



HOUSE BILL No. 5375

November 7, 1995, Introduced by Rep. Bullard and referred to the Committee on Tax Policy.

A bill to amend section 1 of Act No. 33 of the Public Acts of 1951, entitled as amended

"An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; 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,"

as amended by Act No. 81 of the Public Acts of 1989, being section 41.801 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 33 of the Public Acts of
2 1951, as amended by Act No. 81 of the Public Acts of 1989, being
3 section 41.801 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 1. (1) The township board of a township, or the town-
6 ship boards of adjoining townships acting jointly, whether or not
7 the townships are located in the same county, may purchase police
8 and fire motor vehicles, apparatus, equipment, and housing and
9 for that purpose may provide by resolution for the appropriation
10 of general or contingent funds. ~~The~~ BEFORE AUGUST 1995, THE
11 appropriation for fire motor vehicles, apparatus, equipment, and
12 housing in a 1-year period shall not exceed 10 mills of the
13 assessed valuation of the area in their respective townships for
14 which fire protection is to be furnished. ~~The~~ AFTER JULY 1995,
15 THE APPROPRIATION FOR FIRE MOTOR VEHICLES, APPARATUS, EQUIPMENT,
16 AND HOUSING IN A 1-YEAR PERIOD SHALL NOT EXCEED 10 MILLS OF THE
17 TAXABLE VALUE OF THE AREA IN THEIR RESPECTIVE TOWNSHIPS FOR WHICH
18 FIRE PROTECTION IS TO BE FURNISHED. BEFORE AUGUST 1995, THE
19 appropriation for police motor vehicles, apparatus, equipment,
20 and housing in a 1-year period shall not exceed 10 mills of the
21 assessed valuation of the area in their respective townships for
22 which police protection is to be furnished. AFTER JULY 1995, THE
23 APPROPRIATION FOR POLICE MOTOR VEHICLES, APPARATUS, EQUIPMENT,
24 AND HOUSING IN A 1-YEAR PERIOD SHALL NOT EXCEED 10 MILLS OF THE
25 TAXABLE VALUE OF THE AREA IN THEIR RESPECTIVE TOWNSHIPS FOR WHICH
26 POLICE PROTECTION IS TO BE FURNISHED.

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

6 (3) The township board, or the township boards of adjoining
7 townships acting jointly, may provide that the sums prescribed in
8 subsection (2) for purchasing and housing equipment, for the
9 operation of the equipment, or both, may be defrayed by special
10 assessment on the lands and premises in the township or townships
11 to be benefited and may issue bonds in anticipation of the col-
12 lection of these special assessments. The question of raising
13 money by special assessment may be submitted to the electors of
14 the township or townships by the township board, or township
15 boards acting jointly, at a general election or special election
16 called for that purpose by the township board or township
17 boards. The question of raising money by special assessment
18 shall be submitted by the township board, or township boards
19 acting jointly, if in the affected township, or in each of the
20 affected townships, the owners of 10% of the land to be made into
21 a special assessment district petition the township board or
22 boards.

23 (4) If a special assessment district is proposed under sub-
24 section (3), the township board, or township boards acting joint-
25 ly, shall estimate the cost and expenses of the police and fire
26 motor vehicles, apparatus, equipment, and housing and police and
27 fire protection, and fix a day for a hearing on the estimate and

1 on the question of creating a special assessment district and
2 defraying the expenses of the special assessment district by spe-
3 cial assessment on the property to be especially benefited. The
4 hearing shall be a public meeting held in compliance with the
5 open meetings act, Act No. 267 of the Public Acts of 1976, being
6 sections 15.261 to 15.275 of the Michigan Compiled Laws. Public
7 notice of the time, date, and place of the meeting shall be given
8 in the manner required by Act No. 267 of the Public Acts of
9 1976. In addition, the township board, or township boards acting
10 jointly, shall publish in a newspaper of general circulation in
11 the proposed district a notice stating the time, place, and pur-
12 pose of the meeting. If there is not a newspaper of general cir-
13 culation in the proposed district, ~~then~~ notices shall be posted
14 in not less than 3 of the most public places in the proposed
15 district. This notice shall be published or posted not less than
16 5 days before the hearing. On the day appointed for the hearing,
17 the township board, or township boards acting jointly, shall be
18 in session to hear objections ~~which~~ THAT may be offered against
19 the estimate and the creation of the special assessment
20 district. ~~if~~ BEFORE AUGUST 1996, IF the township board, or
21 township boards acting jointly, determine to create a special
22 assessment district, they shall determine the boundaries by reso-
23 lution, determine the amount of the special assessment levy, and
24 direct the supervisor or supervisors to spread the assessment
25 levy on all of the lands and premises in the district ~~which~~
26 THAT are to be especially benefited by the police and fire
27 protection, according to benefits received, to defray the

1 expenses of police and fire protection. AFTER JULY 1995, IF THE
2 TOWNSHIP BOARD, OR TOWNSHIP BOARDS ACTING JOINTLY, DETERMINE TO
3 CREATE A SPECIAL ASSESSMENT DISTRICT, THEY SHALL DETERMINE THE
4 BOUNDARIES BY RESOLUTION, DETERMINE THE AMOUNT OF THE SPECIAL
5 ASSESSMENT LEVY, AND DIRECT THE SUPERVISOR OR SUPERVISORS TO
6 SPREAD THE ASSESSMENT LEVY ON THE TAXABLE VALUE OF ALL OF THE
7 LANDS AND PREMISES IN THE DISTRICT THAT ARE TO BE ESPECIALLY BEN-
8 EFITED BY THE POLICE AND FIRE PROTECTION, ACCORDING TO BENEFITS
9 RECEIVED, TO DEFRAY THE EXPENSES OF POLICE AND FIRE PROTECTION.
10 The township board, or township boards acting jointly, shall hold
11 a hearing on objections to the distribution of the special
12 assessment levy. This hearing shall be held in the same manner
13 and with ~~like~~ THE SAME notice as provided in this section. The
14 township board, or township boards acting jointly, shall
15 ~~thereafter~~ annually determine the amount to be assessed in the
16 district for police and fire protection, shall direct the super-
17 visor or supervisors to distribute the special assessment levy,
18 and shall hold a hearing on the estimated costs and expenses of
19 police and fire protection and on the distribution of the levy.
20 The assessment may be made either in a special assessment roll or
21 in a column provided in the regular tax roll. The assessment
22 shall be distributed and shall become due and be collected at the
23 same time as other township taxes are assessed, levied, and col-
24 lected, and shall be returned in the same manner for nonpayment.
25 However, if the collections received from the special assessment
26 levied to defray the cost or portion intended to be defrayed for
27 police and fire protection are, at any time, insufficient to meet

1 the obligations or expenses incurred for the maintenance and
2 operation of the police and fire departments, the township board
3 of the township, or township boards acting jointly, may, by reso-
4 lution, authorize the transfer or loan of sufficient money from
5 the general fund of the township or townships, to the special
6 assessment police and fire department fund. This money shall be
7 repaid to the general fund of the township or townships out of
8 special assessment funds when collected.

9 (5) The powers granted by this act with respect to police
10 and fire protection may be exercised with respect to police pro-
11 tection alone, fire protection alone, or police and fire protec-
12 tion in combination.

13 (6) AS USED IN THIS SECTION, "TAXABLE VALUE" MEANS THAT
14 VALUE DETERMINED UNDER SECTION 27A OF THE GENERAL PROPERTY TAX
15 ACT, ACT NO. 206 OF THE PUBLIC ACTS OF 1893, BEING SECTION
16 211.27A OF THE MICHIGAN COMPILED LAWS.