



HOUSE BILL No. 5791

April 23, 1996, Introduced by Rep. McManus and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 7 of Act No. 227 of the Public Acts of 1985, entitled as amended "Shared credit rating act," as amended by Act No. 281 of the Public Acts of 1990, being section 141.1057 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7 of Act No. 227 of the Public Acts of
2 1985, as amended by Act No. 281 of the Public Acts of 1990, being
3 section 141.1057 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 7. The board has all of the following powers:

6 (a) To adopt bylaws for the regulation of its affairs.

7 (b) To adopt an official seal.

8 (c) To maintain a principal office at a place within this
9 state.

1 (d) To sue and be sued in its own name and to plead and be
2 impleaded.

3 (e) To loan money to a governmental unit at a rate or rates
4 as the authority determines and to purchase and sell, and to
5 commit to purchase and sell, municipal obligations pursuant to
6 this act.

7 (f) To borrow money and issue negotiable revenue bonds and
8 notes pursuant to this act.

9 (g) To make and enter into contracts and other instruments
10 necessary or incidental to the performance of its duties and the
11 exercise of its powers. By rotating the services of legal coun-
12 sel, the authority shall seek to increase the pool of nationally
13 recognized bond counsel.

14 (h) To receive and accept from any source grants or contri-
15 butions of money, property, or other things of value, excluding
16 appropriations from the general fund of the state except for
17 appropriations to the state water pollution control revolving
18 fund established under section 16a, to be used, held, and applied
19 only for the purposes for which the grants and contributions were
20 made.

21 (i) To do all acts necessary or convenient to carry out the
22 powers expressly granted.

23 (j) To require that final actions of the board are entered
24 in the journal for the board and that all writings prepared,
25 owned, used, in the possession of, or retained by the board in
26 the performance of an official function be made available to the
27 public in compliance with the freedom of information act, Act

1 No. 442 of the Public Acts of 1976, being sections 15.231 to
2 15.246 of the Michigan Compiled Laws.

3 (k) To promulgate rules necessary to carry out the purposes
4 of this act and to exercise the powers expressly granted in this
5 act pursuant to the administrative procedures act of 1969, Act
6 No. 306 of the Public Acts of 1969, being sections 24.201 to
7 24.328 of the Michigan Compiled Laws.

8 (l) To engage the services of private consultants on a con-
9 tract basis for rendering professional and technical assistance
10 and advice.

11 (m) To investigate and assess the infrastructure needs of
12 the state, current methods of financing infrastructure rehabili-
13 tation and improvements, and resources and financing options cur-
14 rently available and potentially useful to improve the state's
15 infrastructure and lower the costs of those improvements.

16 (n) To indemnify and procure insurance indemnifying members
17 of the board from personal loss or accountability from liability
18 asserted by a person on bonds or notes of the authority or from
19 any personal liability or accountability by reason of the issu-
20 ance of the bonds or notes, or by reason of any other action
21 taken or the failure to act by the authority.

22 (o) To investigate and assess short-term and long-term bor-
23 rowing requirements for operating, capital improvements, and
24 delinquent taxes.

25 (p) To provide assistance, as that term is defined in
26 ~~section 3 of the state clean water assistance act, Act No. 317~~
27 ~~of the Public Acts of 1988, being section 323.453 of the Michigan~~

1 ~~Compiled Laws~~ SECTION 5301 OF PART 53 (CLEAN WATER ASSISTANCE)
2 OF THE NATURAL RESOURCES ENVIRONMENTAL PROTECTION ACT, ACT
3 NO. 451 OF THE PUBLIC ACTS OF 1994, BEING SECTION 324.5301 OF THE
4 MICHIGAN COMPILED LAWS, to any municipality for a revolving fund
5 project and to perform all functions necessary or incident to
6 providing that assistance and to the operation of the state water
7 pollution control revolving fund established under section 16a.

8 (q) To enter into agreements with the federal government to
9 implement the establishment and operation of the state water pol-
10 lution control revolving fund established under section 16a pur-
11 suant to the provisions of the federal water pollution control
12 act and the rules and regulations promulgated under that act.

13 (r) To manage an investment or create and manage an invest-
14 ment pool for a governmental unit. In implementing this subdivi-
15 sion, the authority may contract with private or public sector
16 fund investment advisors, investment managers, and fund adminis-
17 trators, and with the department of treasury to pool a governmen-
18 tal unit's investment with the investment of state surplus funds
19 under Act No. 105 of the Public Acts of 1855, being sections
20 21.141 to 21.147 of the Michigan Compiled Laws. However, the
21 authority may not invest a governmental unit's money in a manner
22 not authorized by law or charter for that governmental unit. The
23 department of treasury shall consider and account for a govern-
24 mental unit's investment that is pooled with state surplus fund
25 investments as a trust fund that is equivalent to a debt service
26 fund within the state common cash fund.