

# HOUSE BILL No. 6045

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 1957 PA 185, entitled

"An act to authorize the establishing of a department and board of public works in counties; to prescribe the powers and duties of any municipality subject to the provisions of this act; to authorize the incurring of contract obligations and the issuance and payment of bonds or notes; to provide for a pledge by a municipality of its full faith and credit and the levy of taxes without limitation as to rate or amount to the extent necessary; to validate obligations issued; and to prescribe a procedure for special assessments and condemnation,"

by amending sections 22, 24, and 29 (MCL 123.752, 123.754, and 123.759) .

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 22. The board of public works shall ~~cause to be prepared~~  
2 ~~by~~ **HAVE** a registered engineer ~~—~~ **PREPARE** plans showing the project  
3 and an estimate of the cost ~~thereof.~~ **OF THE PROJECT.** Upon receipt  
4 of ~~such~~ **THE** plans and estimate, the board of public works shall

1 order the ~~same~~ **PLANS AND ESTIMATE** to be filed with the director of  
2 public works, and if ~~it shall desire~~ **THE BOARD OF PUBLIC WORKS**  
3 **DESIRES** to proceed with the ~~said~~ project, ~~it~~ **THE BOARD OF PUBLIC**  
4 **WORKS** shall by resolution tentatively so declare and also  
5 tentatively designate the special assessment district against which  
6 the cost of the project is to be assessed. ~~The~~ **BEFORE JANUARY 1,**  
7 **2015, THE** board of public works shall ~~then~~ fix a time and place  
8 when and where it will meet and hear any objections to the  
9 improvement and to the special assessment district, ~~therefor,~~ and  
10 shall cause notice of the hearing to be given by the publication  
11 ~~thereof~~ ~~twice prior to~~ **BEFORE** the hearing in a newspaper  
12 circulating in the special assessment district, the first  
13 publication to be at least 10 days ~~prior to~~ **BEFORE** the time of the  
14 hearing. **BEGINNING JANUARY 1, 2015, THE BOARD OF PUBLIC WORKS SHALL**  
15 **FIX A TIME AND PLACE WHEN AND WHERE IT WILL MEET AND HEAR ANY**  
16 **OBJECTIONS TO THE IMPROVEMENT AND TO THE SPECIAL ASSESSMENT**  
17 **DISTRICT, AND SHALL, AT LEAST 10 DAYS BEFORE THE TIME OF THE**  
18 **HEARING, PROVIDE TIER A PUBLIC NOTICE OF THE HEARING AS SET FORTH**  
19 **IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT. NOTICE OF THE HEARING**  
20 **SHALL ALSO BE GIVEN BY THE BOARD OF PUBLIC WORKS TO PROPERTY OWNERS**  
21 **IN THE SPECIAL ASSESSMENT DISTRICT AS PROVIDED UNDER 1962 PA 162,**  
22 **MCL 211.741 TO 211.746.** The notice shall state that the plans and  
23 estimate are on file with the director of public works for public  
24 examination and shall contain a description of the proposed special  
25 assessment district. At the time of the hearing, or at any  
26 adjournment ~~thereof which~~ **OF THE HEARING THAT** may be without  
27 further notice, the board of public works shall hear any objections

1 to the improvement and to the special assessment district. The  
 2 board of public works may revise, correct, amend, or change the  
 3 plans, the estimate of cost, or the special assessment district. ~~No~~  
 4 ~~final~~**FINAL** action shall **NOT** be taken in respect to the addition of  
 5 any property to the district or to increasing the estimated cost in  
 6 excess of 10% of the original estimate ~~, until after a new hearing~~  
 7 upon notice given as ~~above~~ provided **IN THIS SECTION.**

8 Sec. 24. ~~When~~**IF** any special assessment roll ~~shall have been~~  
 9 **IS** made, the ~~same~~**SPECIAL ASSESSMENT ROLL** shall be filed in the  
 10 office of the director of public works. Before **JANUARY 1, 2015,**  
 11 **BEFORE** confirming the assessment roll, the board of public works  
 12 shall fix a time and place when it will meet and review the ~~same~~  
 13 **ASSESSMENT ROLL** and hear any objections ~~thereto,~~**TO THE ASSESSMENT**  
 14 **ROLL,** and shall cause notice of the hearing and of the filing of  
 15 the assessment roll ~~, to be published twice prior to~~**BEFORE** the  
 16 hearing in a newspaper circulating in the special assessment  
 17 district, the first publication to be at least 10 days before the  
 18 hearing. **BEGINNING JANUARY 1, 2015, BEFORE CONFIRMING THE**  
 19 **ASSESSMENT ROLL, THE BOARD OF PUBLIC WORKS SHALL FIX A TIME AND**  
 20 **PLACE WHEN AND WHERE IT WILL MEET AND REVIEW THE ASSESSMENT ROLL**  
 21 **AND HEAR ANY OBJECTIONS TO THE ASSESSMENT ROLL, AND SHALL, AT LEAST**  
 22 **10 DAYS BEFORE THE HEARING, PROVIDE TIER A PUBLIC NOTICE OF THE**  
 23 **HEARING AS SET FORTH IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.**  
 24 **NOTICE OF THE HEARING SHALL ALSO BE GIVEN BY THE BOARD OF PUBLIC**  
 25 **WORKS TO PROPERTY OWNERS IN THE SPECIAL ASSESSMENT DISTRICT AS**  
 26 **PROVIDED UNDER 1962 PA 162, MCL 211.741 TO 211.746.** The hearing may  
 27 be adjourned from time to time without further notice. Any person

1 objecting to the assessment roll shall file his **OR HER** objection  
 2 ~~thereto~~**TO THE ASSESSMENT ROLL** in writing with the director of  
 3 public works before the close of the hearing or within such further  
 4 time as the board may grant. After the hearing, the board of public  
 5 works may confirm the special assessment roll as reported to it or  
 6 corrected by it, or may refer it back for revision, or may annul it  
 7 and direct a new roll to be made. When a special assessment roll  
 8 ~~shall have been~~**IS** confirmed, the secretary of the board shall  
 9 indorse ~~thereon~~**ON THE SPECIAL ASSESSMENT ROLL** the date of  
 10 confirmation. After the confirmation, the special assessment roll  
 11 and all assessments ~~thereon~~**ON THE SPECIAL ASSESSMENT ROLL** shall be  
 12 final and conclusive unless attacked in a court of competent  
 13 jurisdiction within 30 days after the date of confirmation.

14       Sec. 29. ~~Should~~**IF** any parcel of land ~~be~~**IS** divided after a  
 15 special assessment ~~thereon~~**ON THE PARCEL OF LAND** has been  
 16 confirmed, and before the collection ~~thereof~~**, OF THE SPECIAL**  
 17 **ASSESSMENT**, the board of public works may require the director of  
 18 public works to apportion the uncollected amounts between the  
 19 several divisions thereof, and the report of the apportionment when  
 20 confirmed by the board shall be conclusive upon all parties. If the  
 21 interested parties do not agree in writing to the apportionment,  
 22 then, before the confirmation, notice of hearing shall be given to  
 23 all the interested parties ~~, either by personal service or by~~  
 24 ~~publication as above~~ provided in case of an original **SPECIAL**  
 25 assessment roll.

26       Enacting section 1. This amendatory act does not take effect  
 27 unless House Bill No. 5560 of the 97th Legislature is enacted into

1 law.