

# HOUSE BILL No. 5718

December 17, 2009, Introduced by Rep. Sheltroun and referred to the Committee on Intergovernmental and Regional Affairs.

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 certain cities; 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 acts and parts of acts,"

by amending section 1 (MCL 41.801), as amended by 2002 PA 501.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 1. (1) The township board of a township, or the township  
2 boards of adjoining townships acting jointly, whether or not the

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

21 (2) The township board of a township, or the township boards  
22 of adjoining townships acting jointly, whether or not the townships  
23 are located in the same county, may provide annually by resolution  
24 for the appropriation of general or contingent funds for  
25 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, except, beginning in 2002, lands and premises  
5 exempt from the collection of taxes under the general property tax  
6 act, 1893 PA 206, MCL 211.1 to ~~211.157~~**211.155**, and may issue bonds  
7 in anticipation of the collection of these special assessments. The  
8 question of raising money by special assessment may be submitted to  
9 the electors of the township or townships by the township board, or  
10 township boards acting jointly, at a general election or special  
11 election called for that purpose by the township board or township  
12 boards. The question of raising money by special assessment shall  
13 be submitted by the township board, or township boards acting  
14 jointly, if in the affected township, or in each of the affected  
15 townships, the owners of 10% of the land to be made into a special  
16 assessment district petition the township board or boards.

17 (4) If a special assessment district is proposed under  
18 subsection (3), the township board, or township boards acting  
19 jointly, shall estimate the cost and expenses of the police and  
20 fire motor vehicles, apparatus, equipment, and housing and police  
21 and fire protection, and fix a day for a hearing on the estimate  
22 and on the question of creating a special assessment district and  
23 defraying the expenses of the special assessment district by  
24 special assessment on the property to be especially benefited,  
25 except, beginning in 2002, property exempt from the collection of  
26 taxes under the general property tax act, 1893 PA 206, MCL 211.1 to  
27 ~~211.157~~**211.155**. The hearing shall be a public meeting held in

1 compliance with the open meetings act, 1976 PA 267, MCL 15.261 to  
2 15.275. Public notice of the time, date, and place of the meeting  
3 shall be given in the manner required by the open meetings act,  
4 1976 PA 267, MCL 15.261 to 15.275. In addition, the township board,  
5 or township boards acting jointly, shall publish in a newspaper of  
6 general circulation in the proposed district a notice stating the  
7 time, place, and purpose of the meeting. If there is not a  
8 newspaper of general circulation in the proposed district, notices  
9 shall be posted in not less than 3 of the most public places in the  
10 proposed district. This notice shall be published or posted not  
11 less than 5 days before the hearing. On the day appointed for the  
12 hearing, the township board, or township boards acting jointly,  
13 shall be in session to hear objections that may be offered against  
14 the estimate and the creation of the special assessment district.  
15 ~~Before January 1, 1999, if~~ **IF** the township board, or township  
16 boards acting jointly, determine to create a special assessment  
17 district, they shall determine the boundaries by resolution,  
18 determine the amount of the special assessment levy, and direct the  
19 supervisor or supervisors to spread the assessment levy on all of  
20 the lands and premises in the district that are to be especially  
21 benefited by the police and fire protection, according to benefits  
22 received, except, beginning in 2002, lands and premises exempt from  
23 the collection of taxes under the general property tax act, 1893 PA  
24 206, MCL 211.1 to ~~211.157~~ **211.155**, to defray the expenses of police  
25 and fire protection. ~~After December 31, 1998, if the township~~  
26 ~~board, or township boards acting jointly, determine to create a~~  
27 ~~special 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 fire~~  
5 ~~protection, according to benefits received, except, beginning in~~  
6 ~~2002, lands and premises exempt from the collection of taxes under~~  
7 ~~the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, to~~  
8 ~~defray the expenses of police and fire protection. A SPECIAL~~  
9 **ASSESSMENT UNDER THIS ACT MAY BE CALCULATED ON A SPECIFIC AMOUNT**  
10 **PER PARCEL BASIS OR ON AN AD VALOREM BASIS. AFTER DECEMBER 31,**  
11 **1998, A SPECIAL ASSESSMENT LEVIED UNDER THIS ACT ON AN AD VALOREM**  
12 **BASIS SHALL BE LEVIED ON THE TAXABLE VALUE OF THE PROPERTY**  
13 **ASSESSED.** The township board, or township boards acting jointly,  
14 shall hold a hearing on objections to the distribution of the  
15 special assessment levy. This hearing shall be held in the same  
16 manner and with the same notice as provided in this section. The  
17 township board, or township boards acting jointly, shall annually  
18 determine the amount to be assessed in the district for police and  
19 fire protection, shall direct the supervisor or supervisors to  
20 distribute the special assessment levy, and shall hold a hearing on  
21 the estimated costs and expenses of police and fire protection and  
22 on the distribution of the levy. The assessment may be made either  
23 in a special assessment roll or in a column provided in the regular  
24 tax roll. The assessment shall be distributed and shall become due  
25 and be collected at the same time as other township taxes are  
26 assessed, levied, and collected, and shall be returned in the same  
27 manner for nonpayment. If a township has a July property tax levy,

1 not more than 2 mills of the assessment may be collected at the  
2 same time and in the same manner as the July levy. If the  
3 collections received from the special assessment levied to defray  
4 the cost or portion intended to be defrayed for police and fire  
5 protection are, at any time, insufficient to meet the obligations  
6 or expenses incurred for the maintenance and operation of the  
7 police and fire departments, the township board of the township, or  
8 township boards acting jointly, may, by resolution, authorize the  
9 transfer or loan of sufficient money from the general fund of the  
10 township or townships, to the special assessment police and fire  
11 department fund. This money shall be repaid to the general fund of  
12 the township or townships out of special assessment funds when  
13 collected.

14 (5) The powers granted by this act with respect to police and  
15 fire protection may be exercised with respect to police protection  
16 alone, fire protection alone, or police and fire protection in  
17 combination.

18 ~~—— (6) After December 31, 1998, an ad valorem special assessment~~  
19 ~~levied under this act shall be levied on the taxable value of the~~  
20 ~~property assessed.~~

21 (6) ~~(7)~~ As used in this section, "taxable value" means that  
22 value determined under section 27a of the general property tax act,  
23 1893 PA 206, MCL 211.27a.

24 (7) ~~(8)~~ If the levy of an ad valorem special assessment on the  
25 property's taxable value is found to be invalid by a court of  
26 competent jurisdiction, the levy of the ad valorem special  
27 assessment shall be levied on the property's state equalized value.

1           (8) ~~(9)~~—Bonds issued under this act are subject to the revised  
2   municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.