

HOUSE BILL No. 6032

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 1931 PA 246, entitled

"An act to provide for the construction, repair, and maintenance of pavements, sidewalks, and elevated structures on or along public roads and highways; to provide for the levying of taxes and of special assessments; to authorize the borrowing of money and the issuance of bonds; to prescribe the powers and duties of certain state and local agencies and officers; to validate actions taken, special assessments levied, and bonds issued; and to provide for the lighting of certain roads, highways, and bridges,"

by amending sections 5, 8, and 19b (MCL 41.275, 41.278, and 41.289b), section 19b as amended by 1996 PA 127.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. The commissioners shall hear objections to the
2 proposed improvement at the time and place to be fixed by them
3 either at the office of the commissioners or at some suitable place
4 within the township in which the proposed special assessment

1 district is located. ~~Provided, That the~~ **THE** holding of such ~~THE~~
2 hearing may be enforced by mandamus ~~in case~~ **IF** the commissioners
3 ~~shall fail~~ to hold the hearing within 60 days after the filing of
4 the petition required under section 1. ~~of this act.~~ At this
5 hearing, all parties or persons interested shall be given an
6 opportunity to present their objections, if any, to the proposed
7 improvement. ~~Notice~~ **BEFORE JANUARY 1, 2015, NOTICE** of this hearing
8 shall be given by the commissioners by causing a notice ~~thereof~~ **OF**
9 **THE HEARING** to be published at least once in each week for 2 weeks
10 in succession in some newspaper of general circulation in ~~such~~ **THE**
11 district, and by posting 5 notices within the limits of ~~such~~ **THE**
12 district ~~, in public and conspicuous places therein.~~ ~~Such~~ **WITHIN**
13 **THE LIMITS OF THE DISTRICT. BEFORE JANUARY 1, 2015, THE** posting
14 shall be done and at least 1 publication in the newspaper shall be
15 made not less than 10 days ~~prior to such~~ **BEFORE THE** hearing. ~~Such~~
16 **BEGINNING JANUARY 1, 2015, THE COMMISSIONERS SHALL, NOT LESS THAN**
17 **10 DAYS BEFORE THE HEARING, PROVIDE TIER A PUBLIC NOTICE OF THE**
18 **HEARING AS SET FORTH IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT. THE**
19 notice shall set forth a description of the boundaries of the
20 proposed special assessment district or the several parcels of land
21 proposed to be assessed on account of ~~such~~ **THE** improvement and the
22 time and place of hearing. At this hearing, the commissioners shall
23 make any changes in the specifications ~~deemed~~ **CONSIDERED** advisable
24 without further notice or hearing, provided ~~such~~ **THE** changes do not
25 increase the estimate more than ~~10 per cent.~~ **10%**. If ~~they~~ **THE**
26 **CHANGES** do increase the estimate more than ~~10 per cent,~~ **10%**, then a
27 new hearing shall be ~~had~~ **HELD** and notice ~~thereof~~ **OF THE HEARING**

1 given as in the ~~first instance.~~ **ORIGINAL HEARING.** At ~~such~~ **THE**
 2 hearing, the commissioners may alter the boundaries of the proposed
 3 assessment district. ~~Provided, however, That~~ **HOWEVER,** if ~~said~~ **THE**
 4 district is enlarged or otherwise altered ~~so as to~~ embrace
 5 additional lands, **THE** hearing thereon after due notice shall be ~~had~~
 6 **HELD** as ~~hereinbefore~~ provided **IN THIS SECTION.**

7 Sec. 8. On the making of the ~~said~~ final order, the
 8 commissioners shall proceed to let the contract for the
 9 construction of the proposed improvement to the lowest responsible
 10 bidder, ~~said~~ **THE** bidder to furnish adequate security for the
 11 performance of the same, ~~in~~ in a sum to be fixed by the
 12 commissioners. ~~Provided, That no~~ **A** contract shall **NOT** be let or
 13 rolls spread under ~~the provisions of this act when 25 per cent~~ **25%**
 14 or more of the total tax levied for all purposes upon real property
 15 within the assessment district ~~shall have~~ **HAS** been delinquent for 1
 16 or more years. ~~The~~ **BEFORE JANUARY 1, 2015, THE** commissioners shall
 17 give notice of the letting of ~~such~~ **THE** contract by publishing a
 18 notice ~~thereof~~ **OF THE LETTING OF THE CONTRACT** in some newspaper of
 19 general circulation in the county, ~~at least once in each week for~~
 20 2 weeks, and may publish notice ~~thereof~~ **OF THE LETTING OF THE**
 21 **CONTRACT** in other newspapers if they ~~shall deem~~ **CONSIDER** the same
 22 advisable. ~~At~~ **BEFORE JANUARY 1, 2015, AT** least 1 publication of the
 23 notice shall be made not less than 10 days ~~prior to~~ **BEFORE** the date
 24 of **THE** letting. ~~They~~ **BEGINNING JANUARY 1, 2015, THE COMMISSIONERS**
 25 **SHALL, NOT LESS THAN 10 DAYS BEFORE THE DATE OF THE LETTING OF THE**
 26 **CONTRACT, PROVIDE TIER B PUBLIC NOTICE OF THE LETTING OF THE**
 27 **CONTRACT AS SET FORTH IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.**

1 **THE COMMISSIONERS** may reserve the right to reject any and all bids.
2 If rejected, the same procedure for obtaining bids shall be
3 repeated, or if ~~deemed~~**CONSIDERED** advisable by the commissioners,
4 they shall proceed with the construction of ~~said~~**THE** proposed
5 improvement in the same manner and with the same authority, when
6 applicable, as they have to build roads under ~~the provisions of the~~
7 ~~county road law.~~ **CHAPTER IV OF 1909 PA 283, MCL 224.1 TO 224.32.**
8 After the bids have been received or as soon thereafter as
9 practicable, the commissioners shall enter into the necessary
10 contract for the construction of the proposed improvement with the
11 party whose bid ~~shall be~~**IS** accepted by them and who ~~shall have~~**HAS**
12 furnished the bonds required. The commissioners shall take such
13 action as ~~may be~~**IS** necessary to commence construction of the
14 proposed improvements, or cause ~~such~~**THE** construction to be
15 commenced, within 6 months, or if weather does not ~~then~~ permit, as
16 soon thereafter as the weather does permit after making ~~said~~**THE**
17 final order.

18 Sec. 19b. (1) The township board or boards mentioned in
19 section 19, either on its or their own motion, or upon the filing
20 of a petition signed by the record owners of not less than 10% of
21 the number of parcels of land in the district to be lighted
22 described in the petitions, may order the expenses for lighting the
23 highways to be defrayed by a special assessment on all the taxable
24 lands in the territory described in the petitions or the order of
25 the township board. A petition under this section is not valid if a
26 majority of the territory described in the petition was included in
27 a petition filed under this section not more than 1 year earlier.

1 (2) A part of the expenses may be paid by the township or
2 townships at large and the balance assessed against the lands in
3 the described district.

4 (3) The township board or boards shall then estimate the cost
5 and expense of the lighting system and fix a day, time, and place
6 for a hearing on the question of creating a district and defraying
7 the expenses of the district by special assessment. ~~A-BEFORE~~
8 **JANUARY 1, 2015, A** notice stating the time, place, and purpose of
9 the hearing shall be published in a newspaper of general
10 circulation in the district. ~~If-BEFORE JANUARY 1, 2015, IF~~ there is
11 not a newspaper of general circulation in the district, then
12 notices shall be posted in at least 3 of the most public places in
13 the district. ~~Notice-BEFORE JANUARY 1, 2015, NOTICE~~ shall be
14 published or posted at least 5 days before the date of the hearing.
15 **BEGINNING JANUARY 1, 2015, TIER A PUBLIC NOTICE STATING THE TIME,**
16 **PLACE, AND PURPOSE OF THE HEARING SHALL BE PROVIDED AT LEAST 5 DAYS**
17 **BEFORE THE HEARING AS SET FORTH IN THE LOCAL GOVERNMENT PUBLIC**
18 **NOTICE ACT.**

19 Enacting section 1. This amendatory act does not take effect
20 unless Senate Bill No.____ or House Bill No. 5560 (request no.
21 03796'13) of the 97th Legislature is enacted into law.