

SFA

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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Senate Bill 941**Sponsor: Senator Harmon Cropsey****Committee: Local Government and Veterans****Date Completed: 8-8-88****RECEIVED**

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SUMMARY OF SENATE BILL 941 as introduced 6-29-88:

The bill would amend Public Act 157 of 1905, which allows townships to acquire land for parks, resorts, and recreational purposes and regulate those lands, to recodify in the Act acts and parts of acts that the bill would repeal elsewhere in the statutes. The bill would also repeal a number of acts that would not be recodified.

Currently, under Public Act 271 of 1931, upon receipt of a petition signed by 50 taxpayers, a township must submit to the voters the question of establishing a township park commission. The bill would repeal this Act and insert its provisions in Public Act 157, with the provision that the petition would have to be signed by 8% of the registered voters (rather than 50 taxpayers). The bill would substantially duplicate the provisions in Public Act 271 that currently: 1) give the township park commission the authority to acquire, maintain, and control township parks and recreational facilities, condemn land for such purposes, and accept gifts and grants of money and land; 2) provide for compensation for township park commissioners; 3) require the commission to submit to the township board a budget for parks each year that cannot exceed 1.5 mills of assessed valuation of the township, and require that money for the budget be placed in a park maintenance fund; and, 4) require the commission to make a detailed annual report concerning township parks and recreation to the township board and the Board of State Auditors.

Other sections of Public Act 271 that would be re-enacted under the bill would contain some substantive changes from their current form. Currently, the township park commission is authorized to submit to the voters at the annual township meeting the question of issuing bonds to acquire lands for parks and recreation. The provision requires a three-fifths vote of approval to authorize issuance of the bonds, and states that "...the voters of the township shall...determine the maximum amount to be paid for such lands and shall also prescribe...the terms of payment...". The bill provides that the commission could request that the township board submit to the voters the question of issuance of bonds to acquire lands for parks and recreation, that a majority vote would authorize the issuance, and that the board would determine the maximum amount to be paid for the lands and the terms of payment. Currently, under Public Act 271, the commission, with the approval of the board, can sell portions of park land not needed, on whatever terms the commission deems proper. The bill provides that the township board would consider what terms were proper for the sale of park lands.

The bill would repeal the following acts, and then reinsert them under Public Act 157 of 1905:

- Public Act 300 of 1939, which allows a township board to transfer and convey to the board of county parks the title to lands held by the township for parks and recreation, or to arrange for the improvement, maintenance, or control of such lands with the county parks board. (MCL 41.431)
- Public Act 307 of 1941, which allows a city or village to appropriate money to contribute to the cost of acquiring, maintaining, or improving land acquired by a township or group of townships for use as a free public park or place of recreation. (MCL 41.461)
- Public Act 286 of 1923, which allows a township to acquire, construct, and maintain wharfs, piers, and docks where a township lies next to navigable waters, for the use of the public, when authorized by a three-fifths vote of a township's voters. (MCL 41.481-41.482)

The bill would repeal the following acts:

- Public Act 53 of 1921, which regulates the establishment, maintenance, and conduct of public pool halls, dance halls, bowling alleys, and soft drink emporiums outside of cities or villages. The Act requires that such establishments obtain a permit from the township board, requires owners to meet certain qualifications, provides the conditions under which permits can be revoked, and provides penalties for violations of the Act. (MCL 41.501-41.507)
- Public Act 97 of 1919, which requires public pool rooms, dance halls, and bowling alleys outside of a city or village to obtain an annual permit from the township board. The township board can revoke a permit or renewal if it appears that a facility is being operated in "such a manner as to be inimicable to public morals". (MCL 41.531-41.535)
- Public Act 162 of 1915, which requires public pool rooms or bowling alleys outside of a city or village to obtain an annual permit from the township board. The Act contains penalties for persons who do not obtain the necessary permits. (MCL 41.541-41.543)
- Public Act 140 of 1963, which authorizes a township board to establish, by ordinance, the hours of operation of a pool hall within the township. (MCL 41.561 and 41.562)

Proposed MCL 41.426-41.429

Legislative Analyst: G. Towne

S.B. 941 (8-8-88)

OVER

FISCAL IMPACT

The bill would have no fiscal impact on State government and an indeterminate fiscal impact on local government.

The provision that would change the requirement of a three-fifths vote to a majority vote of approval to authorize the issuance of bonds could have an impact on the amount of bond revenue a township is able to generate. The provision that would change the determination of the maximum amount to be paid for land to be used for parks and recreation and the method to pay for that land from the voters of the township to the township board could affect the amount of money paid by the township for land to be used for parks and recreation.

The provision that would repeal the acts that regulate public pool halls, dance halls, bowling alleys and soft drink emporiums could cause a loss of revenue to any township that currently collects permit fees as provided by the acts or assesses penalties for violations of the acts.

Fiscal Analyst: J. Schultz

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.