

**SUBSTITUTE FOR
HOUSE BILL NO. 4192**

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 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 certain acts and parts of acts,"

by amending section 6a (MCL 41.806a), as added by 1990 PA 102.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 6a. (1) The legislative body of a municipality
- 2 providing emergency police or fire service or the legislative
- 3 bodies of municipalities acting jointly to provide such a service

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1 pursuant to this act may authorize by ordinance the collection of
2 fees for the service.

3 (2) The township board of a township or the county board of
4 commissioners of a county providing emergency ambulance and inha-
5 lator service alone or jointly with another municipality and the
6 legislative body of such a municipality may authorize by ordi-
7 nance the collection of fees for the service.

8 (3) AN ORDINANCE ADOPTED UNDER SUBSECTION (1) FOR FIRE SERV-
9 ICE ONLY OR SUBSECTION (2) FOR EMERGENCY AMBULANCE AND INHALATOR
10 SERVICE MAY AUTHORIZE THE LEGISLATIVE BODY OF A MUNICIPALITY OR
11 THE COUNTY BOARD OF COMMISSIONERS OF A COUNTY, AS APPLICABLE, TO
12 ANNUALLY CERTIFY FEES FOR SERVICE DELINQUENT FOR 3 MONTHS OR MORE
13 TO THE PROPER TAX COLLECTING OFFICER TO BE ENTERED AS A SPECIAL
14 ASSESSMENT ON THE NEXT TAX ROLL AGAINST THE DESIGNATED PROPERTY
15 OWNED BY THE PERSON RESPONSIBLE FOR PAYMENT OF THE FEE FOR
16 SERVICE. THE PROPER TAX COLLECTING OFFICER SHALL NOT ENTER, AND
17 A SPECIAL ASSESSMENT SHALL NOT BE LEVIED AGAINST, PROPERTY OWNED
18 BY A PERSON NOT RESPONSIBLE FOR PAYMENT OF THE FEE FOR SERVICE.

19 (4) BEFORE PLACING A SPECIAL ASSESSMENT ON THE TAX ROLL
20 UNDER SUBSECTION (3), THE MUNICIPALITY OR THE COUNTY, AS APPLICA-
21 BLE, SHALL PROVIDE TO ANY PERSON DEEMED RESPONSIBLE FOR PAYMENT
22 OF THE FEE FOR SERVICE WRITTEN NOTICE OF THE DELINQUENT FEE FOR
23 SERVICE AND SHALL PROVIDE AN OPPORTUNITY FOR THAT PERSON TO SHOW
24 CAUSE WHY HE OR SHE IS NOT THE PERSON RESPONSIBLE FOR PAYMENT OF
25 THE FEE FOR SERVICE.

26 (5) A SPECIAL ASSESSMENT PLACED ON THE TAX ROLL UNDER
27 SUBSECTION (3) CONSTITUTES A LIEN ON THE DESIGNATED PROPERTY

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1 UNTIL THE SPECIAL ASSESSMENT IS PAID OR REMOVED FROM THE TAX
2 ROLL. THE LIEN IS OF THE SAME CHARACTER AND EFFECT AND SUBJECT
3 TO THE SAME INTEREST AND CHARGES AS A LIEN CREATED FOR REAL PROP-
4 ERTY TAXES UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL
5 211.1 TO 211.157.

6 (6) IF A SPECIAL ASSESSMENT ENTERED ON THE TAX ROLL UNDER
7 SUBSECTION (3) IS NOT PAID BEFORE MARCH 1 AND THE DESIGNATED
8 PROPERTY IS ALSO SUBJECT TO RETURN TO THE COUNTY TREASURER ON
9 MARCH 1 FOR DELINQUENT REAL PROPERTY TAXES UNDER THE GENERAL
10 PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.157, THE SPECIAL
11 ASSESSMENT SHALL BE RETURNED AS DELINQUENT WITH OTHER DELINQUENT
12 TAXES ON MARCH 1 TO THE COUNTY TREASURER FOR ENFORCEMENT AND COL-
13 LECTION IN THE SAME MANNER AS DELINQUENT REAL PROPERTY TAXES,
14 INCLUDING FORFEITURE, FORECLOSURE, AND SALE PURSUANT TO SECTIONS
15 78 TO 79A OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL
16 211.78 TO 211.79A. IF A COUNTY TREASURER SUBSEQUENTLY DISCOVERS
17 THAT DESIGNATED PROPERTY WAS ERRONEOUSLY RETURNED AS DELINQUENT
18 UNDER THIS SUBSECTION, THE COUNTY TREASURER SHALL REMOVE FROM THE
19 TAX ROLL THE SPECIAL ASSESSMENT PLACED ON THE TAX ROLL UNDER SUB-
20 SECTION (3) AND RETURN THE DELINQUENT FEE FOR SERVICE TO THE
21 PROPER TAX COLLECTING OFFICER FOR COLLECTION UNDER SUBSECTION
22 (8).

23 (7) IF A SPECIAL ASSESSMENT ON THE TAX ROLL UNDER SUBSECTION
24 (3) IS NOT PAID BEFORE MARCH 1 AND THE DESIGNATED PROPERTY IS NOT
25 OTHERWISE SUBJECT TO RETURN TO THE COUNTY TREASURER ON MARCH 1
26 FOR DELINQUENT REAL PROPERTY TAXES UNDER THE GENERAL PROPERTY TAX
27 ACT, 1893 PA 206, MCL 211.1 TO 211.157, THE PROPER TAX COLLECTING

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1 OFFICER SHALL REMOVE FROM THE TAX ROLL THE SPECIAL ASSESSMENT
2 PLACED ON THE TAX ROLL UNDER SUBSECTION (3) AND THE DESIGNATED
3 PROPERTY SHALL NOT BE RETURNED AS DELINQUENT TO THE COUNTY
4 TREASURER. INSTEAD, THE PROPER TAX COLLECTING OFFICER SHALL
5 ATTEMPT TO COLLECT THE FEE FOR SERVICE UNDER SUBSECTION (8).

6 (8) IF A DELINQUENT FEE FOR SERVICE IS NOT SUBJECT TO COL-
7 LECTION IN THE SAME MANNER AS A DELINQUENT REAL PROPERTY TAX
8 UNDER SUBSECTION (6), THE PROPER TAX COLLECTING OFFICER MAY DO
9 ALL OF THE FOLLOWING:

10 (A) PROVIDE WRITTEN NOTICE OF THE DELINQUENT FEE FOR SERVICE
11 TO THE PERSON RESPONSIBLE FOR THE FEE FOR SERVICE.

12 (B) PROVIDE PUBLIC NOTICE OF THE DELINQUENT FEE FOR SERVICE
13 BY PUBLICATION, INCLUDING, BUT NOT LIMITED TO, PUBLICATION ON THE
14 INTERNET OR BY OTHER ELECTRONIC MEANS.

15 (C) INSTITUTE A CIVIL ACTION AGAINST THE PERSON RESPONSIBLE
16 FOR THE PAYMENT OF THE FEE FOR SERVICE TO RECOVER THE AMOUNT OF
17 THE DELINQUENT FEE FOR SERVICE, INTEREST ON THE DELINQUENT FEE
18 FOR SERVICE, AND OTHER COSTS ALLOWED BY THE REVISED JUDICATURE
19 ACT OF 1961, 1961 PA 236, MCL 600.101 TO 600.9948.

20 (D) CONTRACT WITH A COLLECTION AGENCY LICENSED UNDER CHAPTER
21 9 OF THE OCCUPATIONAL CODE, 1980 PA 299, MCL 339.901 TO 339.920,
22 FOR COLLECTION OF THE DELINQUENT FEE FOR SERVICE.

23 (E) FILE WITH THE REGISTER OF DEEDS OF THE COUNTY IN WHICH
24 THE DESIGNATED PROPERTY IS LOCATED A CERTIFICATE OF NONPAYMENT OF
25 THE FEE FOR SERVICE AND PROVIDE A COPY OF THE CERTIFICATE OF NON-
26 PAYMENT TO THE PERSON RESPONSIBLE FOR PAYMENT OF THE FEE FOR
27 SERVICE. UPON THE FILING OF THE CERTIFICATE OF NONPAYMENT AND

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1 THE PROVISION OF THE COPY OF THE CERTIFICATE TO THE PERSON
2 RESPONSIBLE FOR PAYMENT OF THE FEE FOR SERVICE, THE DELINQUENT
3 FEE FOR SERVICE SHALL CONSTITUTE A LIEN UPON THE DESIGNATED PROP-
4 ERTY SUBJECT TO PROCEEDINGS UPON THE LIEN AS PROVIDED BY LAW FOR
5 THE FORECLOSURE IN THE CIRCUIT COURT OF MORTGAGE LIENS UPON REAL
6 PROPERTY. WITHIN 30 DAYS AFTER THE PAYMENT OF THE DELINQUENT FEE
7 FOR SERVICE, THE PROPER TAX COLLECTING OFFICER SHALL FILE WITH
8 THE REGISTER OF DEEDS OF THE COUNTY IN WHICH THE DESIGNATED PROP-
9 ERTY IS LOCATED DOCUMENTS EVIDENCING RELEASE OF THE LIEN CREATED
10 UNDER THIS SECTION.

11 (9) THIS SECTION DOES NOT LIMIT THE AUTHORITY OF THE MUNICI-
12 PALITY OR COUNTY TO COLLECT A FEE FOR SERVICE BY ANY OTHER MEANS
13 AUTHORIZED BY LAW FOR COLLECTION OF A DEBT.

14 (10) AS USED IN THIS SECTION:

15 (A) "DESIGNATED PROPERTY" MEANS REAL PROPERTY FOR WHICH FIRE
16 SERVICE WAS PROVIDED OR AT WHICH EMERGENCY AMBULANCE OR INHALATOR
17 SERVICES WERE PROVIDED.

18 (B) "EMERGENCY AMBULANCE AND INHALATOR SERVICE" INCLUDES
19 MEDICAL FIRST RESPONSE LIFE SUPPORT SERVICES PROVIDED BY A FIRE
20 DEPARTMENT.

21 (C) "FEE FOR SERVICE" MEANS A FEE FOR FIRE SERVICE OR EMER-
22 GENCY AMBULANCE AND INHALATOR SERVICE AUTHORIZED BY SUBSECTION
23 (1) OR (2).

24 (D) "FIRE SERVICE" MEANS FIREFIGHTING SERVICES AND DOES NOT
25 INCLUDE MEDICAL FIRST RESPONSE LIFE SUPPORT.

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1 (E) "MEDICAL FIRST RESPONSE LIFE SUPPORT" MEANS THAT TERM AS
2 DEFINED IN SECTION 20906 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
3 MCL 333.20906.

4 (F) "PERSON RESPONSIBLE FOR PAYMENT OF THE FEE FOR SERVICE"
5 MEANS 1 OF THE FOLLOWING:

6 (i) FOR FIRE SERVICE, AN OWNER OF THE DESIGNATED PROPERTY.

7 (ii) FOR EMERGENCY AMBULANCE AND INHALATOR SERVICE, AN OWNER
8 OF THE DESIGNATED PROPERTY IF THE PERSON WHO RECEIVED THE EMER-
9 GENCY AMBULANCE AND INHALATOR SERVICE WAS AN OWNER OF THE DESIG-
10 NATED PROPERTY OR WAS A DEPENDENT OF AN OWNER OF THE DESIGNATED
11 PROPERTY.

12 (G) "PROPER TAX COLLECTING OFFICER" MEANS 1 OF THE
13 FOLLOWING"

14 (i) THE TREASURER OF THE CITY, TOWNSHIP, OR VILLAGE IN WHICH
15 THE DESIGNATED PROPERTY IS LOCATED.

16 (ii) IF THE FEE FOR SERVICE IS OWED TO A COUNTY PROVIDING
17 EMERGENCY AMBULANCE AND INHALATOR SERVICE ALONE OR JOINTLY WITH
18 ANOTHER COUNTY, THE COUNTY TREASURER OF THE COUNTY IN WHICH THE
19 PROPERTY IS LOCATED.