
8 systems.

9 (c) The construction, improvement, and maintenance of public
10 roads.

11 (d) The acquisition, improvement, and maintenance of public
12 parks.

13 (e) The construction, improvement, and maintenance of elevated
14 structures for foot travel over roads in the township.

15 (f) The collection and disposal of garbage and rubbish.

16 (g) The construction, maintenance, and improvement of bicycle
17 paths.

18 (h) The construction, maintenance, and improvement of erosion
19 control structures or dikes.

20 (i) The planting, maintenance, and removal of trees.

21 (j) The installation, improvement, and maintenance of lighting
22 systems.

23 (k) The construction, improvement, and maintenance of
24 sidewalks.

25 (l) The eradication or control of aquatic weeds and plants.

26 (m) The construction, improvement, and maintenance of private
27 roads.

28 (n) The construction, improvement, and maintenance of a lake,
29 pond, river, stream, lagoon, or other body of water or of an

1 improvement to the body of water. This subdivision includes, but is
2 not limited to, dredging.

3 (o) The construction, improvement, and maintenance of dams and
4 other structures that retain the waters of this state for
5 recreational purposes.

6 (p) The construction, improvement, and maintenance of sound
7 attenuation walls, pavement, or other sound mitigation treatments
8 unless a written objection is filed in the same manner as provided
9 under section 3 by the record owners of land constituting more than
10 20% of the total area in the proposed special assessment district.
11 If a written objection is filed, then the township board shall not
12 proceed with the improvement until a petition signed by the record
13 owners of land constituting more than 50% of the total land area in
14 the special assessment district as finally established is filed
15 with the board.

16 **(q) The construction, improvement, and maintenance of**
17 **communications infrastructure, including broadband and high-speed**
18 **internet.**

19 (2) A road under the jurisdiction of either the state
20 transportation department or the board of county road commissioners
21 ~~shall~~**must** not be improved under this act without the written
22 approval of the state transportation department or the board of
23 county road commissioners. As a condition to the granting of
24 approval, the state transportation department or the board of
25 county road commissioners may require 1 or more of the following:

26 (a) That all engineering with respect to the improvement be
27 performed by the state transportation department or the board of
28 county road commissioners.

29 (b) That all construction, including the awarding of contracts

1 for construction, in connection with the improvement be pursuant to
2 the specifications of the state transportation department or the
3 board of county road commissioners.

4 (c) That the cost of the engineering and supervision be paid
5 to the state transportation department or the board of county road
6 commissioners from the funds of the special assessment district.

7 (3) A lake, pond, river, stream, lagoon, or other body of
8 water under the jurisdiction of a county drain commissioner ~~shall~~
9 **must** not be improved under this act without the written approval of
10 the county drain commissioner of the county in which the lake,
11 pond, river, stream, lagoon, or other body of water is located.

12 Sec. 3. (1) The township board may proceed to carry out an
13 improvement as provided in this act unless written objections to
14 the improvement are filed with the township board at or before the
15 hearing provided in section 4 by property owners as follows:

16 (a) For an improvement under section 2(1)(a), (b), (d), (e),
17 (f), (h), (i), (j), (l), (n), ~~or (o)~~, **or (q)**, by the record owners
18 of land constituting more than 20% of the total land area in the
19 proposed special assessment district.

20 (b) For an improvement under section 2(1)(c), (g), (k), or
21 (m), by the record owners of land constituting more than 20% of the
22 total frontage upon the road, bicycle path, or sidewalk.

23 (2) A township board may require the filing of a petition
24 meeting the requirements of subsection (3) before proceeding with
25 an improvement under this act.

26 (3) If written objections are filed as provided in subsection
27 (1), or if the township board requires a petition before
28 proceeding, the township board shall not proceed with the
29 improvement until there is filed with the board a petition signed

1 as follows:

2 (a) For an improvement under section 2(1)(a), (b), (d), (e),
3 (f), (h), (i), (j), (l), (n), ~~or (o)~~, **or (q)**, by the record owners
4 of land constituting more than 50% of the total land area in the
5 special assessment district as finally established by the township
6 board.

7 (b) For an improvement under section 2(1)(c), (g), (k), or
8 (m), by the record owners of land constituting more than 50% of the
9 total frontage upon the road, bicycle path, or sidewalk.

10 (4) Record owners ~~shall~~**must** be determined by the records in
11 the register of deeds' office as of the day of the filing of a
12 petition, or if written objections are filed as provided in
13 subsection (1), then on the day of the hearing. In determining the
14 sufficiency of the petition, lands not subject to special
15 assessment and lands within a public highway or alley ~~shall~~**must**
16 not be included in computing frontage or an assessment district
17 area. A filed petition may be supplemented as to signatures by the
18 filing of an additional signed copy or copies of the petition. The
19 validity of the signatures on a supplemental petition ~~shall~~**must** be
20 determined by the records as of the day of filing the supplemental
21 petition.

22 Enacting section 1. This amendatory act takes effect 90 days
23 after the date it is enacted into law.