

# HOUSE BILL No. 5968

March 18, 2010, Introduced by Reps. Knollenberg, DeShazor, Elsenheimer, Kowall, Stamas, Walsh, Marleau, Horn, Rick Jones and Crawford 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 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  
3 townships are located in the same county, may purchase police and

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

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

25 (3) The township board, or the township boards of adjoining  
26 townships acting jointly, may provide that the sums prescribed in  
27 subsection (2) for purchasing and housing equipment, for the

1 operation of the equipment, or both, may be defrayed by special  
2 assessment on the lands and premises in the township or townships  
3 to be benefited, except, beginning in 2002, lands and premises  
4 exempt from the collection of taxes under the general property tax  
5 act, 1893 PA 206, MCL 211.1 to ~~211.157~~ **211.155**, and may issue bonds  
6 in anticipation of the collection of these special assessments. ~~The~~  
7 **BEFORE JANUARY 1, 2010, THE** question of raising money by special  
8 assessment may be submitted to the electors of the township or  
9 townships by the township board, or township boards acting jointly,  
10 at a general election or special election called for that purpose  
11 by the township board or township boards. ~~The~~ **BEFORE JANUARY 1,**  
12 **2010, THE** question of raising money by special assessment shall be  
13 submitted by the township board, or township boards acting jointly,  
14 if in the affected township, or in each of the affected townships,  
15 the owners of 10% of the land to be made into a special assessment  
16 district petition the township board or boards. **AFTER DECEMBER 31,**  
17 **2009, THE QUESTION OF RAISING MONEY BY SPECIAL ASSESSMENT TO DEFRAY**  
18 **THE EXPENSES OF POLICE AND FIRE PROTECTION, THE AMOUNT OF THE**  
19 **SPECIAL ASSESSMENT TO BE LEVIED, AND THE BOUNDARIES OF THE SPECIAL**  
20 **ASSESSMENT DISTRICT SHALL BE SUBMITTED TO THE ELECTORS OF THE**  
21 **TOWNSHIP OR TOWNSHIPS BY THE TOWNSHIP BOARD, OR TOWNSHIP BOARDS**  
22 **ACTING JOINTLY, AT A GENERAL ELECTION OR SPECIAL ELECTION CALLED**  
23 **FOR THAT PURPOSE.**

24 (4) If a special assessment district is proposed under  
25 subsection (3), the township board, or township boards acting  
26 jointly, shall estimate the cost and expenses of the police and  
27 fire motor vehicles, apparatus, equipment, and housing and police

1 and fire protection, and fix a day for a hearing on the estimate  
2 and on the question of creating a special assessment district and  
3 defraying the expenses of the special assessment district by  
4 special assessment on the property to be especially benefited,  
5 except, beginning in 2002, property exempt from the collection of  
6 taxes under the general property tax act, 1893 PA 206, MCL 211.1 to  
7 ~~211.157~~ **211.155**. The hearing shall be a public meeting held in  
8 compliance with the open meetings act, 1976 PA 267, MCL 15.261 to  
9 15.275. Public notice of the time, date, and place of the meeting  
10 shall be given in the manner required by the open meetings act,  
11 1976 PA 267, MCL 15.261 to 15.275. In addition, the township board,  
12 or township boards acting jointly, shall publish in a newspaper of  
13 general circulation in the proposed district a notice stating the  
14 time, place, and purpose of the meeting. If there is not a  
15 newspaper of general circulation in the proposed district, notices  
16 shall be posted in not less than 3 of the most public places in the  
17 proposed district. This notice shall be published or posted not  
18 less than 5 days before the hearing. On the day appointed for the  
19 hearing, the township board, or township boards acting jointly,  
20 shall be in session to hear objections that may be offered against  
21 the estimate and the creation of the special assessment district.  
22 Before January 1, 1999, if the township board, or township boards  
23 acting jointly, determine to create a special assessment district,  
24 they shall determine the boundaries by resolution, determine the  
25 amount of the special assessment levy, and direct the supervisor or  
26 supervisors to spread the assessment levy on all of the lands and  
27 premises in the district that are to be especially benefited by the

1 police and fire protection, according to benefits received, except,  
2 beginning in 2002, lands and premises exempt from the collection of  
3 taxes under the general property tax act, 1893 PA 206, MCL 211.1 to  
4 ~~211.157~~ 211.155, to defray the expenses of police and fire  
5 protection. After December 31, 1998 **AND BEFORE JANUARY 1, 2010**, if  
6 the township board, or township boards acting jointly, determine to  
7 create a special assessment district, they shall determine the  
8 boundaries by resolution, determine the amount of the special  
9 assessment levy, and direct the supervisor or supervisors to spread  
10 the assessment levy on the taxable value of all of the lands and  
11 premises in the district that are to be especially benefited by the  
12 police and fire protection, according to benefits received, except,  
13 beginning in 2002, lands and premises exempt from the collection of  
14 taxes under the general property tax act, 1893 PA 206, MCL 211.1 to  
15 ~~211.157~~ 211.155, to defray the expenses of police and fire  
16 protection. **AFTER DECEMBER 31, 2009, IF THE CREATION OF A SPECIAL**  
17 **ASSESSMENT DISTRICT AND THE AMOUNT OF THE ASSESSMENT TO BE LEVIED**  
18 **ARE APPROVED BY THE ELECTORS OF THE TOWNSHIP OR TOWNSHIPS AS**  
19 **PROVIDED IN SUBSECTION (3), THE TOWNSHIP BOARD, OR TOWNSHIP BOARDS**  
20 **ACTING JOINTLY, SHALL DIRECT THE SUPERVISOR OR SUPERVISORS TO**  
21 **SPREAD THE ASSESSMENT LEVY ON THE TAXABLE VALUE OF ALL OF THE LANDS**  
22 **AND PREMISES IN THE DISTRICT THAT ARE TO BE ESPECIALLY BENEFITED BY**  
23 **THE POLICE AND FIRE PROTECTION, ACCORDING TO BENEFITS RECEIVED,**  
24 **EXCEPT LANDS AND PREMISES EXEMPT FROM THE COLLECTION OF TAXES UNDER**  
25 **THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.155, TO**  
26 **DEFRAY THE EXPENSES OF POLICE AND FIRE PROTECTION.** The township  
27 board, or township boards acting jointly, shall hold a hearing on

1 objections to the distribution of the special assessment levy. This  
2 hearing shall be held in the same manner and with the same notice  
3 as provided in this section. The township board, or township boards  
4 acting jointly, shall annually determine the amount to be assessed  
5 in the district for police and fire protection, shall direct the  
6 supervisor or supervisors to distribute the special assessment  
7 levy, and shall hold a hearing on the estimated costs and expenses  
8 of police and fire protection and on the distribution of the levy.  
9 The assessment may be made either in a special assessment roll or  
10 in a column provided in the regular tax roll. The assessment shall  
11 be distributed and shall become due and be collected at the same  
12 time as other township taxes are assessed, levied, and collected,  
13 and shall be returned in the same manner for nonpayment. If a  
14 township has a July property tax levy, not more than 2 mills of the  
15 assessment may be collected at the same time and in the same manner  
16 as the July levy. If the collections received from the special  
17 assessment levied to defray the cost or portion intended to be  
18 defrayed for police and fire protection are, at any time,  
19 insufficient to meet the obligations or expenses incurred for the  
20 maintenance and operation of the police and fire departments, the  
21 township board of the township, or township boards acting jointly,  
22 may, by resolution, authorize the transfer or loan of sufficient  
23 money from the general fund of the township or townships, to the  
24 special assessment police and fire department fund. This money  
25 shall be repaid to the general fund of the township or townships  
26 out of special assessment funds when collected.

27 (5) The powers granted by this act with respect to police and

1 fire protection may be exercised with respect to police protection  
2 alone, fire protection alone, or police and fire protection in  
3 combination.

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

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

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

14 (9) Bonds issued under this act are subject to the revised  
15 municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.