

# Legislative Analysis

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## TOWNSHIP POLICE AND FIRE SERVICES

Mitchell Bean, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5843 as introduced**  
**Sponsor: Rep. Philip LaJoy**  
**Committee: Local Government and Urban Policy**  
**First Analysis (5-12-04)**

**BRIEF SUMMARY:** The bill would explicitly permit townships to contract out its police and fire services to cities, villages, and other townships.

**FISCAL IMPACT:** As written, the bill should have no impact on state revenues.

### **THE APPARENT PROBLEM:**

Under Public Act 33 of 1951, which provides police and fire protection for townships, certain incorporated villages, and cities with a population under 15,000, a township board (or boards, if acting jointly) are permitted to enter into a contract with a township, city, or village that maintains a police or fire department for the services of one or both departments. In addition, the act specifically provides that a township board (or boards, if acting jointly) may contract with a village that does not maintain a police department or fire department. Finally, the act permits a township board (or boards, if acting jointly) that maintains a police or fire department to also contract with a city, village, or township that also maintains a police or fire department.

The act clearly allows a township without police and fire services to contract with another township, village, or city with police or fire services to provide those services to the township. It is also clear that a township with police or fire services can contract its services to a village without such services. It is also clear that a township with police or fire services can contract with another township, city, or village that also provides services. However, it is not entirely clear whether a township may provide police or fire services to another township that does not provide such services. Moreover, it appears that a township cannot enter a contract with a city without police or fire services. Legislation has been introduced to explicitly grant townships with the authority to contract out its police and fire services to a city, village, or other township.

### **THE CONTENT OF THE BILL:**

House Bill 5843 would amend Public Act 33 of 1951 to specify that a township board may enter into one or more agreements or contracts to furnish police or fire protection to a city, village, or other township.

Currently under the law, the township board of a township, or the township boards of adjoining townships acting jointly—if funds have been appropriated—may do any of the following: establish and maintain police and fire department; organize and maintain

police and fire vehicles; employ and appoint a police chief and fire chief and other police and fire officers, including detectives; make and establish rules and regulations for the government of the police and fire departments, employees, officers, and detectives; care for and manage the motor vehicles, apparatus, equipment, property, and buildings pertaining to the police and fire departments; and, prescribe the powers and duties of the employees, officers, and detectives.

MCL 41.806

***ARGUMENTS:***

***For:***

The bill grants townships with the explicit authority to contract out its police and fire services to cities, villages, and other townships. Under Public Act 33, the authority of a township to provide its services to another township is merely implied. In addition, it appears that a township does not have the authority under the act to provide its services to a city. The bill specifically grants townships with the authority to provide police and fire services to villages, cities, and other townships. Though it appears townships already have the authority to contract its police and fire services under the Urban Cooperation Act of 1967, the bill provides townships with the explicit authority to do so under the Public Act 33 of 1951.

***POSITIONS:***

The Michigan Townships Association supports the bill. (5-11-04)

Legislative Analyst: Mark Wolf  
Fiscal Analyst: Jim Stansell

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