

# HOUSE BILL NO. 6438

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

A bill to amend 1994 PA 425, entitled

"An act to provide for the creation of community swimming pool authorities; to provide powers and duties of the authorities; to provide for the levy of a tax by the authorities; and to provide for the collection and distribution of the tax,"

by amending sections 7 and 17 (MCL 123.1067 and 123.1077).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1**           Sec. 7. (1) A board shall draft articles of incorporation and  
**2** bylaws for the administration of the authority.

1 (2) An authority's articles ~~shall~~**must** state the following:

2 (a) The name of the authority.

3 (b) The name of each participating municipality.

4 (c) The name of the district.

5 (d) The purposes for which the authority is formed.

6 (e) The powers, duties, and limitations of the authority and  
7 its board.

8 (f) Any other matters that the board considers advisable.

9 (3) The articles of an authority ~~shall~~**must** be adopted and may  
10 be amended by an affirmative vote of a majority of the members  
11 serving on the board.

12 (4) Before **January 1, 2022, before** the articles or amendments  
13 to the articles are adopted, the articles or amendments to the  
14 articles ~~shall~~**must** be published at least once in a newspaper  
15 generally circulated within the participating municipalities.  
16 **Beginning January 1, 2022, before the articles or amendments to the**  
17 **articles are adopted, public notice of the articles or amendments**  
18 **to the articles must be posted as set forth in the local government**  
19 **public notice act.**

20 (5) The adoption of articles or amendments to the articles by  
21 the board ~~shall~~**must** be evidenced by an endorsement on the articles  
22 or amendments by the secretary of the board in a form substantially  
23 as follows:

24 "These articles of incorporation (or amendments to the  
25 articles of incorporation) were adopted by an affirmative vote of a  
26 majority of the members serving on the board of the \_\_\_\_\_  
27 community swimming pool authority at a meeting duly held on the  
28 \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_."

29 (6) Upon adoption of the articles or amendments to the

1 articles by the board, a printed copy of the articles or the  
 2 amended articles ~~shall~~**must** be filed with the secretary of the  
 3 district, the clerk of each participating municipality, and the  
 4 secretary of state.

5 (7) An authority is established when its articles of  
 6 incorporation are adopted by the board and are filed with the  
 7 secretary of state.

8 (8) The geographical boundaries of an authority are  
 9 coterminous with the geographical boundaries of the district within  
 10 each participating municipality and become fixed when the authority  
 11 is established. After an authority is established, its geographical  
 12 boundaries ~~shall~~**must** not automatically change as a result of a  
 13 change in a district's geographical boundaries. After an authority  
 14 is established, its geographical boundaries may only be altered by  
 15 a majority vote of the board.

16 Sec. 17. (1) A participating municipality in which the tax  
 17 authorized by section 13 is in effect may withdraw from an  
 18 authority if all of the following requirements are satisfied:

19 (a) Not less than 2 months before the next regularly scheduled  
 20 election of the municipality, the legislative body of the  
 21 municipality adopts a resolution to withdraw from the authority on  
 22 a date specified in the resolution. The date specified ~~shall~~**must**  
 23 be not less than 6 months after the next regularly scheduled  
 24 election of the municipality.

25 (b) ~~Notice~~**Before January 1, 2022, notice** of an election on  
 26 the resolution is published in a newspaper of general circulation  
 27 in the municipality not less than 10 days before the next regularly  
 28 scheduled election of the municipality following adoption of the  
 29 resolution, **and, beginning January 1, 2022, notice of an election**

1 is posted as set forth in the local government public notice act  
2 not less than 10 days before the next regularly scheduled election  
3 of the municipality following adoption of the resolution.

4 (c) The resolution is approved by a majority of the electors  
5 of the municipality that reside within the district voting on the  
6 resolution at the next regularly scheduled election of the  
7 municipality following adoption of the resolution.

8 (d) After approval of the resolution by the electors, the  
9 clerk of the municipality files with the secretary of state a copy  
10 of the official canvass statement and a certified copy of the  
11 resolution and files with the board a copy of the official canvass  
12 statement and a number of certified copies of the resolution  
13 sufficient for distribution to the legislative body of each of the  
14 participating municipalities.

15 (e) Payment or the provision for payment to the authority or  
16 its creditors of all obligations of the municipality seeking to  
17 withdraw is made.

18 (2) A tax authorized by section 13 before the adoption of the  
19 resolution to withdraw ~~shall~~**must** be levied in the municipality for  
20 its original purpose but only for the period of time originally  
21 authorized and only so long as the board continues in existence. In  
22 addition, a municipality that withdraws from an authority shall  
23 continue to receive community swimming pool services so long as the  
24 tax authorized to be levied by section 13 before the withdrawal of  
25 the municipality continues to be levied in the municipality and the  
26 community swimming pool remains in operation.

27 (3) A participating municipality in which no tax authorized by  
28 section 13 is in effect may withdraw from an authority if all of  
29 the following requirements are satisfied:

1           (a) The legislative body of the municipality adopts a  
2 resolution to withdraw from the authority on a date specified in  
3 the resolution. The withdrawal date ~~shall~~**must** follow the date of  
4 the resolution by not less than 1 year.

5           (b) The clerk of the municipality files with the secretary of  
6 state a certified copy of the resolution and files with the board a  
7 number of certified copies of the resolution sufficient for  
8 distribution to the legislative bodies of each of the participating  
9 municipalities.

10           (c) Payment or the provision for payment to the authority or  
11 its creditors of all obligations of the municipality seeking to  
12 withdraw is made.

13           (4) After the withdrawal of a municipality, the articles of  
14 incorporation ~~shall~~**must** be amended to reflect the withdrawal.

15           Enacting section 1. This amendatory act does not take effect  
16 unless Senate Bill No.\_\_\_\_ or House Bill No.6440 (request no.  
17 02449'19) of the 100th Legislature is enacted into law.