

HOUSE BILL NO. 6347

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

A bill to amend 1992 PA 173, entitled
"Land reclamation and improvement authority act,"
by amending sections 5 and 20 (MCL 125.2455 and 125.2470).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) Not more than 15 days after a petition is filed,
2 the department shall determine whether the petition meets the
3 requirements of section 4 and, if the petition does not meet those
4 requirements, return the petition to the person who filed the

petition. If the department returns a petition, the department shall include with the petition a statement of the reasons that the petition does not meet the requirements of section 4.

(2) Not less than 30 days and not more than 45 days after a petition meeting the requirements of section 4 is filed with the department, the department shall hold a public hearing in the county where the proposed authority district is located. ~~The~~ **Through December 31, 2021, the** department shall publish notice of the hearing twice in a newspaper of general circulation in the township or townships in which the proposed authority district is located. ~~The~~ **Through December 31, 2021, the** first publication shall **must** be not less than 10 days before the hearing. **Beginning January 1, 2022, the department shall post notice as provided in the local government public notice act not less than 10 days before the hearing.** In addition, the department shall give notice of the hearing in the manner required by the open meetings act, ~~Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws, 1976 PA 267, MCL 15.261 to 15.275,~~ and by first-class mail addressed to each record owner in the proposed authority district, to the county clerk of the county within which the proposed authority district is located, and to the township clerk of each township within which all or part of the proposed authority district is located. At the hearing, persons may comment on whether the proposed authority meets the requirements of section 6.

(3) For purposes of this section, record owners ~~shall~~ **must** be determined by the records in the register of deeds' office as of the day of filing the petition. At the request of the department, a register of deeds shall certify whether the persons joining in the

1 petition are record owners.

2 Sec. 20. (1) If an authority specially assesses property,
3 notice of hearings in the special assessment proceedings ~~shall~~**must**
4 be given as provided in this section.

5 (2) Notice of hearings in special assessment proceedings ~~shall~~
6 **must** be given to the township clerk of each township where the
7 authority district is located by first-class mail, not less than 10
8 days before the date of the hearing. Notice of hearings in special
9 assessment proceedings ~~shall~~**must** also be given to each record
10 owner of, or party in interest in, property to be assessed whose
11 name appears upon the last township tax assessment records by
12 first-class mail addressed to the record owner or party in interest
13 at the address shown on the tax records, not less than 10 days
14 before the date of the hearing. The last township tax assessment
15 records means the last assessment roll for ad valorem tax purposes
16 that was reviewed by the township board of review, as supplemented
17 by any subsequent changes in the names or the addresses of the
18 record owners or parties in interest listed on that roll. If a
19 record owner's name does not appear on the township tax assessment
20 records, notice ~~shall~~**must** be given by first-class mail addressed
21 to the record owner at the address shown by the records of the
22 county register of deeds not less than 10 days before the date of
23 the hearing. ~~Notice shall~~**Through December 31, 2021, notice must**
24 also be published twice before the hearing in a newspaper
25 circulating in the township. ~~The~~**Through December 31, 2021, the**
26 first publication ~~shall~~**must** be not less than 10 days before the
27 date of the hearing. **Beginning January 1, 2022, the authority shall**
28 **post notice as provided in the local government public notice act**
29 **not less than 10 days before the date of the hearing.**

1 (3) If a person claims an interest in real property and his or
2 her name and correct address do not appear upon the last township
3 tax assessment records, that person shall file immediately his or
4 her name and address with the township supervisor of the township
5 where the property is located. This filing is effective only for
6 the purpose of establishing a record of the names and addresses of
7 those persons entitled to notice of hearings in the special
8 assessment proceedings. The supervisor shall immediately enter on
9 the tax assessment records any changes in the names and addresses
10 of record owners or parties in interest filed with the supervisor
11 and at all times shall keep the tax assessment records current,
12 complete, and available for public inspection.

13 (4) An authority officer whose duty is to give notice of
14 hearings in special assessment proceedings may rely upon the last
15 township tax assessment records and any filings under subsection
16 (3) in giving notice of the hearing by mail. The method of giving
17 notice by mail as provided in this section is the method that is
18 reasonably certain to inform those to be assessed of the special
19 assessment proceedings.

20 (5) Failure to give notice as required in this section does
21 not invalidate an entire assessment roll but only the assessment on
22 property affected by the lack of notice. A special assessment is
23 not invalid as to any property if the record owner or the party in
24 interest of that property actually received notice, waived notice,
25 or paid any part of the assessment. If an assessment is declared
26 void by court judgment, a reassessment against the property may be
27 made.

28 Enacting section 1. This amendatory act does not take effect
29 unless Senate Bill No. ____ or House Bill No. 6440 (request no.

1 02449'19) of the 100th Legislature is enacted into law.