

# HOUSE BILL No. 4467

March 5, 1991, Introduced by Reps. Niederstadt, Bartnik, Pitoniak, Byrum, Dobronski, Baade, McNutt, Anthony, Middaugh and Dalman and referred to the Committee on Towns and Counties.

A bill to amend section 616 of Act No. 350 of the Public Acts of 1980, entitled  
"The nonprofit health care corporation reform act,"  
being section 550.1616 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 616 of Act No. 350 of the Public Acts of  
2 1980, being section 550.1616 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4 Sec. 616. (1) If a document required or permitted to be  
5 filed with the commissioner under this act substantially conforms  
6 to the requirements of this act, the commissioner shall endorse  
7 upon it the word "filed" with the commissioner's official title  
8 and the dates of receipt and of filing, and shall file and index  
9 the document or a ~~microfilm or other reproduced copy~~

10 REPRODUCTION of the document PURSUANT TO THE RECORDS MEDIA ACT in

1 his or her office. If so requested at the time of delivery of  
2 the document to his or her office, the commissioner shall include  
3 the hour of filing in his or her endorsement on the document.

4 (2) If the commissioner fails promptly to file a document,  
5 other than an annual report or a supplemental statement, submit-  
6 ted for filing under this act, the commissioner, ~~shall,~~ within  
7 10 days after receipt from the person submitting the document for  
8 filing of a written request for the filing of the document, SHALL  
9 give written notice of the refusal to file to that person, speci-  
10 fying the reasons for the failure to file the document. From the  
11 disapproval, the person may seek judicial review pursuant to sec-  
12 tions 103, 104, and 106 of the administrative procedures act OF  
13 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING  
14 SECTIONS 24.303, 24.304, AND 24.306 OF THE MICHIGAN COMPILED  
15 LAWS.

16 (3) If a document relating to a health care corporation  
17 filed with the commissioner under this act is an inaccurate  
18 record of the corporation action referred to in the document or  
19 was defectively or erroneously executed, the document may be cor-  
20 rected by filing with the commissioner a certificate of correc-  
21 tion on behalf of the corporation. A certificate, entitled  
22 "certificate of correction of . . . (correct title of document  
23 and name of corporation)" shall be signed as provided in this act  
24 with respect to the document being corrected and SHALL BE filed  
25 with the commissioner. The certificate shall set forth the name  
26 of the corporation, the date the document to be corrected was  
27 filed by the commissioner, the provision in the document as

1 corrected or eliminated, and, if the execution was defective, the  
2 proper execution. The corrected document is effective in its  
3 corrected form as of its original filing date except as to a  
4 person who relied upon the inaccurate portion of the document and  
5 was, as a result of the inaccurate portion of the document,  
6 adversely affected by the correction.

7 (4) This section ~~shall~~ DOES not apply with respect to doc-  
8 uments filed pursuant to part 5 or this part.

9 Section 2. This amendatory act shall not take effect unless  
10 Senate Bill No. \_\_\_\_\_ or House Bill No. 4438 (request  
11 no. 01788'91) of the 86th Legislature is enacted into law.