

HOUSE BILL No. 5969

March 18, 2010, Introduced by Reps. Rick Jones, DeShazor, Elsenheimer, Kowall, Stamas, Walsh, Marleau, Horn and Crawford and referred to the Committee on Tax Policy.

A bill to amend 1954 PA 188, entitled

"An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds,"

by amending section 3 (MCL 41.723), as amended by 1995 PA 139.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) ~~The~~ **SUBJECT TO THE PROVISIONS OF SUBSECTION (5),**
2 **THE** township board may proceed to carry out an improvement as
3 provided in this act unless written objections to the improvement
4 are filed with the township board at or before the hearing provided
5 in section 4 by property owners as follows:

6 (a) For an improvement under section 2(1)(a), (b), (d), (e),
7 (f), (h), (i), (j), (l), (n), or (o) by the record owners of land
8 constituting more than 20% of the total land area in the proposed
9 special assessment district.

1 (b) For an improvement under section 2(1)(c), (g), (k), or
2 (m), by the record owners of land constituting more than 20% of the
3 total frontage upon the road, bicycle path, or sidewalk.

4 (2) A township board may require the filing of a petition
5 meeting the requirements of subsection (3) before proceeding with
6 an improvement under this act.

7 (3) If written objections are filed as provided in subsection
8 (1), or if the township board requires a petition before
9 proceeding, the township board shall not proceed with the
10 improvement until there is filed with the board a petition signed
11 as follows:

12 (a) For an improvement under section 2(1)(a), (b), (d), (e),
13 (f), (h), (i), (j), (l), (n), or (o) by the record owners of land
14 constituting more than 50% of the total land area in the special
15 assessment district as finally established by the township board.

16 (b) For an improvement under section 2(1)(c), (g), (k), or
17 (m), by the record owners of land constituting more than 50% of the
18 total frontage upon the road, bicycle path, or sidewalk.

19 (4) Record owners shall be determined by the records in the
20 register of deeds' office as of the day of the filing of a
21 petition, or if written objections are filed as provided in
22 subsection (1), then on the day of the hearing. In determining the
23 sufficiency of the petition, lands not subject to special
24 assessment and lands within a public highway or alley shall not be
25 included in computing frontage or an assessment district area. A
26 filed petition may be supplemented as to signatures by the filing
27 of an additional signed copy or copies of the petition. The

1 validity of the signatures on a supplemental petition shall be
2 determined by the records as of the day of filing the supplemental
3 petition.

4 (5) AFTER DECEMBER 31, 2009, IF A SPECIAL ASSESSMENT DISTRICT
5 ON LAND BENEFITED BY THE IMPROVEMENT INCLUDES THE ENTIRE TOWNSHIP,
6 THE QUESTION OF RAISING MONEY BY SPECIAL ASSESSMENT AND THE AMOUNT
7 OF THE SPECIAL ASSESSMENT TO BE LEVIED SHALL BE APPROVED BY A
8 MAJORITY OF ELECTORS OF THE TOWNSHIP AT A GENERAL ELECTION OR
9 SPECIAL ELECTION CALLED FOR THAT PURPOSE.