

# HOUSE BILL No. 4146

February 5, 2003, Introduced by Reps. Ward, Hune and DeRoche and referred to the Committee on Local Government and Urban Policy.

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 and  
10 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  
18 proposed articles of incorporation as joining in the original  
19 establishment 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21 incorporation, and that has not withdrawn from the authority.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.

26           **(k)** ~~-(j)-~~ "Territory of the authority" means the combined  
27 territory of the participating municipalities that is served by

1 an authority.

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

6       (2) To initiate the establishment of an authority, articles  
7 of incorporation shall be prepared. The articles of  
8 incorporation shall include all of the following:

9       (a) The name of the authority.

10       (b) The names of the participating municipalities.

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

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

21       (e) The purposes for which the authority is established,  
22 which shall be the acquisition, construction, operation,  
23 maintenance, or improvement of 1 or more of the following:

24       (i) A public swimming pool.

25       (ii) A public recreation center.

26       (iii) A public auditorium.

27       (iv) A public conference center.

1 (v) A public park.

2 (f) The procedure and requirements for a municipality **or**  
3 **district** to become a participating municipality in, and for a  
4 participating municipality to withdraw from, an existing  
5 authority. For a municipality **or district** to become a  
6 participating municipality in an existing authority, a majority  
7 of the electors of the municipality **or district** proposed to be  
8 included in the territory of the authority and voting on the  
9 question shall approve a tax that the authority has been  
10 authorized to levy by a vote of the electors of the authority  
11 under section 11. A municipality **or district** shall not withdraw  
12 from an authority during the period for which the authority has  
13 been authorized to levy a tax by the electors of the authority.

14 (g) Any other matters considered advisable.

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

26 (4) Before the articles or amendments to the articles are  
27 adopted, the articles or amendments to the articles shall be

1 published not less than once in a newspaper generally circulated  
2 within the participating municipalities. The adoption of  
3 articles or amendments to the articles by a municipality **or**  
4 **district** shall be evidenced by an endorsement on the articles or  
5 amendments by the clerk of the municipality.

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

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