

HOUSE BILL NO. 6344

November 12, 2020, Introduced by Rep. Steven Johnson and referred to the Committee on Government Operations.

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 2018 PA 484.

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
 4 fire motor vehicles, apparatus, equipment, and housing and for that
 5 purpose may provide by resolution for the appropriation of general
 6 or contingent funds. Before January 1, 1999, the appropriation for
 7 fire motor vehicles, apparatus, equipment, and housing in a 1-year
 8 period must not exceed 10 mills of the assessed valuation of the
 9 area in their respective townships for which fire protection is to
 10 be furnished. After December 31, 1998, the appropriation for fire
 11 motor vehicles, apparatus, equipment, and housing in a 1-year
 12 period must not exceed 10 mills of the taxable value of the area in
 13 their respective townships for which fire protection is to be
 14 furnished. Before January 1, 1999, the appropriation for police
 15 motor vehicles, apparatus, equipment, and housing in a 1-year
 16 period must not exceed 10 mills of the assessed valuation of the
 17 area in their respective townships for which police protection is
 18 to be furnished. After December 31, 1998, the appropriation for
 19 police motor vehicles, apparatus, equipment, and housing in a 1-
 20 year period must not exceed 10 mills of the taxable value of the
 21 area in their respective townships for which police protection is
 22 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 townships
3 are located in the same county, may provide annually by resolution
4 for the appropriation of general or contingent funds for
5 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, except, beginning in 2002, lands and premises
12 exempt from the collection of taxes under the general property tax
13 act, 1893 PA 206, MCL 211.1 to 211.155, and may issue bonds in
14 anticipation of the collection of these special assessments. The
15 question of raising money by special assessment may be submitted to
16 the electors of the township or townships by the township board, or
17 township boards acting jointly, at a general election or special
18 election called for that purpose by the township board or township
19 boards. The question of raising money by special assessment must be
20 submitted by the township board, or township boards acting jointly,
21 if in the affected township, or in each of the affected townships,
22 the owners of 10% of the land to be made into a special assessment
23 district petition the township board or boards.

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
28 and fire protection, and fix a day for a hearing on the estimate
29 and on the question of creating a special assessment district and

1 defraying the expenses of the special assessment district by
 2 special assessment on the property to be especially benefited,
 3 except, beginning in 2002, property exempt from the collection of
 4 taxes under the general property tax act, 1893 PA 206, MCL 211.1 to
 5 211.155. The hearing must be a public meeting held in compliance
 6 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
 7 Public notice of the time, date, and place of the meeting must be
 8 given in the manner required by the open meetings act, 1976 PA 267,
 9 MCL 15.261 to 15.275. ~~In~~**Before January 1, 2022, in** addition, the
 10 township board, or township boards acting jointly, shall publish in
 11 a newspaper of general circulation in the proposed district a
 12 notice stating the time, place, and purpose of the meeting. ~~If~~
 13 **Before January 1, 2022, if** there is not a newspaper of general
 14 circulation in the proposed district, notices must be posted in not
 15 less than 3 of the most public places in the proposed district.
 16 ~~This~~**Before January 1, 2022, this** notice ~~shall~~**must** be published or
 17 posted not less than 5 days before the hearing. **Beginning January**
 18 **1, 2022, in addition, the township board, or township boards acting**
 19 **jointly, shall, not less than 14 days before the hearing, post**
 20 **public notice of the time, date, and purpose of the meeting as set**
 21 **forth in the local government public notice act.** On the day
 22 appointed for the hearing, the township board, or township boards
 23 acting jointly, shall be in session to hear objections that may be
 24 offered against the estimate and the creation of the special
 25 assessment district. Before January 1, 1999, if the township board,
 26 or township boards acting jointly, determine to create a special
 27 assessment district, they shall determine the boundaries by
 28 resolution, determine the amount of the special assessment levy,
 29 and direct the supervisor or supervisors to spread the assessment

1 levy on all of the lands and premises in the district that are to
2 be especially benefited by the police and fire protection,
3 according to benefits received, except, beginning in 2002, lands
4 and premises exempt from the collection of taxes under the general
5 property tax act, 1893 PA 206, MCL 211.1 to 211.155, to defray the
6 expenses of police and fire protection. After December 31, 1998, if
7 the township board, or township boards acting jointly, determine to
8 create a special assessment district, they shall determine the
9 boundaries by resolution, determine the amount of the special
10 assessment levy, and direct the supervisor or supervisors to spread
11 the assessment levy on the taxable value of all of the lands and
12 premises in the district that are to be especially benefited by the
13 police and fire protection, according to benefits received, except,
14 beginning in 2002, lands and premises exempt from the collection of
15 taxes under the general property tax act, 1893 PA 206, MCL 211.1 to
16 211.155, to defray the expenses of police and fire protection. The
17 township board, or township boards acting jointly, shall hold a
18 hearing on objections to the distribution of the special assessment
19 levy. This hearing must be held in the same manner and with the
20 same notice as provided in this section. The township board, or
21 township boards acting jointly, shall annually determine the amount
22 to be assessed in the district for police and fire protection,
23 shall direct the supervisor or supervisors to distribute the
24 special assessment levy, and shall hold a hearing on the estimated
25 costs and expenses of police and fire protection and on the
26 distribution of the levy. The assessment may be made either in a
27 special assessment roll or in a column provided in the regular tax
28 roll. The assessment must be distributed and must become due and be
29 collected at the same time as other township taxes are assessed,

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

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

19 (6) After December 31, 1998, an ad valorem special assessment
20 levied under this act must be levied on the taxable value of the
21 property assessed. After December 31, 2018, a special assessment
22 levied under this act must be spread on the taxable value of the
23 property assessed based on the special benefit provided to the
24 property assessed and may not be based on police and fire
25 protection provided in a prior year to assessed property.

26 (7) A special assessment imposed under this act must be levied
27 on all properties within the special assessment district
28 established pursuant to this act other than properties exempt from
29 the collection of taxes under the general property tax act, 1893 PA

1 206, MCL 211.1 to 211.155.

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

5 (9) If the levy of an ad valorem special assessment on the
6 property's taxable value is found to be invalid by a court of
7 competent jurisdiction, the levy of the ad valorem special
8 assessment must be levied on the property's state equalized value.

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

11 Enacting section 1. This amendatory act does not take effect
12 unless Senate Bill No.____ or House Bill No. 6440 (request no.
13 02449'19) of the 100th Legislature is enacted into law.