

SENATE BILL No. 1404

September 17, 2002, Introduced by Senator BULLARD and referred to the Committee on Appropriations.

A bill to amend 2000 PA 321, entitled
"Recreational authorities act,"
by amending sections 3 and 5 (MCL 123.1133 and 123.1135).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

2 (a) "Articles" means the articles of incorporation of an
3 authority.

4 (b) "Authority" means a recreational authority established
5 under section 5.

6 (c) "Board" means the board of directors of the authority.

7 (D) "DISTRICT" MEANS A PORTION OF A MUNICIPALITY HAVING
8 BOUNDARIES COTERMINOUS WITH THOSE OF A SCHOOL DISTRICT.

9 (E) ~~-(d)-~~ "Electors of the authority" means the qualified
10 and registered electors of the participating municipalities who
11 reside within the territory of the authority.

1 (F) ~~-(e)-~~ "Largest county" means, of those counties in which
2 a participating municipality is located, the county having the
3 greatest population.

4 (G) ~~-(f)-~~ "Municipality" means a city, county, village, or
5 township.

6 (H) ~~-(g)-~~ "Park" means an area of land or water, or both,
7 dedicated to 1 or more of the following uses:

8 (i) Recreational purposes, including but not limited to
9 landscaped tracts; picnic grounds; playgrounds; athletic fields;
10 camps; campgrounds; zoological and botanical gardens; boating,
11 hunting, fishing, and birding areas; swimming areas; and foot,
12 bicycle, and bridle paths.

13 (ii) Open or scenic space.

14 (iii) Environmental, conservation, nature, or wildlife
15 areas.

16 (I) ~~-(h)-~~ "Participating municipality" means a municipality
17 OR DISTRICT that is named in articles of incorporation or pro-
18 posed articles of incorporation as joining in the original estab-
19 lishment of an authority, or a municipality OR DISTRICT that
20 joins an existing authority and is added to the articles of
21 incorporation, and that has not withdrawn from the authority.

22 (J) ~~-(i)-~~ "Swimming pool" includes equipment, structures,
23 areas, and enclosures intended for the use of individuals using
24 or operating a swimming pool, such as equipment, dressing,
25 locker, shower, and toilet rooms.

1 (K) ~~-(j)-~~ "Territory of the authority" means the combined
2 territory of the participating municipalities that is served by
3 an authority.

4 Sec. 5. (1) Two or more municipalities OR DISTRICTS may
5 establish a recreational authority. A recreational authority is
6 an authority under section 6 of article IX of the state constitu-
7 tion of 1963.

8 (2) To initiate the establishment of an authority, articles
9 of incorporation shall be prepared. The articles of incorpora-
10 tion shall include all of the following:

11 (a) The name of the authority.

12 (b) The names of the participating municipalities.

13 (c) A description of the territory of the authority.

14 (d) The size of the board of the authority, which shall be
15 comprised of an odd number of members; the qualifications, method
16 of selection, and terms of office of board members; and the fill-
17 ing of vacancies in the office of board member. If board members
18 are elected in at large elections by the qualified and registered
19 electors of the participating municipalities, voting collective-
20 ly, the election of board members shall be conducted pursuant to
21 the same procedures that govern an election for a tax under sec-
22 tions 13 to 17.

23 (e) The purposes for which the authority is established,
24 which shall be the acquisition, construction, operation, mainte-
25 nance, or improvement of 1 or more of the following:

26 (i) A public swimming pool.

(ii) A public recreation center.

(iii) A public auditorium.

(iv) A public conference center.

(v) A public park.

(f) The procedure and requirements for a municipality OR DISTRICT to become a participating municipality in, and for a participating municipality to withdraw from, an existing authority. For a municipality OR DISTRICT to become a participating municipality in an existing authority, a majority of the electors of the ENTIRE municipality proposed to be included in the territory of the authority and voting on the question shall approve a tax that the authority has been authorized to levy by a vote of the electors of the authority under section 11. A municipality OR DISTRICT shall not withdraw from an authority during the period for which the authority has been authorized to levy a tax by the electors of the authority.

(g) Any other matters considered advisable.

(3) The articles shall be adopted and may be amended by an affirmative vote of a majority of the members serving on the legislative body of each participating municipality. IF A PARTICIPATING MUNICIPALITY IS A DISTRICT, THE ARTICLES SHALL BE ADOPTED AND MAY BE AMENDED BY AN AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS SERVING ON THE LEGISLATIVE BODY OF THE ENTIRE MUNICIPALITY. Unless the articles provide otherwise, the requirements of this subsection do not apply to an amendment to the articles to allow a municipality OR DISTRICT to become a

1 participating municipality in, or to allow a participating
2 municipality to withdraw from, an existing authority.

3 (4) Before the articles or amendments to the articles are
4 adopted, the articles or amendments to the articles shall be pub-
5 lished not less than once in a newspaper generally circulated
6 within the participating municipalities. The adoption of arti-
7 cles or amendments to the articles by a municipality OR DISTRICT
8 shall be evidenced by an endorsement on the articles or amend-
9 ments by the clerk of the municipality.

10 (5) Upon adoption of the articles or amendments to the arti-
11 cles by each of the participating municipalities, a printed copy
12 of the articles or the amended articles shall be filed with the
13 secretary of state by the clerk of the last participating munici-
14 pality to adopt the articles or amendments.

15 (6) The authority's articles of incorporation, or amendments
16 to the articles, take effect upon filing with the secretary of
17 state.