

HOUSE BILL NO. 6389

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

A bill to amend 2000 PA 321, entitled
"Recreational authorities act,"
by amending section 5 (MCL 123.1135), as amended by 2003 PA 135.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) Two or more municipalities or districts may
2 establish a recreational authority. A recreational authority is an
3 authority under section 6 of article IX of the state constitution
4 of 1963.

1 (2) To initiate the establishment of an authority, articles of
 2 incorporation ~~shall~~**must** be prepared. The articles of incorporation
 3 ~~shall~~**must** include all of the following:

4 (a) The name of the authority.

5 (b) The names of the participating municipalities.

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

7 (d) The size of the board of the authority, which ~~shall~~**must**
 8 be ~~comprised~~**composed** of an odd number of members; the
 9 qualifications, method of selection, and terms of office of board
 10 members; and the filling of vacancies in the office of board
 11 member. If board members are elected in at-large elections by the
 12 qualified and registered electors of the participating
 13 municipalities, voting collectively, the election of board members
 14 ~~shall~~**must** be conducted ~~pursuant to~~**under** the same procedures that
 15 govern an election for a tax under sections 13 to 17.

16 (e) The purposes for which the authority is established, which
 17 ~~shall be~~**are** the acquisition, construction, operation, maintenance,
 18 or improvement of 1 or more of the following:

19 (i) A public swimming pool.

20 (ii) A public recreation center.

21 (iii) A public auditorium.

22 (iv) A public conference center.

23 (v) A public park.

24 (vi) A public museum.

25 (vii) A public historic farm.

26 (f) The procedure and requirements for a municipality or
 27 district to become a participating municipality in, and for a
 28 participating municipality to withdraw from, an existing authority
 29 or to join in the original formation of an authority. For a

1 municipality or district to become a participating municipality in
 2 an existing authority or to join in the original formation of an
 3 authority, a majority of the electors of the municipality or
 4 district proposed to be included in the territory of the authority
 5 and voting on the question ~~shall~~**must** approve a tax that the
 6 authority has been authorized to levy by a vote of the electors of
 7 the authority under section 11. A municipality or district shall
 8 not withdraw from an authority during the period for which the
 9 authority has been authorized to levy a tax by the electors of the
 10 authority.

11 (g) Any other matters considered advisable.

12 (3) The articles ~~shall~~**must** be adopted and may be amended by
 13 an affirmative vote of a majority of the members serving on the
 14 legislative body of each participating municipality. If a
 15 participating municipality is a district, the articles ~~shall~~**must**
 16 be adopted and may be amended by an affirmative vote of a majority
 17 of the members serving on the legislative body of the entire
 18 municipality. Unless the articles provide otherwise, the
 19 requirements of this subsection do not apply to an amendment to the
 20 articles to allow a municipality or district to become a
 21 participating municipality in, or to allow a participating
 22 municipality to withdraw from, an existing authority.

23 (4) Before **January 1, 2022, before** the articles or amendments
 24 to the articles are adopted, the articles or amendments to the
 25 articles ~~shall~~**must** be published not less than once in a newspaper
 26 generally circulated within the participating municipalities.
 27 **Beginning January 1, 2022, before the articles or amendments to the**
 28 **articles are adopted, public notice of the articles or the**
 29 **amendments to the articles must be posted as set forth in the local**

1 **government public notice act.** The adoption of articles or
2 amendments to the articles by a municipality or district ~~shall~~**must**
3 be evidenced by an endorsement on the articles or amendments by the
4 clerk of the municipality.

5 (5) Upon adoption of the articles or amendments to the
6 articles by each of the participating municipalities, a printed
7 copy of the articles or the amended articles ~~shall~~**must** be filed
8 with the secretary of state by the clerk of the last participating
9 municipality to adopt the articles or amendments.

10 (6) The authority's articles of incorporation, or amendments
11 to the articles, take effect upon filing with the secretary of
12 state.

13 Enacting section 1. This amendatory act does not take effect
14 unless Senate Bill No. ____ or House Bill No. 6440 (request no.
15 02449'19) of the 100th Legislature is enacted into law.