

HOUSE BILL No. 6014

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 1963 PA 55, entitled

"An act to provide for the incorporation of public authorities to acquire, own, and operate or cause to be operated mass transportation systems; to require the state to guarantee payment of certain claims against certain transportation authorities and to give the state a lien in satisfaction of payment; to prescribe the rights, powers, and duties of those public authorities; to provide for the issuance of bonds; to provide for the levy and collection of certain taxes; and to authorize contracts between those authorities and either public or private corporations to carry out the operation of those mass transportation systems,"

by amending section 2 (MCL 124.352), as amended by 1983 PA 137.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

HOUSE BILL No. 6014

1 Sec. 2. (1) The legislative body of ~~any~~A city having a
2 population of not more than 300,000 may incorporate a public
3 authority ~~for the purpose of acquiring, owning, operating, TO~~
4 **ACQUIRE, OWN, OR OPERATE**, or ~~causing~~**CAUSE** to be operated, a mass
5 transportation system. The authority shall be authorized to
6 operate the mass transportation system within the boundaries of

1 the city ~~which~~ **THAT** incorporates the public authority. However, a
2 public authority created before ~~the effective date of section 7a~~
3 **JULY 18, 1983** may operate a mass transportation system within the
4 same political subdivisions in which it operates a mass
5 transportation system immediately before ~~the effective date of~~
6 ~~section 7a~~ **JULY 18, 1983** and those political subdivisions, other
7 than ~~these~~ **THE** political subdivisions ~~which~~ **THAT** only receive
8 public transportation services from the authority ~~pursuant to~~
9 **UNDER** a contract, shall be considered ~~to be~~ members of the
10 authority. A public authority may also operate a mass
11 transportation system within a political subdivision ~~which,~~ **THAT,**
12 by a resolution adopted by a majority vote of the members elected
13 to and serving on the legislative body of the political
14 subdivision, requests membership in the authority, but only if a
15 majority of the members of the board of the authority, by
16 resolution, approve the request. If a political subdivision joins
17 the authority, the board shall amend the articles of
18 incorporation accordingly. The clerk of the political subdivision
19 being added shall execute the amendment, which shall be filed and
20 published in the same manner as the original articles of
21 incorporation.

22 (2) The incorporation shall be accomplished by adoption of
23 articles of incorporation by an affirmative vote of a majority of
24 the members elect of the legislative body of the city. The fact
25 of adoption shall be indorsed on the articles of incorporation by
26 the mayor and clerk of the city in form substantially as follows:

27 "The foregoing articles of incorporation were adopted by an

1 affirmative vote of a majority of the members elect of the (name
2 of legislative body) of the city of, ..
3 county, Michigan, at a meeting duly held on the day of
4, A.D. (year)".

5
6 Mayor
7
8 Clerk

9 ~~The~~ **BEFORE JANUARY 1, 2015, THE** articles of incorporation
10 shall be published at least once in a newspaper designated in the
11 articles and circulated within the area proposed to be served by
12 the mass transportation system. **BEGINNING JANUARY 1, 2015, THE**
13 **ARTICLES OF INCORPORATION SHALL BE PUBLISHED USING TIER B PUBLIC**
14 **NOTICE WITH A LINK AS PROVIDED IN THE LOCAL GOVERNMENT PUBLIC**
15 **NOTICE ACT.** One printed copy of the articles of incorporation
16 certified as a "true copy" by the person or persons designated
17 with the date and place of the publication, shall be filed with
18 the secretary of state and with the clerk of the county within
19 which the area to be served by the mass transportation system is
20 located. The authority ~~shall become~~ **BECOMES** operative at the time
21 provided in the articles of incorporation. The validity of the
22 incorporation ~~shall be~~ **IS** conclusively presumed unless questioned
23 in a court of competent jurisdiction within 60 days after the
24 filing of the certified copies with the secretary of state and
25 with the county clerk.

26 (3) If the authority ceases to operate or is dissolved and a

1 successor agency is not created to assume its assets and
2 liabilities and perform its functions, and ~~the~~ **THIS** state
3 guarantees the payment of claims for benefits arising under Act
4 No. 317 of the Public Acts of 1969, as amended, being sections
5 418.101 to 418.941 of the Michigan Compiled Laws, **THE WORKER'S**
6 **DISABILITY COMPENSATION ACT OF 1969, 1969 PA 317, MCL 418.101 TO**
7 **418.941**, against the authority, during the time the authority was
8 approved as a self-insurer under section 611(1)(a) of Act No. 317
9 of the Public Acts of 1969, as amended, being section 418.611 of
10 the Michigan Compiled Laws, ~~the~~ **THE WORKER'S DISABILITY**
11 **COMPENSATION ACT OF 1969, 1969 PA 317, MCL 418.611**, **THIS** state
12 shall be **IS** entitled to a lien which ~~which~~ **THAT** shall take precedence
13 over all other liens on its portion of the assets of the
14 authority in satisfaction of the payment of claims for benefits
15 under Act No. 317 of the Public Acts of 1969, as amended. **THE**
16 **WORKER'S DISABILITY COMPENSATION ACT OF 1969, 1969 PA 317, MCL**
17 **418.101 TO 418.941.**

18 Enacting section 1. This amendatory act does not take effect
19 unless Senate Bill No. ___ or House Bill No. 5560 (request no.
20 03796'13) of the 97th Legislature is enacted into law.