

The Committee on Finance offered the following substitute:

May 20, 1997

**SUBSTITUTE FOR
SENATE BILL NO. 432**

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 cities under 15,000 population; 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 certain acts and parts of acts,"

by amending section 1 (MCL 41.801), as amended by 1989 PA 81.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1** Sec. 1. (1) The township board of a township, or the
2 township boards of adjoining townships acting jointly, whether or

1 not the townships are located in the same county, may purchase
2 police and fire motor vehicles, apparatus, equipment, and housing
3 and for that purpose may provide by resolution for the appropria-
4 tion of general or contingent funds. ~~The~~ BEFORE JANUARY 1,
5 1997, THE appropriation for fire motor vehicles, apparatus,
6 equipment, and housing in a 1-year period shall not exceed 10
7 mills of the assessed valuation of the area in their respective
8 townships for which fire protection is to be furnished. ~~The~~
9 AFTER DECEMBER 31, 1996, THE APPROPRIATION FOR FIRE MOTOR VEHI-
10 CLES, APPARATUS, EQUIPMENT, AND HOUSING IN A 1-YEAR PERIOD SHALL
11 NOT EXCEED 10 MILLS OF THE TAXABLE VALUE OF THE AREA IN THEIR
12 RESPECTIVE TOWNSHIPS FOR WHICH FIRE PROTECTION IS TO BE
13 FURNISHED. BEFORE JANUARY 1, 1997, 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, 1996, THE APPROPRIATION FOR
18 POLICE MOTOR VEHICLES, APPARATUS, EQUIPMENT, AND HOUSING IN A
19 1-YEAR PERIOD SHALL NOT EXCEED 10 MILLS OF THE TAXABLE VALUE OF
20 THE AREA IN THEIR RESPECTIVE TOWNSHIPS FOR WHICH POLICE PROTEC-
21 TION IS 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 town-
24 ships are located in the same county, may provide annually by
25 resolution for the appropriation of general or contingent funds
26 for maintenance and operation of police and fire departments.

1 (3) The township board, or the township boards of adjoining
2 townships acting jointly, may provide that the sums prescribed in
3 subsection (2) for purchasing and housing equipment, for the
4 operation of the equipment, or both, may be defrayed by special
5 assessment on the lands and premises in the township or townships
6 to be benefited and may issue bonds in anticipation of the col-
7 lection of these special assessments. The question of raising
8 money by special assessment may be submitted to the electors of
9 the township or townships by the township board, or township
10 boards acting jointly, at a general election or special election
11 called for that purpose by the township board or township
12 boards. The question of raising money by special assessment
13 shall be submitted by the township board, or township boards
14 acting jointly, if in the affected township, or in each of the
15 affected townships, the owners of 10% of the land to be made into
16 a special assessment district petition the township board or
17 boards.

18 (4) If a special assessment district is proposed under sub-
19 section (3), the township board, or township boards acting joint-
20 ly, shall estimate the cost and expenses of the police and fire
21 motor vehicles, apparatus, equipment, and housing and police and
22 fire protection, and fix a day for a hearing on the estimate and
23 on the question of creating a special assessment district and
24 defraying the expenses of the special assessment district by spe-
25 cial assessment on the property to be especially benefited. The
26 hearing shall be a public meeting held in compliance with the
27 open meetings act, ~~Act No. 267 of the Public Acts of 1976, being~~

1 ~~sections 15.261 to 15.275 of the Michigan Compiled Laws~~ 1976 PA
2 267, MCL 15.261 TO 15.275. Public notice of the time, date, and
3 place of the meeting shall be given in the manner required by
4 ~~Act No. 267 of the Public Acts of 1976~~ THE OPEN MEETINGS ACT,
5 1976 PA 267, MCL 15.261 TO 15.275. In addition, the township
6 board, or township boards acting jointly, shall publish in a
7 newspaper of general circulation in the proposed district a
8 notice stating the time, place, and purpose of the meeting. If
9 there is not a newspaper of general circulation in the proposed
10 district, ~~then~~ notices shall be posted in not less than 3 of
11 the most public places in the proposed district. This notice
12 shall be published or posted not less than 5 days before the
13 hearing. On the day appointed for the hearing, the township
14 board, or township boards acting jointly, shall be in session to
15 hear objections ~~which~~ THAT may be offered against the estimate
16 and the creation of the special assessment district. ~~If~~ BEFORE
17 JANUARY 1, 1997, IF the township board, or township boards acting
18 jointly, determine to create a special assessment district, they
19 shall determine the boundaries by resolution, determine the
20 amount of the special assessment levy, and direct the supervisor
21 or supervisors to spread the assessment levy on all of the lands
22 and premises in the district ~~which~~ THAT are to be especially
23 benefited by the police and fire protection, according to bene-
24 fits received, to defray the expenses of police and fire
25 protection. AFTER DECEMBER 31, 1996, IF THE TOWNSHIP BOARD, OR
26 TOWNSHIP BOARDS ACTING JOINTLY, DETERMINE TO CREATE A SPECIAL
27 ASSESSMENT DISTRICT, THEY SHALL DETERMINE THE BOUNDARIES BY

1 RESOLUTION, DETERMINE THE AMOUNT OF THE SPECIAL ASSESSMENT LEVY,
2 AND DIRECT THE SUPERVISOR OR SUPERVISORS TO SPREAD THE ASSESSMENT
3 LEVY ON THE TAXABLE VALUE OF ALL OF THE LANDS AND PREMISES IN THE
4 DISTRICT THAT ARE TO BE ESPECIALLY BENEFITED BY THE POLICE AND
5 FIRE PROTECTION, ACCORDING TO BENEFITS RECEIVED, TO DEFRAY THE
6 EXPENSES OF POLICE AND FIRE PROTECTION. The township board, or
7 township boards acting jointly, shall hold a hearing on objec-
8 tions to the distribution of the special assessment levy. This
9 hearing shall be held in the same manner and with ~~like~~ THE SAME
10 notice as provided in this section. The township board, or town-
11 ship boards acting jointly, shall ~~thereafter~~ annually determine
12 the amount to be assessed in the district for police and fire
13 protection, shall direct the supervisor or supervisors to dis-
14 tribute the special assessment levy, and shall hold a hearing on
15 the estimated costs and expenses of police and fire protection
16 and on the distribution of the levy. The assessment may be made
17 either in a special assessment roll or in a column provided in
18 the regular tax roll. The assessment shall be distributed and
19 shall become due and be collected at the same time as other town-
20 ship taxes are assessed, levied, and collected, and shall be
21 returned in the same manner for nonpayment. However, if the col-
22 lections received from the special assessment levied to defray
23 the cost or portion intended to be defrayed for police and fire
24 protection are, at any time, insufficient to meet the obligations
25 or expenses incurred for the maintenance and operation of the
26 police and fire departments, the township board of the township,
27 or township boards acting jointly, may, by resolution, authorize

1 the transfer or loan of sufficient money from the general fund of
2 the township or townships, to the special assessment police and
3 fire department fund. This money shall be repaid to the general
4 fund of the township or townships out of special assessment funds
5 when collected.

6 (5) The powers granted by this act with respect to police
7 and fire protection may be exercised with respect to police pro-
8 tection alone, fire protection alone, or police and fire protec-
9 tion in combination.

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

13 (7) AS USED IN THIS SECTION, "TAXABLE VALUE" MEANS THAT
14 VALUE DETERMINED UNDER SECTION 27A OF THE GENERAL PROPERTY TAX
15 ACT, 1893 PA 206, MCL 211.27A.

(8) 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.