

SENATE BILL No. 975

December 13, 2001, Introduced by Senator SANBORN and referred to the Committee on Finance.

A bill to amend 1965 PA 261, entitled

"An act to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of commissioners with respect to county and regional parks and recreation commissions,"

by amending section 17 (MCL 46.367), as amended by 1983 PA 177.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17. (1) Any county operating under this act, by reso-
2 lution adopted by a majority of the members elect of its govern-
3 ing body, and with a vote of the majority of the electors of the
4 county voting on the question, ~~but subject to the prior permis-~~
5 ~~sion of the municipal finance commission or its successor agency~~
6 ~~unless an exception from obtaining prior permission is available~~
7 ~~pursuant to subsection (6),~~ may borrow money, pledge its full
8 faith and credit for ~~the~~ repayment, ~~thereof,~~ and issue its
9 bonds or notes to pay all or part of the cost of acquiring,

1 planning, and developing park and recreational places, and
2 constructing, reconstructing, altering, or renewing buildings and
3 other structures related to said park and recreational places.

4 (2) The revenue bonds shall be issued pursuant to the reve-
5 nue bond act of 1933, ~~Act No. 94 of the Public Acts of 1933, as~~
6 ~~amended, being sections 141.101 to 141.139 of the Michigan~~
7 ~~Compiled Laws~~ 1933 PA 94, MCL 141.101 TO 141.140, or any other
8 applicable act.

9 (3) Bonds or notes shall be authorized by a resolution
10 adopted by a majority of the members elect of the governing body
11 of the county operating under this act. The full faith and
12 credit of the county may be pledged for the prompt payment of the
13 principal and interest on any borrowing by a county pursuant to
14 this act. The county's full faith and credit may be pledged to
15 the payment of principal and interest of revenue bonds notwith-
16 standing any provision of law. Any bonds or notes shall be
17 issued in the name of the county operating under this act and
18 shall be executed by the chairperson of the county board of com-
19 missioners and the county clerk, who shall also cause their fac-
20 simile signatures to be affixed to any interest coupons to be
21 attached to any bonds. The county clerk shall affix to the bonds
22 or notes the seal of the county. ~~Bonds or notes issued under~~
23 ~~this act shall be negotiable instruments and shall mature seri-~~
24 ~~ally or in 1 installment in not more than 40 years from the date~~
25 ~~thereof, and may be made redeemable, at the option of the county,~~
26 ~~prior to maturity on such terms and conditions as shall be~~
27 ~~provided by the resolution of the governing body of the county.~~

~~1 The bonds or notes shall bear interest at not more than 6% per
2 annum payable as provided therein. The bonds or notes and the
3 interest thereon shall be made payable in lawful money of the
4 United States and shall be exempt from taxation by the state or
5 by any taxing authority within the state. The governing body of
6 the county may authorize the sale of any such bonds or notes in
7 accordance with the laws of the state. The limitations of sec-
8 tion 4 of chapter V of the municipal finance act, Act No. 202 of
9 the Public Acts of 1943, as amended, being section 135.4 of the
10 Michigan Compiled Laws, shall not apply to bonds or notes issued
11 pursuant to this act.~~

12 (4) The issuance of bonds or notes under this act ~~shall be~~
13 IS subject to the provisions of the ~~municipal finance act, Act~~
14 ~~No. 202 of the Public Acts of 1943, as amended, being sections~~
15 ~~131.1 to 139.3 of the Michigan Compiled Laws, except as provided~~
16 ~~by this section~~ REVISED MUNICIPAL FINANCE ACT, 2001 PA 34, MCL
17 141.2101 TO 141.2821. Any taxes levied to repay any borrowings
18 by a county pursuant to this act shall be without limitation as
19 to rate or amount. The amount of borrowings by a county pursuant
20 to this act shall not be subject to any limitations or provisions
21 contained in any law applicable to the county except that a
22 county may not borrow pursuant to this act in an amount which
23 taken together with other indebtedness of the county will exceed
24 10% of the assessed valuation of the county as last equalized by
25 the state.

26 ~~(5) Bonds or notes issued by a county pursuant to this act~~
27 ~~may be paid out of any funds of the county available therefor.~~

~~1 The resolution authorizing the issuance of any bonds or notes
2 pursuant to this act shall contain an irrevocable covenant to
3 levy and collect taxes in an amount necessary to pay the princi-
4 pal of and interest on the bonds or notes so issued as the same
5 shall become due and shall pledge such taxes to the payment of
6 the bonds or notes and shall provide for the deposit of proceeds
7 thereof in a separate bank account to be used for no other pur-
8 pose than the payment of the bonds or notes so authorized and
9 issued. The resolution shall also pledge the full faith and
10 credit of the county to the payment of the principal of and
11 interest on the bonds or notes.~~

~~12 (6) The requirement of subsection (1) for obtaining the
13 prior approval of the municipal finance commission or its succes-
14 sor agency before issuing bonds or notes under this section shall
15 be subject to sections 10 and 11 of chapter III of Act No. 202 of
16 the Public Acts of 1943, being sections 133.10 and 133.11 of the
17 Michigan Compiled Laws, and the department of treasury shall have
18 the same authority as provided by section 11 of chapter III of
19 Act No. 202 of the Public Acts of 1943 to issue an order provid-
20 ing or denying an exception from the prior approval required by
21 subsection (1) for bonds or notes authorized by this act.~~