

HOUSE BILL No. 4202

February 16, 1989, Introduced by Rep. Sikkema and referred to the Committee on Transportation.

A bill to amend section 8 of Act No. 196 of the Public Acts of 1986, entitled
"Public transportation authority act,"
being section 124.458 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8 of Act No. 196 of the Public Acts of
2 1986, being section 124.458 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 8. (1) Except as otherwise provided in subsection (2),
5 a political subdivision that is a member of a public authority or
6 the portion of a city, village, or township, which portion is a
7 member of a public authority may be released from membership in
8 the public authority if all of the following conditions are met:

1 (a) Adoption of a resolution by a majority of the members
2 elected to and serving on the legislative body of the political
3 subdivision requesting release from membership.

4 (b) Acceptance of the request by a 2/3 vote of the members
5 serving on the board of the public authority, excluding the mem-
6 bers representing the political subdivision requesting release.

7 (c) Payment or the provision for payment is made regarding
8 all obligations of the political subdivision to the public
9 authority or its creditors.

10 (2) Notwithstanding subsection (1), an entity which is a
11 political subdivision that is a member of a public authority or
12 the portion of a city, village, or township, which portion is a
13 member of a public authority may be released from membership in
14 the public authority if all of the following conditions are met:

15 (a) The entity desiring to withdraw from the authority has
16 approved the question by a majority of the qualified and regis-
17 tered electors voting at a general or special election held in
18 November before the expiration of a tax authorized to be levied
19 under this act.

20 (b) A petition ~~is filed within 60 days prior to the elec-~~
21 ~~tion, with the clerk of the entity presenting the question,~~
22 ~~bearing~~ THAT BEARS the signatures of at least 20% of the number
23 of votes cast in the political subdivision or portion of a city,
24 village, or township for all candidates for governor in the last
25 general election in which a governor was elected ~~, which shall~~
26 ~~require~~ AND THAT REQUIRES the governing body of the entity by
27 resolution to submit the question to its electors at the next

1 general or special election IS FILED NOT LESS THAN 60 DAYS BEFORE
2 THE ELECTION WITH THE CLERK OF THE ENTITY PRESENTING THE
3 QUESTION.

4 (c) The vote upon the question approving the resolution is
5 by ballot and is in substantially the following form:

6 Shall _____ (township, village, city, or other) as
7 provided by Act No. _____ 196 of the Public Acts of _____ 1986
8 withdraw from the authority as a member?

9 Yes _____

10 No _____

11 (d) All ballots are cast, canvassed, and the results of the
12 election certified in the same manner as ballots on any other
13 question submitted to the electors of the ~~political~~ entity
14 seeking withdrawal pursuant to the Michigan election law, Act
15 No. 116 of the Public Acts of 1954, being sections 168.1 to
16 168.992 of the Michigan Compiled Laws.

17 (e) Payment or the provision for payment is made regarding
18 all obligations of the political subdivision to the public
19 authority or its creditors. If withdrawal is approved by a
20 majority of the electors voting on the question, the decision
21 will take effect at the expiration date of the tax and neither
22 the authority nor officials of the political subdivision ~~shall~~
23 ~~have any right to~~ MAY appeal or amend this decision.

24 (3) ~~Any~~ A tax authorized to be levied by a public author-
25 ity within the boundaries of the political subdivision or the
26 portion of a political subdivision to be released shall continue
27 to be levied for the period of time originally authorized and

1 shall be paid over to the public authority originally authorized
2 to be the recipient of the tax revenue. A political subdivision
3 or portion of a political subdivision ~~which~~ THAT has been
4 released from an authority shall continue to receive transporta-
5 tion services from the authority until the political subdivision
6 or portion of the political subdivision is no longer required to
7 pay a tax levied by the authority.

8 (4) Release of a political subdivision OR PORTION OF A
9 POLITICAL SUBDIVISION from a public authority shall be evidenced
10 by an amendment to the articles of incorporation executed by the
11 recording officer of a public authority and filed and published
12 in the same manner as the original articles of incorporation.

13 (5) A political subdivision or other entity ~~which~~ THAT is
14 part of a public authority under this act may withdraw from the
15 public authority until the expiration of the thirtieth day fol-
16 lowing the date the public authority is incorporated, OR UNTIL
17 THE EXPIRATION OF 30 DAYS AFTER THE DATE ON WHICH THE BOARD OF
18 THE PUBLIC AUTHORITY ADOPTS A RESOLUTION CALLING FOR AN ELECTION
19 FOR THE PURPOSE OF LEVYING A TAX PURSUANT TO SECTION 18, without
20 meeting ~~any of~~ the conditions listed in subsection (1) or (2).
21 If all or a portion of a city, village, or township is part of an
22 authority incorporating as a public authority under this act, the
23 city, village, or township may also decide to only withdraw a
24 portion of the entity bounded by the lines described in section 4
25 from the public authority under the deadline established in this
26 subsection. In addition, a political subdivision or other entity
27 ~~which~~ THAT is part of a public authority under this act may

1 withdraw from the public authority in any year in which a tax
2 authorized to be levied under this act expires, without meeting
3 ~~any of~~ the conditions listed in subsection (1) or (2), if the
4 political subdivision or entity makes the determination to with-
5 draw by a vote of its legislative body held in January of that
6 year. Further, if all or a portion of a city, village, or town-
7 ship is part of an authority incorporating as a public authority
8 under this act, the city, village, or township may also decide to
9 only withdraw a portion of the entity bounded by the lines
10 described in section 4 from the public authority in that same
11 January. However, ~~any~~ IF A tax ~~which~~ is authorized to be
12 levied in a political subdivision or portion of a political sub-
13 division by a public authority under this act AND THE POLITICAL
14 SUBDIVISION OR PORTION OF A POLITICAL SUBDIVISION WITHDRAWS PUR-
15 SUANT TO THIS SUBSECTION, THE TAX shall continue to be levied in
16 ~~a~~ THE political subdivision ~~which withdraws pursuant to this~~
17 ~~subsection~~ OR PORTION OF A POLITICAL SUBDIVISION for the period
18 of time originally authorized. A political subdivision ~~which~~
19 OR PORTION OF A POLITICAL SUBDIVISION THAT withdraws from the
20 authority shall continue to receive public transportation serv-
21 ices from the authority until the political subdivision or por-
22 tion of the political subdivision is no longer required to pay a
23 tax levied by the authority.

24 Section 2. This amendatory act shall take effect June 1,
25 1989.