

HOUSE BILL No. 5011

August 13, 2003, Introduced by Reps. Hummel, Newell, Kooiman, Palmer, Garfield, Stahl, Sheen, Milosch, Hoogendyk, Ward, Condino, Farrah, O'Neil, Huizenga, Hune and Richardville and referred to the Committee on Tax Policy.

A bill to amend 1957 PA 206, entitled

"An act to authorize 2 or more counties, cities, townships and incorporated villages, or any combination thereof, to incorporate an airport authority for the planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining and operating the landing, navigational and building facilities necessary thereto of 1 or more community airports; to provide for changes in the membership therein; to authorize an authority or the counties, cities, townships and incorporated villages that form an authority to levy taxes for such purposes; to provide for the operation and maintenance and issuing notes therefor; to authorize condemnation proceedings; and to prescribe penalties and provide remedies,"

by amending section 7a (MCL 259.627a), as added by 1987 PA 153.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7a. (1) This section applies only to an authority
2 formed under this act that is composed of 1 county and another
3 member or members all located wholly within the boundaries of
4 that county. This section shall apply to such an authority in
5 addition to any provisions of this act that are not inconsistent
6 with this section, and in case of a conflict between this section

1 and any other provisions of this act ~~which~~ **that** are
2 inconsistent with this section, this section shall prevail.

3 (2) Sections 4 and 7 shall not apply to an authority
4 governed by this section, except that the revenue from the tax
5 authorized to be levied pursuant to this section may be used for
6 the same purposes described in section 4 for which the revenue
7 may be used from a tax authorized to be levied pursuant to
8 section 4. A member of the authority may voluntarily make an
9 appropriation to the authority. The board of an authority
10 governed by this section may levy an ad valorem property tax on
11 taxable property within the county at a rate of not to exceed 1
12 mill upon approval of the majority of the qualified electors
13 within the county voting on the question.

14 (3) An election on the question of whether to levy a tax
15 authorized pursuant to subsection (2) may be called by resolution
16 of the board of the authority. The secretary of the board of the
17 authority shall file a copy of the resolution of the board
18 calling the election with the county clerk, the county election
19 scheduling committee, and the board of county election
20 commissioners not less than 45 days before the date of the
21 election. The resolution calling the election shall contain the
22 proposition to be submitted to the electors. The calling of an
23 election in the manner provided in this section, but prior to
24 ~~the effective date of this section~~ **October 29, 1987**, is
25 ratified. Approval by the electors of a proposition in
26 substantially the following form shall constitute authorization
27 for the authority to impose the tax and to use the proceeds for

1 any 1 or more of the purposes described in section 4:

2 "Shall the _____ Authority be
3 authorized to levy upon property in _____ County a tax not
4 to exceed _____ mill (\$_____ per \$1,000.00) in any 1 year, on
5 ~~assessed valuation as finally equalized~~ **taxable value**, to be
6 used to assist in acquiring, constructing, improving, enlarging,
7 owning, maintaining, and operating property and facilities at
8 _____ Airport(s)?

9 Yes _____

10 No _____".

11 The county clerk, each city and township clerk, and all other
12 county, city, and township officials, shall undertake those steps
13 to properly submit the proposition to the electors in the county
14 at the election specified in the resolution of the authority.

15 The election shall be conducted and canvassed in accordance with
16 the Michigan election law, ~~Act No. 116 of the Public Acts of~~
17 ~~1954, being sections 168.1 to 168.992 of the Michigan Compiled~~
18 ~~Laws~~ **1954 PA 116, MCL 168.1 to 168.992**. The results of the
19 election shall be certified to the board of the authority
20 promptly after the date of the election. The authority shall not
21 call more than 1 election within a calendar year for the approval
22 of the tax authorized by subsection (2) without the approval of
23 the legislative bodies of a majority of the members of the
24 authority. If no election or nomination to any state, county,
25 district, or other local office is on the ballot in a given
26 political subdivision within the county on the day of the
27 election regarding the airport authority proposition, and if in

1 that subdivision there is no ballot proposition, proposal, or
 2 question submitted by that subdivision, the authority shall pay
 3 all, or if the authority proposition is not the only proposition,
 4 proposal, or question before the electorate, a pro rata portion
 5 of the reasonable costs of the election incurred by that
 6 political subdivision as determined by the county clerk.

7 (4) The tax authorized by this section shall be levied and
 8 collected as are all ad valorem property taxes in ~~the~~ **this**
 9 state, and the secretary of the board of the authority shall at
 10 the appropriate times certify to the proper tax assessing or
 11 collecting officers of each city and township in the county the
 12 amount of taxes to be levied and collected each year for the
 13 authority by each city and township. The board of the authority
 14 shall determine on which tax roll of the city or township, if
 15 there is more than 1 roll, that the tax authorized by this
 16 section shall be collected. ~~However, the~~ **The** tax shall not be
 17 levied on a July tax roll unless certified by the authority not
 18 later than the immediately preceding June 15. ~~, and~~ **Before**
 19 **January 1, 2005, the tax** shall not be levied on a December tax
 20 roll unless certified not later than the immediately preceding
 21 October 1. ~~, except that a tax authorized by this section and~~
 22 ~~approved at an election held on November 3, 1987, may be levied~~
 23 ~~on a December 1987 tax roll.~~ Each tax assessing and collecting
 24 officer shall levy and collect the taxes certified by the
 25 authority and pay those taxes to the county treasurer ~~in~~
 26 ~~accordance with the same schedule as is applicable~~ pursuant to
 27 section 43 of the general property tax act, ~~Act No. 206 of the~~

~~1 Public Acts of 1893, being section 211.43 of the Michigan~~
~~2 Compiled Laws 1893 PA 206, MCL 211.43, with respect to the~~
3 delivery of county taxes. The county treasurer shall account for
4 and deliver to the authority the tax collections for authority
5 purposes — received by the county treasurer from local
6 collecting officers — within 10 business days after the county
7 treasurer receives the funds. ~~If a tax is certified for levy on~~
~~8 a December 1987 tax roll, the reasonable and actual expenses~~
~~9 incurred by a township, county, or city in assessing and~~
10 collecting the tax on that roll, to the extent these expenses are
11 in addition to the expense of collection and assessing any other
12 taxes at the same time and exceed the amount of any fees imposed
13 for the collection of the tax, shall be billed to and paid by the
14 authority.

15 (5) The budget of the authority, other than the first budget,
16 shall be adopted before commencement of the fiscal year to which
17 the budget relates.

18 (6) The resolution creating the airport authority may
19 establish or may have established conditions under which the
20 authority shall be dissolved.

21 Enacting section 1. This amendatory act does not take
22 effect unless Senate Bill No. _____ or House Bill No. 5010
23 (request no. 02479'03) of the 92nd Legislature is enacted into
24 law.