

HOUSE BILL NO. 6386

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

A bill to amend 1957 PA 185, entitled

"An act to authorize the establishing of a department and board of public works in counties; to prescribe the powers and duties of any municipality subject to the provisions of this act; to authorize the incurring of contract obligations and the issuance and payment of bonds or notes; to provide for a pledge by a municipality of its full faith and credit and the levy of taxes without limitation as to rate or amount to the extent necessary; to validate obligations issued; and to prescribe a procedure for special assessments and condemnation,"

by amending sections 22, 24, and 29 (MCL 123.752, 123.754, and 123.759).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 22. The board of public works shall ~~cause to be prepared~~
 2 ~~by have~~ a registered engineer ~~, prepare~~ plans showing the project
 3 and an estimate of the cost ~~thereof. of the project.~~ Upon receipt
 4 of ~~such the~~ plans and estimate, the board of public works shall
 5 order the ~~same plans and estimate~~ to be filed with the director of
 6 public works, and if ~~it shall desire the board of public works~~
 7 **desires** to proceed with the ~~said project, it the board of public~~
 8 **works** shall by resolution tentatively so declare and also
 9 tentatively designate the special assessment district against which
 10 the cost of the project is to be assessed. ~~The Before January 1,~~
 11 **2022, the** board of public works shall ~~then fix~~ a time and place
 12 when and where it will meet and hear any objections to the
 13 improvement and to the special assessment district, ~~therefor, and~~
 14 shall cause notice of the hearing to be given by the publication
 15 ~~thereof twice prior to before~~ the hearing in a newspaper
 16 circulating in the special assessment district, the first
 17 publication to be at least 10 days ~~prior to before~~ the time of the
 18 hearing. **Beginning January 1, 2022, the board of public works shall**
 19 **fix a time and place when and where it will meet and hear any**
 20 **objections to the improvement and to the special assessment**
 21 **district, and shall, at least 10 days before the time of the**
 22 **hearing, post public notice of the hearing as set forth in the**
 23 **local government public notice act. Notice of the hearing must also**
 24 **be given by the board of public works to property owners in the**
 25 **special assessment district as provided under 1962 PA 162, MCL**
 26 **211.741 to 211.746.** The notice ~~shall must~~ state that the plans and

estimate are on file with the director of public works for public examination and ~~shall~~**must** contain a description of the proposed special assessment district. At the time of the hearing, or at any adjournment ~~thereof which~~**of the hearing that** may be without further notice, the board of public works shall hear any objections to the improvement and to the special assessment district. The board of public works may revise, correct, amend, or change the plans, the estimate of cost, or the special assessment district. ~~No final~~**Final** action ~~shall~~**must not** be taken in respect to the addition of any property to the district or to increasing the estimated cost in excess of 10% of the original estimate ~~, until~~ after a new hearing upon notice given as ~~above~~**provided in this section.**

Sec. 24. ~~When~~**If** any special assessment roll ~~shall have been~~**is** made, the ~~same~~**special assessment roll must** be filed in the office of the director of public works. Before **January 1, 2022,** ~~before~~ confirming the assessment roll, the board of public works shall fix a time and place when it will meet and review the ~~same~~**assessment roll** and hear any objections ~~thereto,~~**to the assessment roll,** and shall cause notice of the hearing and of the filing of the assessment roll ~~, to be published twice prior to~~**before** the hearing in a newspaper circulating in the special assessment district, the first publication to be at least 10 days before the hearing. **Beginning January 1, 2022, before confirming the assessment roll, the board of public works shall fix a time and place when it will meet and review the assessment roll and hear any objections to the assessment roll, and shall, at least 10 days before the hearing, post public notice of the hearing as set forth in the local government public notice act. Notice of the hearing**

1 must also be given by the board of public works to property owners
 2 in the special assessment district as provided under 1962 PA 162,
 3 MCL 211.741 to 211.746. The hearing may be adjourned from time to
 4 time without further notice. Any person objecting to the assessment
 5 roll shall file his **or her** objection ~~thereto~~ **to the assessment roll**
 6 in writing with the director of public works before the close of
 7 the hearing or within such further time as the board may grant.
 8 After the hearing, the board of public works may confirm the
 9 special assessment roll as reported to it or corrected by it, or
 10 may refer it back for revision, or may annul it and direct a new
 11 roll to be made. When a special assessment roll ~~shall have been~~ **is**
 12 confirmed, the secretary of the board shall indorse ~~thereon~~ **on the**
 13 **special assessment roll** the date of confirmation. After the
 14 confirmation, the special assessment roll and all assessments
 15 ~~thereon shall be~~ **on the special assessment roll are** final and
 16 conclusive unless attacked in a court of competent jurisdiction
 17 within 30 days after the date of confirmation.

18 Sec. 29. ~~Should~~ **If** any parcel of land ~~be~~ **is** divided after a
 19 special assessment ~~thereon~~ **on the parcel of land** has been
 20 confirmed, and before the collection ~~thereof~~ **of the special**
 21 **assessment**, the board of public works may require the director of
 22 public works to apportion the uncollected amounts between the
 23 several divisions thereof, and the report of the apportionment when
 24 confirmed by the board ~~shall be~~ **is** conclusive upon all parties. If
 25 the interested parties do not agree in writing to the
 26 apportionment, then, before the confirmation, notice of hearing
 27 ~~shall~~ **must** be given to all the interested parties ~~, either by~~
 28 ~~personal service or by publication as above~~ provided in case of an
 29 original **special** assessment roll.

1 Enacting section 1. This amendatory act does not take effect
2 unless Senate Bill No.____ or House Bill No. 6440 (request no.
3 02449'19) of the 100th Legislature is enacted into law.