

Senate Bill 1069

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. The  
6 township board, or township boards acting jointly, shall annually  
7 determine the amount to be assessed in the district for police  
8 and fire protection, shall direct the supervisor or supervisors  
9 to distribute the special assessment levy, and shall hold a hear-  
10 ing on the estimated costs and expenses of police and fire pro-  
11 tection and on the distribution of the levy. The assessment may  
12 be made either in a special assessment roll or in a column pro-  
13 vided in the regular tax roll. The assessment shall be distrib-  
14 uted and shall become due and be collected at the same time as  
15 other township taxes are assessed, levied, and collected, and  
16 shall be returned in the same manner for nonpayment. However, if  
17 the collections received from the special assessment levied to  
18 defray the cost or portion intended to be defrayed for police and  
19 fire protection are, at any time, insufficient to meet the obli-  
20 gations or expenses incurred for the maintenance and operation of  
21 the police and fire departments, the township board of the town-  
22 ship, or township boards acting jointly, may, by resolution,  
23 authorize the transfer or loan of sufficient money from the gen-  
24 eral fund of the township or townships, to the special assessment  
25 police and fire department fund. This money shall be repaid to  
26 the general fund of the township or townships out of special  
27 assessment funds when collected.

1       (5) The powers granted by this act with respect to police  
2 and fire protection may be exercised with respect to police pro-  
3 tection alone, fire protection alone, or police and fire protec-  
4 tion in combination.

5       (6) After December 31, 1998, an ad valorem special assess-  
6 ment levied under this act shall be levied on the taxable value  
7 of the property assessed.

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

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

16       (9) BONDS ISSUED UNDER THIS ACT ARE SUBJECT TO THE REVISED  
17 MUNICIPAL FINANCE ACT, 2001 PA 34, MCL 141.2101 TO 141.2821.