

HOUSE BILL No. 4572

April 27, 1999, Introduced by Reps. Gilbert, Kowall and Birkholz and referred to the Committee on Tax Policy.

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 1998 PA 545.

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
3 not the townships are located in the same county, may purchase

1 police and fire motor vehicles, apparatus, equipment, and housing
2 and for that purpose may provide by resolution for the appropria-
3 tion of general or contingent funds. Before January 1, 1999, the
4 appropriation for fire motor vehicles, apparatus, equipment, and
5 housing in a 1-year period shall not exceed 10 mills of the
6 assessed valuation of the area in their respective townships for
7 which fire protection is to be furnished. After December 31,
8 1998, the appropriation for fire motor vehicles, apparatus,
9 equipment, and housing in a 1-year period shall not exceed 10
10 mills of the taxable value of the area in their respective town-
11 ships for which fire protection is to be furnished. Before
12 January 1, 1999, the appropriation for police motor vehicles,
13 apparatus, equipment, and housing in a 1-year period shall not
14 exceed 10 mills of the assessed valuation of the area in their
15 respective townships for which police protection is to be
16 furnished. After December 31, 1998, the appropriation for police
17 motor vehicles, apparatus, equipment, and housing in a 1-year
18 period shall not exceed 10 mills of the taxable value of the area
19 in their respective townships for which police protection is to
20 be furnished.

21 (2) The township board of a township, or the township boards
22 of adjoining townships acting jointly, whether or not the town-
23 ships are located in the same county, may provide annually by
24 resolution for the appropriation of general or contingent funds
25 for maintenance and operation of police and fire departments.

26 (3) The township board, or the township boards of adjoining
27 townships acting jointly, may provide that the sums prescribed in

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

16 (4) If a special assessment district is proposed under sub-
17 section (3), the township board, or township boards acting joint-
18 ly, shall estimate the cost and expenses of the police and fire
19 motor vehicles, apparatus, equipment, and housing and police and
20 fire protection, and fix a day for a hearing on the estimate and
21 on the question of creating a special assessment district and
22 defraying the expenses of the special assessment district by spe-
23 cial assessment on the property to be especially benefited. The
24 hearing shall be a public meeting held in compliance with the
25 open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public
26 notice of the time, date, and place of the meeting shall be given
27 in the manner required by the open meetings act, 1976 PA 267,

1 MCL 15.261 to 15.275. In addition, the township board, or
2 township boards acting jointly, shall publish in a newspaper of
3 general circulation in the proposed district a notice stating the
4 time, place, and purpose of the meeting. If there is not a news-
5 paper of general circulation in the proposed district, notices
6 shall be posted in not less than 3 of the most public places in
7 the proposed district. This notice shall be published or posted
8 not less than 5 days before the hearing. On the day appointed
9 for the hearing, the township board, or township boards acting
10 jointly, shall be in session to hear objections that may be
11 offered against the estimate and the creation of the special
12 assessment district. Before January 1, 1999, if the township
13 board, or township boards acting jointly, determine to create a
14 special assessment district, they shall determine the boundaries
15 by resolution, determine the amount of the special assessment
16 levy, and direct the supervisor or supervisors to spread the
17 assessment levy on all of the lands and premises in the district
18 that are to be especially benefited by the police and fire pro-
19 tection, according to benefits received, to defray the expenses
20 of police and fire protection. After December 31, 1998, if the
21 township board, or township boards acting jointly, determine to
22 create a special assessment district, they shall determine the
23 boundaries by resolution, determine the amount of the special
24 assessment levy, and direct the supervisor or supervisors to
25 spread the assessment levy on the taxable value of all of the
26 lands and premises in the district that are to be especially
27 benefited by the police and fire protection, according to

1 benefits received, to defray the expenses of police and fire
2 protection. The township board, or township boards acting joint-
3 ly, shall hold a hearing on objections to the distribution of the
4 special assessment levy. This hearing shall be held in the same
5 manner and with the same notice as provided in this section.

6 (5) The township board, or township boards acting jointly,
7 shall annually determine the amount to be assessed in the dis-
8 trict for police and fire protection, shall direct the supervisor
9 or supervisors to distribute the special assessment levy, and
10 shall hold a hearing on the estimated costs and expenses of
11 police and fire protection and on the distribution of the levy.

12 (6) AS PROVIDED IN SECTION 71 OF THE GENERAL PROPERTY TAX
13 ACT, 1893 PA 206, MCL 211.71, PUBLIC PROPERTY OF THIS STATE IS
14 NOT EXEMPT FROM AN ASSESSMENT UNDER THIS ACT.

15 (7) The assessment may be made either in a special assess-
16 ment roll or in a column provided in the regular tax roll. The
17 assessment shall be distributed and shall become due and be col-
18 lected at the same time as other township taxes are assessed,
19 levied, and collected, and shall be returned in the same manner
20 for nonpayment. However, if the collections received from the
21 special assessment levied to defray the cost or portion intended
22 to be defrayed for police and fire protection are, at any time,
23 insufficient to meet the obligations or expenses incurred for the
24 maintenance and operation of the police and fire departments, the
25 township board of the township, or township boards acting joint-
26 ly, may, by resolution, authorize the transfer or loan of
27 sufficient money from the general fund of the township or

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

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

9 (9) ~~-(6)-~~ After December 31, 1998, an ad valorem special
10 assessment levied under this act shall be levied on the taxable
11 value of the property assessed.

12 (10) ~~-(7)-~~ As used in this section, "taxable value" means
13 that value determined under section 27a of the general property
14 tax act, 1893 PA 206, MCL 211.27a.

15 (11) ~~-(8)-~~ If the levy of an ad valorem special assessment
16 on the property's taxable value is found to be invalid by a court
17 of competent jurisdiction, the levy of the ad valorem special
18 assessment shall be levied on the property's state equalized
19 value.

20 Enacting section 1. This amendatory act does not take
21 effect unless all of the following bills of the 90th Legislature
22 are enacted into law:

23 (a) Senate Bill No. _____ or House Bill No. _____ (request
24 no. 02131'99).

25 (b) Senate Bill No. _____ or House Bill No. _____ (request
26 no. 02131'99 b).

1 (c) Senate Bill No. _____ or House Bill No. _____ (request
2 no. 02131'99 c).