

SENATE BILL No. 1286

May 6, 2008, Introduced by Senators ALLEN, BARCIA, GARCIA and BIRKHOLZ and referred to the Committee on Local, Urban and State Affairs.

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 2002 PA 501.

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 shall 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 shall not exceed 10 mills of the taxable value of the area
13 in 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 shall 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 shall 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.

23 (2) The township board of a township, or the township boards
24 of adjoining townships acting jointly, whether or not the townships
25 are located in the same county, may provide annually by resolution

1 for the appropriation of general or contingent funds for
2 maintenance and operation of police and fire departments.

3 (3) The township board, or the township boards of adjoining
4 townships acting jointly, may provide that the sums prescribed in
5 subsection (2) for purchasing and housing equipment, for the
6 operation of the equipment, or both, may be defrayed by special
7 assessment on the lands and premises in the township or townships
8 to be benefited, except, beginning in 2002, lands and premises
9 exempt from the collection of **GENERAL AD VALOREM PROPERTY** taxes
10 under the general property tax act, 1893 PA 206, MCL 211.1 to
11 ~~211.157-211.155~~, **AND NOT SUBJECT TO A SPECIFIC TAX**, and may issue
12 bonds in anticipation of the collection of these special
13 assessments. The question of raising money by special assessment
14 may be submitted to the electors of the township or townships by
15 the township board, or township boards acting jointly, at a general
16 election or special election called for that purpose by the
17 township board or township boards. The question of raising money by
18 special assessment shall be submitted by the township board, or
19 township boards acting jointly, if in the affected township, or in
20 each of the affected townships, the owners of 10% of the land to be
21 made into a special assessment district petition the township board
22 or boards.

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

1 and on the question of creating a special assessment district and
2 defraying the expenses of the special assessment district by
3 special assessment on the property to be especially benefited,
4 except, beginning in 2002, property exempt from the collection of
5 **GENERAL AD VALOREM PROPERTY** taxes under the general property tax
6 act, 1893 PA 206, MCL 211.1 to ~~211.157~~**211.155, AND NOT SUBJECT TO**
7 **A SPECIFIC TAX.** The hearing shall be a public meeting held in
8 compliance with the open meetings act, 1976 PA 267, MCL 15.261 to
9 15.275. Public notice of the time, date, and place of the meeting
10 shall be given in the manner required by the open meetings act,
11 1976 PA 267, MCL 15.261 to 15.275. In addition, the township board,
12 or township boards acting jointly, shall publish in a newspaper of
13 general circulation in the proposed district a notice stating the
14 time, place, and purpose of the meeting. If there is not a
15 newspaper of general circulation in the proposed district, notices
16 shall be posted in not less than 3 of the most public places in the
17 proposed district. This notice shall be published or posted not
18 less than 5 days before the hearing. On the day appointed for the
19 hearing, the township board, or township boards acting jointly,
20 shall be in session to hear objections that may be offered against
21 the estimate and the creation of the special assessment district.
22 Before January 1, 1999, if the township board, or township boards
23 acting jointly, determine to create a special assessment district,
24 they shall determine the boundaries by resolution, determine the
25 amount of the special assessment levy, and direct the supervisor or
26 supervisors to spread the assessment levy on all of the lands and
27 premises in the district that are to be especially benefited by the

1 police and fire protection, according to benefits received, except,
2 beginning in 2002, lands and premises exempt from the collection of
3 **GENERAL AD VALOREM PROPERTY** taxes under the general property tax
4 act, 1893 PA 206, MCL 211.1 to ~~211.157~~**211.155**, **AND NOT SUBJECT TO**
5 **A SPECIFIC TAX**, to defray the expenses of police and fire
6 protection. After December 31, 1998, if the township board, or
7 township boards acting jointly, determine to create a special
8 assessment district, they shall determine the boundaries by
9 resolution, determine the amount of the special assessment levy,
10 and direct the supervisor or supervisors to spread the assessment
11 levy on the taxable value of all of the lands and premises in the
12 district that are to be especially benefited by the police and fire
13 protection, according to benefits received, except, beginning in
14 2002, lands and premises exempt from the collection of **GENERAL AD**
15 **VALOREM PROPERTY** taxes under the general property tax act, 1893 PA
16 206, MCL 211.1 to ~~211.157~~**211.155**, **AND NOT SUBJECT TO A SPECIFIC**
17 **TAX**, to defray the expenses of police and fire protection. The
18 township board, or township boards acting jointly, shall hold a
19 hearing on objections to the distribution of the special assessment
20 levy. This hearing shall be held in the same manner and with the
21 same notice as provided in this section. The township board, or
22 township boards acting jointly, shall annually determine the amount
23 to be assessed in the district for police and fire protection,
24 shall direct the supervisor or supervisors to distribute the
25 special assessment levy, and shall hold a hearing on the estimated
26 costs and expenses of police and fire protection and on the
27 distribution of the levy. The assessment may be made either in a

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

19 (5) The powers granted by this act with respect to police and
20 fire protection may be exercised with respect to police protection
21 alone, fire protection alone, or police and fire protection in
22 combination.

23 (6) After December 31, 1998, an ad valorem special assessment
24 levied under this act shall be levied on the taxable value of the
25 property assessed.

26 (7) As used in this section, "taxable value" means that value
27 determined under section 27a of the general property tax act, 1893

1 PA 206, MCL 211.27a.

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

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