

SUBSTITUTE FOR
SENATE BILL NO. 481

A bill to amend 2000 PA 321, entitled
"Recreational authorities act,"
by amending sections 3 and 11 (MCL 123.1133 and 123.1141), as
amended by 2003 PA 135, and by adding section 12.

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 precinct used for general
9 elections.

10 (e) "Electors of the authority" means the qualified and

1 registered electors of the participating municipalities who reside
2 within the territory of the authority.

3 (f) "Largest county" means, of those counties in which a
4 participating municipality is located, the county having the
5 greatest population.

6 (g) "Municipality" means a city, county, village, ~~or~~ township,
7 **OR SCHOOL DISTRICT.**

8 (h) "Park" means an area of land or water, or both, dedicated
9 to 1 or more of the following uses:

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

15 (ii) Open or scenic space.

16 (iii) Environmental, conservation, nature, or wildlife areas.

17 (i) "Participating municipality" means a municipality or
18 district that is named in articles of incorporation or proposed
19 articles of incorporation as joining in the original establishment
20 of an authority, or a municipality or district that joins an
21 existing authority and is added to the articles of incorporation,
22 and that has not withdrawn from the authority.

23 (j) "Public historic farm" means a parcel of public land and
24 its buildings that are accessible to the public, and provides, but
25 is not limited to, agricultural and historical programs, farming
26 activities and animal husbandry, community recreation activities
27 and events, programs held in common areas, meeting rooms, and

1 community gardens, and access to surrounding parkland.

2 (k) "Swimming pool" includes equipment, structures, areas, and
3 enclosures intended for the use of individuals using or operating a
4 swimming pool, such as equipment, dressing, locker, shower, and
5 toilet rooms.

6 (l) "Territory of the authority" means the combined territory
7 of the participating municipalities that is served by an authority.

8 Sec. 11. (1) An authority may levy a tax of not more than 1
9 mill for a period of not more than 20 years on all of the taxable
10 property within the territory of the authority for the purposes of
11 acquiring, constructing, operating, maintaining, and improving a
12 public swimming pool, public recreation center, public auditorium
13 or conference center, or public park. The authority may levy the
14 tax only upon the approval of a majority of the electors in each of
15 the participating municipalities of the authority voting on the tax
16 on November 6, 2001 or, thereafter, at a statewide general or
17 primary election. The proposal for a tax shall be submitted to a
18 vote of the electors of the authority by resolution of the board.

19 (2) A ballot proposal for a tax shall state the amount and
20 duration of the millage and the purposes for which the millage may
21 be used. A proposal for a tax shall not be placed on the ballot
22 unless the proposal is adopted by a resolution of the board and
23 certified by the board not later than 60 days before the election
24 to the county clerk of each county in which all or part of the
25 territory of the authority is located for inclusion on the ballot.
26 The proposal shall be certified for inclusion on the ballot at the
27 next eligible election, as specified by the board's resolution.

1 (3) If a majority of the electors in each of the participating
2 municipalities of the authority voting on the question of a tax
3 approve the proposal as provided under subsection (1), the tax levy
4 is authorized. Not more than 2 elections may be held in a calendar
5 year on a proposal for a tax authorized under this act.

6 (4) THE PROCEEDS OF A TAX LEVIED UNDER THIS SECTION SHALL ONLY
7 BE USED BY THE AUTHORITY FOR THOSE PURPOSES DESCRIBED IN THIS
8 SECTION AND SHALL NOT BE USED BY THE AUTHORITY FOR EITHER OF THE
9 FOLLOWING:

10 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), ANY
11 GENERAL FUND PURPOSES BY ANY PARTICIPATING MUNICIPALITY.

12 (B) ANY SCHOOL OPERATING PURPOSES, AS THAT TERM IS DEFINED IN
13 SECTION 20 OF THE STATE SCHOOL AID ACT OF 1979, 1979 PA 94, MCL
14 388.1620, BY ANY PARTICIPATING MUNICIPALITY THAT IS A SCHOOL
15 DISTRICT.

16 (5) THE PROCEEDS OF A TAX LEVIED UNDER THIS SECTION MAY BE
17 USED FOR GENERAL FUND PURPOSES BY A PARTICIPATING MUNICIPALITY IF
18 THE PROCEEDS USED ARE DIRECTLY RELATED TO MANAGING THE OPERATION OF
19 THE BUSINESS OF THE AUTHORITY PURSUANT TO A CONTRACT BETWEEN THE
20 AUTHORITY AND THAT PARTICIPATING MUNICIPALITY.

21 SEC. 12. IF A MAJORITY OF ELECTORS IN EACH OF THE
22 PARTICIPATING MUNICIPALITIES OF THE AUTHORITY VOTING ON THE
23 QUESTION OF A TAX AS PROVIDED IN SECTION 11 APPROVE THE TAX, THE
24 AUTHORITY SHALL CONSIDER OFFERING PREFERENCES OR BENEFITS FOR THE
25 RESIDENTS OF THE PARTICIPATING MUNICIPALITIES THAT INCLUDE, BUT ARE
26 NOT LIMITED TO, ANY OF THE FOLLOWING:

27 (A) DISCOUNTED ADMISSION FEES.

1 (B) DISCOUNTED MEMBERSHIP FEES.

2 (C) DISCOUNTS FOR SCHOOL CHILDREN.

3 (D) ACCESS TO EDUCATIONAL PROGRAMS.

4 Enacting section 1. This amendatory act takes effect 90 days
5 after the date it is enacted into law.