



# HOUSE BILL No. 5657

March 7, 1996, Introduced by Reps. Gnodtke, Llewellyn, Jellema, Lowe, Bodem, Bobier, Gernaat, Dalman, Pitoniak, DeLange, Middaugh, Kukuk, DeMars, Hammerstrom and McBryde and referred to the Committee on Local Government.

A bill to amend sections 3 and 6 of Act No. 188 of the Public Acts of 1954, entitled as amended

"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,"

section 3 as amended by Act No. 139 of the Public Acts of 1995 and section 6 as amended by Act No. 180 of the Public Acts of 1986, being sections 41.723 and 41.726 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 3 and 6 of Act No. 188 of the Public  
2 Acts of 1954, section 3 as amended by Act No. 139 of the Public  
3 Acts of 1995 and section 6 as amended by Act No. 180 of the

1 Public Acts of 1986, being sections 41.723 and 41.726 of the  
2 Michigan Compiled Laws, are amended to read as follows:

3       Sec. 3. (1) The township board may ~~proceed to~~ carry out  
4 an improvement as provided in this act unless written objections  
5 to the improvement are filed with the township board at or before  
6 the hearing ~~provided in~~ UNDER section 4 by property owners as  
7 follows:

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

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

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

18       (3) If written objections are filed as provided in subsec-  
19 tion (1), or if the township board requires a petition before  
20 proceeding, the township board shall not proceed with the  
21 improvement until there is filed with the board a petition signed  
22 as follows:

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

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

4 (4) THE CIRCULATOR OF A PETITION SHALL CERTIFY ON THE PETI-  
5 TION, OR ON A FORM ATTACHED TO THE PETITION, THAT HE OR SHE CIR-  
6 CULATED THE PETITION, THAT EACH SIGNATURE ON THE PETITION WAS  
7 SIGNED IN HIS OR HER PRESENCE, AND THAT, TO HIS OR HER BEST  
8 KNOWLEDGE AND BELIEF, EACH SIGNATURE IS THE GENUINE SIGNATURE OF  
9 THE PERSON SIGNING THE PETITION. THE CIRCULATOR SHALL SIGN AND  
10 DATE THE CERTIFICATE AFTER THE PETITION HAS BEEN CIRCULATED.

11 (5) ~~(4)~~ Record owners shall be determined by the records  
12 in the register of deeds' office as of the day of the filing of a  
13 petition, or if written objections are filed as provided in sub-  
14 section (1), then on the day of the hearing. In determining the  
15 sufficiency of the petition, lands not subject to special assess-  
16 ment and lands within a public highway or alley shall not be  
17 included in computing frontage or an assessment district area. A  
18 filed petition may be supplemented as to signatures by the filing  
19 of an additional signed copy or copies of the petition. The  
20 validity of the signatures on a supplemental petition shall be  
21 determined by the records as of the day of filing the supplemen-  
22 tal petition.

23 Sec. 6. (1) When a special assessment roll is reported by  
24 the supervisor to the township board, the assessment roll shall  
25 be filed in the office of the township clerk. Before confirming  
26 the assessment roll, the township board shall appoint a time and  
27 place when it will meet, review, and hear any objections to the

1 assessment roll. The township board shall give notice of the  
2 hearing and the filing of the assessment roll as required by sec-  
3 tion 4a.

4 (2) A hearing under this section may be adjourned from time  
5 to time without further notice. A person objecting to the  
6 assessment roll shall file the objection in writing with the  
7 township clerk before the close of the hearing or within such  
8 further time as the township board may grant. After the hearing  
9 the township board, at the same or at a subsequent meeting, may  
10 confirm the special assessment roll as reported to the township  
11 board by the supervisor or as amended or corrected by the town-  
12 ship board; may refer the assessment roll back to the supervisor  
13 for revision; or may annul it and direct a new roll to be made.

14 (3) If a special assessment roll is confirmed, the township  
15 clerk shall endorse on the assessment roll the date of the  
16 confirmation. After the confirmation of the special assessment  
17 roll, all assessments on that assessment roll shall be final and  
18 conclusive unless an action contesting an assessment is filed ~~in~~  
19 ~~a court of competent jurisdiction~~ WITH THE TAX TRIBUNAL within  
20 30 days after the date of confirmation OR, IF A PROCEDURAL ISSUE  
21 IS CONTESTED THAT DOES NOT INVOLVE CONTESTING AN ASSESSMENT, WITH  
22 THE CIRCUIT COURT WITHIN 30 DAYS AFTER THE DATE OF CONFIRMATION.