

**SUBSTITUTE FOR  
SENATE BILL NO. 430**

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 5 and 15b (MCL 41.725 and 41.735b), section 5 as amended by 1986 PA 180.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 5. (1) If, after the hearing provided for in section  
2 4, the township board desires to proceed with the improvement,  
3 the township board shall approve or determine by resolution all  
4 of the following:

5       (a) The completion of the improvement.

6       (b) The plans and estimate of cost as originally presented  
7 or as revised, corrected, amended, or changed.

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1 (c) The sufficiency of the petition for the improvement if a  
2 petition is required. After this determination, the sufficiency  
3 of the petition is not subject to attack except in an action  
4 brought in a court of competent jurisdiction within 30 days after  
5 the adoption of the resolution determining ~~such~~ THE sufficiency  
6 OF THE PETITION.

7 (d) The special assessment district including the term of  
8 the special assessment district's existence. If the nature of  
9 the improvement to be made is such that a periodic redetermina-  
10 tion of cost will be necessary without a change in the special  
11 assessment district boundaries, the township board shall ~~so~~  
12 state THAT in the resolution and shall set the dates ~~upon which~~  
13 ~~such~~ WHEN THE redeterminations shall be made. After finally  
14 determining the special assessment district, the township board  
15 shall direct the supervisor to make a special assessment roll in  
16 which are entered and described all the parcels of land to be  
17 assessed, with the names of the respective record owners of each  
18 parcel, if known, and the total amount to be assessed against  
19 each parcel of land. ~~, which~~ FOR A SPECIAL ASSESSMENT LEVIED  
20 BEFORE JANUARY 1, 1997, THE amount ~~shall be~~ ASSESSED AGAINST  
21 EACH PARCEL OF LAND IS the ~~relative portion~~ PROPORTIONATE  
22 AMOUNT of the whole sum to be levied against all parcels of land  
23 in the special assessment district as the benefit to the parcel  
24 of land bears to the total benefit to all parcels of land in the  
25 special assessment district. FOR A SPECIAL ASSESSMENT LEVIED  
26 AFTER DECEMBER 31, 1996, THE AMOUNT ASSESSED AGAINST EACH PARCEL  
27 OF LAND IS THE PROPORTIONATE AMOUNT OF THE WHOLE SUM TO BE LEVIED

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1 AGAINST ALL PARCELS OF LAND IN THE SPECIAL ASSESSMENT DISTRICT AS  
2 THE TAXABLE VALUE OF THE PARCEL OF LAND BEARS TO THE TOTAL TAX-  
3 ABLE VALUE TO ALL PARCELS OF LAND IN THE SPECIAL ASSESSMENT  
4 DISTRICT. When the supervisor completes the assessment roll, the  
5 supervisor shall affix TO THE ROLL his or her certificate ~~to the~~  
6 ~~roll which certificate states~~ STATING that the roll was made  
7 pursuant to a resolution of the township board adopted on a spec-  
8 ified date, and that in making the assessment roll the supervi-  
9 sor, according to his or her best judgment, has conformed in all  
10 respects to the directions contained in the resolution and the  
11 statutes of this state.

12 (2) AFTER DECEMBER 31, 1996, AN AD VALOREM SPECIAL ASSESS-  
13 MENT LEVIED UNDER THIS ACT SHALL BE LEVIED ON THE TAXABLE VALUE  
14 OF THE PROPERTY ASSESSED.

(3) IF THE LEVY OF AN AD VALOREM SPECIAL ASSESSMENT ON THE  
PROPERTY'S TAXABLE VALUE IS FOUND TO BE INVALID BY A COURT OF  
COMPETENT JURISDICTION, THE LEVY OF THE AD VALOREM SPECIAL  
ASSESSMENT MAY BE LEVIED ON THE PROPERTY'S STATE EQUALIZED VALUE.

15 (4) AS USED IN THIS SECTION AND SECTION 15B, "TAXABLE VALUE"  
16 MEANS THAT VALUE DETERMINED UNDER SECTION 27A OF THE GENERAL  
17 PROPERTY TAX ACT, 1893 PA 206, MCL 211.27A.

18 Sec. 15b. The township board of any township by resolution  
19 may create and designate a fund to be known as the township  
20 improvement revolving fund. ~~and thereafter~~ BEFORE JANUARY 1,  
21 1997, THE TOWNSHIP BOARD may transfer to ~~such~~ THE TOWNSHIP  
22 IMPROVEMENT REVOLVING fund from the general fund of the township  
23 in any ~~one~~ 1 year an amount not exceeding 2 mills of the state  
24 equalized valuation of the real and personal property in the  
25 township and ~~thereafter~~ IN EACH SUBSEQUENT YEAR may ~~each year~~  
26 transfer from the general fund to the township improvement  
27 revolving fund until ~~such~~ THAT fund ~~shall be equal to~~ EQUALS

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1 5 mills of the state equalized valuation of the real and personal  
2 property in the township. AFTER DECEMBER 31, 1996, THE TOWNSHIP  
3 BOARD MAY TRANSFER TO THE TOWNSHIP IMPROVEMENT REVOLVING FUND  
4 FROM THE GENERAL FUND OF THE TOWNSHIP IN ANY 1 YEAR AN AMOUNT NOT  
5 EXCEEDING 2 MILLS OF THE TAXABLE VALUE OF THE REAL AND PERSONAL  
6 PROPERTY IN THE TOWNSHIP AND IN EACH SUBSEQUENT YEAR MAY TRANSFER  
7 FROM THE GENERAL FUND TO THE TOWNSHIP IMPROVEMENT REVOLVING FUND  
8 UNTIL THAT FUND EQUALS 5 MILLS OF THE TAXABLE VALUE OF THE REAL  
9 AND PERSONAL PROPERTY IN THE TOWNSHIP. All interest charges col-  
10 lected ~~shall become~~ ARE a part of ~~such~~ THE TOWNSHIP IMPROVE-  
11 MENT REVOLVING fund. ~~and the~~ THE township board may transfer  
12 FUNDS from the township improvement revolving fund to the general  
13 fund ~~such sum or sums and at such time or times as~~ WHEN, in the  
14 judgment of the board, FUNDS should be transferred.