

**SUBSTITUTE FOR
HOUSE BILL NO. 5690**

A bill to create and provide for the incorporation of certain regional convention facility authorities; to provide for the membership of the authorities; to provide for the powers and duties of the authorities; to provide for the conveyance of ownership of and operational jurisdiction over certain convention facilities to authorities and to provide for the transfer of certain real and personal property utilized as convention facilities to authorities; to provide for the assumption of certain contracts, bonds, notes, and other evidences of indebtedness and liabilities related to convention facilities by authorities; to authorize the creation of certain funds; to authorize expenditures from certain funds; to finance the acquisition of land and the development of certain convention facilities and of public improvements or related

facilities; to provide for the issuance of bonds and notes; to authorize certain investments; to provide for the transfer of public employees to the employment of authorities; to provide for the allocation of liabilities related to employee benefits; to protect certain rights of local government employees; and to impose certain powers and duties upon state and local departments, agencies, and officers.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "regional convention facility authority act".

3 Sec. 3. The legislature finds and declares all of the
4 following:

5 (a) That there exists in this state a continuing need to
6 strengthen and revitalize the economy of this state and of local
7 units of government in this state and that it is in best interests
8 of this state and local units of government in this state to
9 promote tourism and convention business in order to assist in the
10 prevention of unemployment and the alleviation of the conditions of
11 unemployment, to preserve existing jobs, to facilitate economic
12 development, and to create new jobs to meet employment demands.

13 (b) That it is necessary for the promotion of general welfare
14 and a valid public purpose to assist and encourage the acquisition,
15 construction, improvement, enlargement, renewal, replacement,
16 repairing, financing, furnishing, and equipping of regional
17 convention facilities and the real property on which they are
18 located, to refinance these activities, and to enter into contracts
19 and procure services necessary and appropriate for the development

1 and ongoing management and operation of regional convention
2 facilities in an efficient and effective manner.

3 (c) That a regional convention facility authority created
4 under this act and the powers conferred by this act constitute a
5 necessary program and serve a necessary public purpose.

6 Sec. 5. As used in this act:

7 (a) "Authority" means a regional convention facility authority
8 created under section 7.

9 (b) "Board" means the board of directors of an authority.

10 (c) "Convention facility" means all or any part of, or any
11 combination of, a convention hall, auditorium, arena, meeting
12 rooms, exhibition area, and related adjacent public areas that are
13 generally available to the public for lease on a short-term basis
14 for holding conventions, meetings, exhibits, entertainment, and
15 similar events, together with real or personal property, and
16 easements above, on, or under the surface of real or personal
17 property, used or intended to be used for holding conventions,
18 meetings, exhibits, entertainment, and similar events, together
19 with appurtenant property, including covered walkways, parking
20 lots, or structures, necessary and convenient for use in connection
21 with the convention facility. Convention facility includes any
22 contiguous arena used for sporting events.

23 (d) "Develop" means to plan, acquire, construct, improve,
24 enlarge, maintain, renew, renovate, repair, replace, lease, equip,
25 furnish, market, promote, manage, or operate.

26 (e) "Fiscal year" means an annual period that begins on July 1
27 and ends on June 30 or the fiscal year for an authority established

1 by the board of the authority.

2 (f) "Legislative body" means the elected body of a local
3 government possessing the legislative power of the local
4 government.

5 (g) "Local chief executive officer" means the mayor or city
6 manager of a city or the county executive of a county or, if a
7 county does not have a county executive, the chairperson of the
8 county board of commissioners.

9 (h) "Local government" means a county or city.

10 (i) "Qualified city" means a city with a population of more
11 than 750,000 according to the most recent decennial census that
12 contains a qualified convention facility.

13 (j) "Qualified county" means a county that contains a
14 qualified city.

15 (k) "Qualified convention facility" means a publicly owned
16 convention facility that includes at least 600,000 square feet of
17 usable exhibition area and that is contiguous to an arena.

18 (l) "Qualified metropolitan area" means a geographic area of
19 this state that includes a qualified city, a qualified county, and
20 the 2 counties bordering the qualified county with the largest
21 populations according to the most recent decennial census.

22 (m) "Transfer date" means the date 90 days after the creation
23 of an authority under section 7 on which the right, title,
24 interest, ownership, and control of a qualified convention facility
25 are conveyed and transferred from a qualified city to an authority.

26 Sec. 7. (1) For an area of this state that is a qualified
27 metropolitan area on the effective date of this act, an authority

1 is created for the qualified metropolitan area on the effective
2 date of this act. For an area of this state that becomes a
3 qualified metropolitan area after the effective date of this act,
4 an authority is created for the qualified metropolitan area on the
5 date the area became a qualified metropolitan area. An authority
6 created under this section shall be a public body corporate and
7 politic and a metropolitan authority authorized by section 27 of
8 article VII of the state constitution of 1963 and shall possess the
9 powers, duties, and jurisdictions vested in the authority under
10 this act and other laws. The name of an authority created under
11 this section shall include the name of the qualified city located
12 within the qualified metropolitan area and the phrase "regional
13 convention facility authority".

14 (2) Before the transfer date, an authority may organize and
15 exercise all powers, duties, and jurisdictions granted under this
16 act, except the powers, duties, and jurisdictions related to the
17 management, operation, and development of a qualified convention
18 facility. On the transfer date, an authority is vested with the
19 additional powers, duties, and jurisdictions under this act related
20 to the management, operation, and development of a qualified
21 convention facility.

22 (3) It is the intent of the legislature that the transfer of a
23 qualified convention facility from a qualified city to an authority
24 under this act and any payment required under section 19(9)
25 represents at least a fair exchange of value for value for the
26 qualified city considering, without limitation, all of the
27 following:

1 (a) The net value of the qualified convention facility prior
2 to the transfer date after deducting deferred maintenance
3 obligations, operational deficits, repair or expansion needs, and
4 other liabilities related to the qualified convention facility that
5 are obligations of the qualified city.

6 (b) The benefits to the qualified city resulting from the
7 transfer of the qualified convention facility to the authority,
8 including, but not limited to, assumption or payment of debt
9 obligations of the qualified city by the authority, reductions in
10 costs, liabilities or other obligations of the qualified city,
11 additional revenues or other money not otherwise available for the
12 qualified convention facility, and the positive economic impact to
13 the qualified city likely to be generated by the operation of the
14 qualified convention facility by the authority or any expansion or
15 improvement of the qualified convention facility by the authority,
16 especially economic impact resulting in the creation or retention
17 of jobs and capital investment.

18 (c) Any bond proceeds, debt service payments, or other money
19 payable directly or indirectly to the qualified city after the
20 transfer date under this act, the state convention facility
21 development act, 1985 PA 106, MCL 207.621 to 207.640, or the health
22 and safety fund act, 1987 PA 264, MCL 141.471 to 141.479.

23 (4) The property of an authority created under this act is
24 public property devoted to an essential public and governmental
25 purpose. Income of the authority is for a public and governmental
26 purpose.

27 (5) Except as otherwise provided in this subsection, the

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1 property of the authority created under this act and its income,
2 activities, and operations are exempt from all taxes and special
3 assessments of this state or a political subdivision of this state.
4 Property of an authority and its income, activities, and operations
5 that are leased to private persons are not exempt from any tax or
6 special assessment of this state or a political subdivision of this
7 state. Property of an authority is exempt from any ad valorem
8 property taxes levied under the general property tax act, 1893 PA
9 206, MCL 211.1 to 211.155, or other law of this state authorizing
10 the taxation of real or personal property. An authority is an
11 entity of government for purposes of section 4a(1)(a) of the
12 general sales tax act, 1933 PA 167, MCL 205.54a, and section 4h of
13 the use tax act, 1937 PA 94, MCL 205.94h.

14 (6) The validity of the creation of an authority shall be
15 conclusively presumed unless questioned in an original action filed
16 in the court of appeals within 60 days after the creation of the
17 authority under this section. The court of appeals has original
18 jurisdiction to hear an action under this subsection. The court
19 shall hear the action in an expedited manner. This state shall be a
20 necessary party in any action under this subsection.

21 Sec. 9. (1) An authority created under this act shall be
22 directed and governed by a board of directors consisting of [
23] 7 members[.

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(2) Board members appointed under this section shall possess business, financial, or professional experience relevant to the operation of a corporation or a convention facility. No board member shall be an employee or officer of any local government or of this state. For purposes of this subsection, "local government" includes any county, township, city, village, or intergovernmental entity in this state.

(3) Except as otherwise provided in this subsection, board

1 members shall be appointed for a term of 6 years. Initial
2 appointments under subsection (1) shall be made within 30 days of
3 the creation of the authority. Of the board members initially
4 appointed under subsection (1), the members appointed under
5 subsection (1)(a) and (c) shall be appointed for a term expiring on
6 the second August 31 following the creation of the authority, the
7 members appointed under subsection (1)(b) and (d) shall be
8 appointed for a term expiring on the third August 31 following the
9 creation of the authority, the member appointed under subsection
10 (1)(e) shall be appointed for a term expiring on the fourth August
11 31 following the creation of the authority, the member appointed
12 under subsection (1)(f) shall be appointed for a term expiring on
13 the fifth August 31 following the creation of the authority, and
14 the member appointed under subsection (1)(g) shall be appointed for
15 a term expiring on the sixth August 31 following the creation of
16 the authority. If a vacancy occurs on the board other than by
17 expiration of a term, the vacancy shall be filled in the same
18 manner as the original appointment for the remainder of the term.
19 Board members may continue to serve until a successor is appointed
20 and qualified.

21 (4) Each officer appointing a board member under this section
22 shall file the appointment with the secretary of state.
23 Notwithstanding any law or local charter provision to the contrary,
24 appointments by an officer are not subject to approval or rejection
25 by a legislative body.

26 (5) Upon appointment to a board under this section, and upon
27 taking and filing of the oath of office required by section 1 of

1 article XI of the state constitution of 1963, a board member shall
2 enter office and exercise the duties of the office of board member.

3 (6) Board members shall serve without compensation but may be
4 reimbursed for actual and necessary expenses incurred while
5 attending board meetings or performing other authorized official
6 business of the authority.

7 Sec. 11. (1) Within not more than 30 days following
8 appointment of a majority of the members of a board, the board
9 shall hold its first meeting at a date and time determined by the
10 individual appointed under section 9(1)(a). The board members shall
11 elect from among the board members an individual to serve as
12 chairperson of the board and may elect other officers as the board
13 considers necessary. All officers shall be elected annually by the
14 board.

15 (2) The business of the board shall be conducted at a public
16 meeting of the board held in compliance with the open meetings act,
17 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date,
18 and place of the meeting shall be given in the manner required by
19 the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A board
20 shall adopt bylaws consistent with the open meetings act, 1976 PA
21 267, MCL 15.261 to 15.275, governing its procedures and the holding
22 of meetings. After organization, a board shall adopt a schedule of
23 regular meetings and adopt a regular meeting date, place, and time.
24 A special meeting of the board may be called by the chairperson of
25 the board or as provided in bylaws adopted by the board. Notice of
26 a special meeting shall be given in the manner required by the open
27 meetings act, 1976 PA 267, MCL 15.261 to 15.275.

1 (3) A board shall keep a written or printed record of each
2 meeting, which record and any other document or record prepared,
3 owned, used, in the possession of, or retained by the authority in
4 the performance of an official function shall be made available to
5 the public in compliance with the freedom of information act, 1976
6 PA 442, MCL 15.231 to 15.246.

7 (4) A board shall provide for a system of accounts for the
8 authority to conform to a uniform system required by law and for
9 the auditing of the accounts of an authority. The board shall
10 obtain an annual audit of the authority by an independent certified
11 public accountant and report on the audit and auditing procedures
12 in the manner provided by sections 6 to 13 of the uniform budgeting
13 and accounting act, 1968 PA 2, MCL 141.426 to 141.433. The audit
14 also shall be in accordance with generally accepted government
15 auditing standards.

16 (5) Before the beginning of each fiscal year, a board shall
17 cause to be prepared a budget for the authority containing an
18 itemized statement of the estimated current operational expenses
19 and the expenses for capital outlay including funds for the
20 operation and development of convention facilities under the
21 jurisdiction of the board, including the amount necessary to pay
22 the principal and interest of any outstanding bonds or other
23 obligations of the authority maturing during the next fiscal year
24 or that have previously matured and are unpaid, and an estimate of
25 the estimated revenue of the authority from all sources for the
26 next fiscal year. The board shall adopt a budget as for the fiscal
27 year in accordance with the uniform budget and accounting act, 1968

1 PA 2, MCL 141.421 to 141.440a.

2 (6) A board shall provide for the purchase of, the contracting
3 for, and the providing of supplies, materials, services, insurance,
4 utilities, third-party financing, equipment, printing, and all
5 other items as needed by the authority to efficiently and
6 effectively meet the needs of the authority. The authority shall
7 make all discretionary decisions concerning the solicitation,
8 award, amendment, cancellation, and appeal of authority contracts.
9 A board shall provide for the acquisition of professional services,
10 including, but not limited to, architectural services, engineering
11 services, surveying services, accounting services, and legal
12 services, in accordance with a competitive, qualifications-based
13 selection process and procedure for the type of professional
14 service required by the authority. An authority may enter into a
15 cooperative purchasing agreement with the federal government, this
16 state, or more other public entities for the purchase of goods or
17 services necessary for the authority. An authority may enter into
18 lease purchases or installment purchases for periods not exceeding
19 the anticipated useful life of the items purchased unless otherwise
20 prohibited by law. In all purchases made by the authority, all
21 other things being equal, preference shall be given first to
22 products manufactured or services offered by firms based in the
23 authority's qualified city and next to firms based in the qualified
24 metropolitan area, if consistent with federal law. Except as
25 otherwise provided in this section, the authority shall utilize
26 competitive solicitation for all purchases authorized under this
27 act unless 1 or more of the following apply:

1 (a) Procurement of goods or services is necessary for the
2 imminent protection of public health or safety or to mitigate an
3 imminent threat to public health or safety, as determined by the
4 authority or its chief executive officer.

5 (b) Procurement of goods or services is for emergency repair
6 or construction caused by unforeseen circumstances when the repair
7 or construction is necessary to protect life or property.

8 (c) Procurement of goods or services is in response to a
9 declared state of emergency or state of disaster under the
10 emergency management act, 1976 PA 390, MCL 30.401 to 30.421.

11 (d) Procurement of goods or services is in response to a
12 declared state of emergency under 1945 PA 302, MCL 10.31 to 10.33.

13 (e) Procurement of goods or services is in response to a
14 declared state of energy emergency under 1982 PA 191, MCL 10.81 to
15 10.89.

16 (f) Procurement of goods or services is under a cooperative
17 purchasing agreement with the federal government, this state, or
18 more public entities for the purchase of goods and services
19 necessary at fair and reasonable prices using a competitive
20 procurement method for authority operations.

21 (g) The value of the procurement is less than \$25,000.00, and
22 the board has established policies or procedures to ensure that
23 goods or services with a value of less than \$25,000.00 are
24 purchased by the board at fair and reasonable prices.

25 (7) A board may not enter into any cost plus construction
26 contract unless all of the following apply:

27 (a) The contract cost is less than \$50,000.00.

1 (b) The contract is for emergency repair or construction
2 caused by unforeseen circumstances.

3 (c) The repair or construction is necessary to protect life or
4 property.

5 (d) The contract complies with requirements of applicable
6 state or federal law.

7 (8) Subsections (6) to (7) shall not be construed to preclude
8 the award of a contract based upon qualifications or based upon
9 best value for the authority.

10 (9) A board may employ personnel as the board considers
11 necessary to assist the board in performing the power, duties, and
12 jurisdictions of the authority, including, but not limited to,
13 employment of a chief executive officer as authorized under section
14 13.

15 (10) A board shall establish policies to assure that the board
16 and the authority shall not do either of the following:

17 (a) Fail or refuse to hire, recruit, or promote; demote;
18 discharge; or otherwise discriminate against a person with respect
19 to employment, compensation, or a term, condition, or privilege of
20 employment, or a contract with the authority because of religion,
21 race, color, national origin, age, sex, sexual orientation, height,
22 weight, marital status, partisan considerations, or a disability or
23 genetic information that is unrelated to the person's ability to
24 perform the duties of a particular job, position, or contract.

25 (b) Limit, segregate, or classify an employee, a contractor,
26 or applicant for employment or a contract in a way that deprives or
27 tends to deprive the employee, contractor, or applicant of an

1 employment opportunity or otherwise adversely affects the status of
2 an employee, contractor, or applicant because of religion, race,
3 color, national origin, age, sex, sexual orientation, height,
4 weight, marital status, partisan considerations, or a disability or
5 genetic information that is unrelated to the person's ability to
6 perform the duties of a particular job or position.

7 Sec. 13. (1) A board may appoint and fix the compensation of a
8 chief executive officer for the authority. If the board appoints a
9 chief executive officer, the board shall prescribe the duties and
10 responsibilities of the chief executive officer in addition to any
11 duties and responsibilities imposed upon the chief executive
12 officer under this act. Action by the board to appoint a chief
13 executive officer under this section shall require the affirmative
14 vote of at least 5 board members. A chief executive officer of an
15 authority shall serve at the pleasure of the board, and the board
16 may remove or discharge the chief executive officer of the
17 authority by a vote of not less than 5 board members.

18 (2) A chief executive officer shall supervise, and be
19 responsible for, the day-to-day operation of the authority,
20 including the control, supervision, management, and oversight of
21 convention facilities, the issuance of bonds and notes approved by
22 the board, the negotiation and establishment of compensation and
23 other terms and conditions of employment for any employees of the
24 authority, the negotiation, supervision, and enforcement of
25 contracts entered into by the authority, and the supervision of
26 contractors of the authority in their performance of their duties.
27 A board may delegate to the chief executive officer of an authority

1 the power and responsibility to execute and deliver, and sign for,
2 contracts, leases, obligations, and other instruments as have been
3 approved by the board or for which power to approve has been
4 delegated to the chief executive officer of the authority.

5 (3) A chief executive officer of an authority shall have all
6 powers as are incident to the performance of his or her duties that
7 are prescribed by this act or by the board. All actions of the
8 chief executive officer of an authority shall be in conformance
9 with the policies of the board and in compliance with applicable
10 law.

11 Sec. 15. (1) A board member or an officer, employee, or agent
12 of an authority shall discharge the duties of his or her position
13 in a nonpartisan manner, in good faith, and with the degree of
14 diligence, care, and skill that an ordinarily prudent person would
15 exercise under similar circumstances in a like position. In
16 discharging his or her duties, a board member or an officer,
17 employee, or agent of an authority, when acting in good faith, may
18 rely upon any of the following:

19 (a) The opinion of counsel for the authority.

20 (b) The report of an independent appraiser selected by the
21 board.

22 (c) Financial statements of the authority represented to the
23 member of the board, officer, employee, or agent to be correct by
24 the officer of the authority having charge of its books of account
25 or stated in a written report by the state auditor general or a
26 certified public accountant, or a firm of certified accountants, to
27 reflect the financial condition of the authority.

1 (2) A board shall organize and make its own policies and
2 procedures and shall adopt bylaws not inconsistent with this act
3 governing its operations. A majority of the members of a board
4 constitute a quorum for transaction of business, notwithstanding
5 the existence of 1 or more vacancies on the board. Except as
6 otherwise provided in this act, actions taken by the board shall
7 require the affirmative vote of at least 4 board members. The board
8 shall meet at the call of the chairperson and as may be provided in
9 the bylaws.

10 (3) A member of a board or an officer, appointee, or employee
11 of an authority shall not be subject to personal liability when
12 acting in good faith within the scope of his or her authority or on
13 account of liability of the authority, and the board may indemnify
14 a member of the board or an officer, appointee, or employee of the
15 authority against liability arising out of the discharge of his or
16 her official duties. An authority may indemnify and procure
17 insurance indemnifying members of the board and other officers and
18 employees of the authority from personal loss or accountability for
19 liability asserted by a person with regard to bonds or other
20 obligations of the authority, or from any personal liability or
21 accountability by reason of the issuance of the bonds or other
22 obligations or by reason of any other action taken or the failure
23 to act by the authority. The authority also may purchase and
24 maintain insurance on behalf of any person against any liability
25 asserted against the person and incurred by the person in any
26 capacity or arising out of the status of the person as a member of
27 the board or an officer or employee of the authority, whether or

1 not the authority would have the power to indemnify the person
2 against that liability under this section. An authority, pursuant
3 to bylaw, contract, agreement, or resolution of its board, may
4 obligate itself in advance to indemnify persons.

5 (4) Board members and officers and employees of an authority
6 are public servants subject to 1968 PA 317, MCL 15.321 to 15.330,
7 and are subject to any other applicable law with respect to
8 conflicts of interest. A board shall establish policies and
9 procedures requiring periodic disclosure of relationships which may
10 give rise to conflicts of interest. The board shall require that a
11 board member or chief executive officer of the authority with a
12 direct interest in any matter before the authority disclose the
13 board member's or officer's interest and any reasons reasonably
14 known to the board member or officer why the transaction may not be
15 in the best interest of the public or the authority before the
16 board takes any action with respect to the matter. The disclosure
17 shall become part of the record of an authority's proceedings.

18 (5) An authority shall establish an ethics manual governing
19 the conducting of authority business and the conduct of authority
20 officers and employees. An authority shall establish policies that
21 are no less stringent than those provided for public officers and
22 employees by 1973 PA 196, MCL 15.341 to 15.348, and coordinate
23 efforts for the authority to preclude the opportunity for and the
24 occurrence of transactions by the authority that would create a
25 conflict of interest involving board members and officers or
26 employees of the authority. At a minimum, the policies shall
27 include compliance by each board member and officer or employees

1 who regularly exercises significant discretion over the award and
2 management of authority procurements with policies governing all of
3 the following:

4 (a) Immediate disclosure of the existence and nature of any
5 financial interest that could reasonably be expected to create a
6 conflict of interest.

7 (b) Withdrawal by an employee, officer, or board member from
8 participation in or discussion or evaluation of any recommendation
9 or decision involving an authority procurement that would
10 reasonably be expected to create a conflict of interest for that
11 employee or member.

12 (6) The appointing authority of a board member may remove the
13 board member from office for gross neglect of duty, corrupt conduct
14 in office, or any other misfeasance or malfeasance in office.

15 Sec. 17. (1) Except as otherwise provided in this act, an
16 authority may do all things necessary or convenient to implement
17 the purposes, objectives, and provisions of this act and the
18 purposes, objectives, and jurisdictions vested in the authority or
19 the board by this act or other law, including, but not limited to,
20 all of the following:

21 (a) Adopt and use a corporate seal.

22 (b) Adopt, amend, and repeal bylaws for the regulation of its
23 affairs and the conduct of its business.

24 (c) Sue and be sued in its own name and plead and be
25 impleaded.

26 (d) Borrow money and issue bonds and notes according to the
27 provisions of this act.

1 (e) Make and enter into contracts, agreements, or instruments
2 necessary, incidental, or convenient to the performance of its
3 duties and execution of its powers, duties, and jurisdictions under
4 this act with any federal, state, local, or intergovernmental
5 governmental agency or with any other person or entity, public or
6 private, upon terms and conditions acceptable to the authority.

7 (f) Engage in collective negotiation or collective bargaining
8 and enter into agreements with a bargaining representative as
9 provided by 1947 PA 336, MCL 423.201 to 423.217.

10 (g) Solicit, receive, and accept gifts, grants, labor, loans,
11 contributions of money, property, or other things of value, and
12 other aid or payment from any federal, state, local, or
13 intergovernmental government agency or from any other person or
14 entity, public or private, upon terms and conditions acceptable to
15 the authority, or participate in any other way in a federal, state,
16 local, or intergovernmental government program.

17 (h) Make application for and receive loans, grants,
18 guarantees, or other financial assistance in aid of a convention
19 facility from any state, federal, local, or intergovernmental
20 government or agency or from any other source, public or private,
21 including, but not limited to, financial assistance for purposes of
22 developing, planning, constructing, improving, and operating a
23 convention facility.

24 (i) Procure insurance or become a self-funded insurer against
25 loss in connection with the property, assets, or activities of the
26 authority.

27 (j) Indemnify and procure insurance indemnifying board members

1 from personal loss or accountability for liability asserted by a
2 person with regard to bonds or other obligations of the authority,
3 or from any personal liability or accountability by reason of the
4 issuance of the bonds or other obligations or by reason of any
5 other action taken or the failure to act by the authority.

6 (k) Invest money of the authority, at the discretion of the
7 board, in instruments, obligations, securities, or property
8 determined proper by the board and name and use depositories for
9 authority money. Investments shall be made consistent with an
10 investment policy adopted by the board that complies with section
11 13 of the public employee retirement system investment act, 1965 PA
12 314, MCL 38.1133. The authority may invest the fund's assets in the
13 investment instruments and subject to the investment limitations
14 governing the investment of assets of public employee retirement
15 systems under the public employee retirement system investment act,
16 1965 PA 314, MCL 38.1132 to 38.1140m.

17 (l) Contract for goods and services as necessary and as
18 provided under this act. An authority may contract with a
19 management firm, either corporate or otherwise, to operate a
20 qualified convention facility, under the supervision of the
21 authority with the affirmative vote of at least 5 board members.

22 (m) Employ legal and technical experts, other officers,
23 agents, employees, or other personnel, permanent or temporary, as
24 considered necessary by the board as provided under this act.

25 (n) Contract for the services of persons or entities for
26 rendering professional or technical assistance, including, but not
27 limited to, consultants, managers, legal counsel, engineers,

1 accountants, and auditors, as provided under this act.

2 (o) Establish and maintain an office.

3 (p) Acquire by gift, devise, transfer, exchange, purchase,
4 lease, or otherwise on terms and conditions and in a manner the
5 authority considers proper property or rights or interests in
6 property. Property or rights or interests in property acquired by
7 an authority may be by purchase contract, lease purchase,
8 agreement, installment sales contract, land contract, or otherwise.
9 The acquisition of any property by an authority for a convention
10 facility in furtherance of the purposes of the authority is for a
11 public use, and the exercise of any other powers granted to the
12 authority is declared to be public, governmental, and municipal
13 functions, purposes, and uses exercised for a public purpose and
14 matters of public necessity.

15 (q) Hold, clear, remediate, improve, maintain, manage,
16 protect, control, sell, exchange, lease, or grant easements and
17 licenses on property or rights or interests in property that the
18 authority acquires, holds, or controls.

19 (r) Except as provided in section 19(13), convey, sell,
20 transfer, exchange, lease, or otherwise dispose of property or
21 rights or interest in property to any person or entity on terms and
22 condition, and in a manner and for consideration the authority
23 considers proper, fair, and valuable.

24 (s) Develop a convention facility.

25 (t) Assume and perform the obligations and covenants of a
26 local government related to a qualified convention facility.

27 (u) Enter into exclusive or nonexclusive contracts, leases,

1 franchises, or other arrangements with persons or entities for
2 terms not exceeding 50 years, for 1 or more of the following
3 purposes:

4 (i) Granting the privilege of using or improving or having
5 access to all or any portion of a convention facility for
6 commercial purposes.

7 (ii) Granting the privilege of naming or placing advertising on
8 or in all or any portion of a convention facility.

9 (iii) Granting the privilege of supplying goods, commodities,
10 things, services, or facilities at a convention facility or any
11 portion of a convention facility.

12 (iv) Making available services to be furnished at a convention
13 facility, or any portion of a convention facility, under the
14 operational jurisdiction of the authority.

15 (v) Receiving financial or other assistance from a person
16 licensed under section 6 of the Michigan gaming control and revenue
17 act, 1996 IL 1, MCL 432.206.

18 (v) Establish and fix a schedule of rents, admission fees, or
19 other charges for occupancy, use of, or admission to any convention
20 facility operated by the authority and provide for the collection
21 and enforcement of those rents, admission fees, or other charges.

22 (w) Adopt reasonable rules and regulations for the orderly,
23 safe, efficient, and sanitary operation and use of a convention
24 facility owned by the authority or under its operational
25 jurisdiction.

26 (x) Contract with law enforcement agencies for the purpose of
27 providing security and law enforcement functions at a convention

1 facility.

2 (y) Do all other acts and things necessary or convenient to
3 exercise the powers, duties, and jurisdictions of the authority
4 under this act or other laws that related to the purposes, powers,
5 duties, and jurisdictions of the authority.

6 (2) Notwithstanding any other provision of law to the
7 contrary, an authority shall not have the power to impose or levy a
8 tax.

9 Sec. 19. (1) Within 89 days of the effective date of this act
10 or the date on which a metropolitan area becomes a qualified
11 metropolitan area and prior to a transfer date, the legislative
12 body of a qualified city in the qualified metropolitan area may by
13 resolution approve the transfer of a qualified convention facility
14 to an authority. All of the following shall occur on a transfer
15 date:

16 (a) All right, title, and interest of a local government in
17 and to a qualified convention facility located in a qualified
18 metropolitan area shall by operation of this act be conveyed and
19 transferred from the local government to the authority for the
20 qualified metropolitan area, and the authority shall receive,
21 succeed to, and assume the exclusive right, responsibility, and
22 authority to own, occupy, operate, control, develop, and use the
23 qualified convention facility from and after the transfer date,
24 including, but not limited to, all real property, buildings,
25 improvements, structures, easements, rights of access, and all
26 other privileges and appurtenances pertaining to the qualified
27 convention facility, subject only to those restrictions imposed by

1 this act.

2 (b) All right, title, and interest in and to the fixtures,
3 equipment, materials, furnishings, and other personal property of a
4 local government owned or controlled and used for purposes of the
5 qualified convention facility by the local government shall by
6 operation of this act be conveyed and transferred from the local
7 government to the authority for the qualified metropolitan area,
8 and the authority shall receive, succeed to, and assume the
9 exclusive right, responsibility, and authority to possess and
10 control the property from and after the transfer date.

11 (c) All licenses, permits, approvals, or awards of a local
12 government related to the ownership, occupancy, operation, control,
13 development, or use of a qualified convention facility by the local
14 government shall by operation of this act be conveyed and
15 transferred from the local government to the authority for the
16 qualified metropolitan area and be assumed by the authority.

17 (d) All grant agreements, grant preapplications, grant
18 applications, rights to receive the balance of any funds payable
19 under the agreements or applications, the right to receive any
20 amounts payable from and after the transfer date, and the benefits
21 of contracts or agreements of a local government related to the
22 ownership, occupancy, operation, control, development, or use of a
23 qualified convention facility by the local government shall by
24 operation of this act be conveyed and transferred from the local
25 government to the authority for the qualified metropolitan area and
26 be assumed by the authority.

27 (e) All of the duties, liabilities, responsibilities, and

1 obligations of a local government related to the ownership,
2 occupancy, operation, control, development, or use of a qualified
3 convention facility by the local government shall by operation of
4 this act be conveyed and transferred from the local government to
5 the authority for the qualified metropolitan area and assumed by
6 the authority, except for any liabilities, responsibilities, or
7 obligations that are contested in good faith by, or, as of the
8 transfer date, unknown to, the authority.

9 (f) An authority for a qualified metropolitan area shall
10 assume all of the outstanding securities of the local government
11 that were originally issued to finance the acquisition or
12 construction of, development of, or improvements to the qualified
13 convention facility conveyed and transferred to the authority for
14 the qualified metropolitan area under this section, and the
15 authority shall refund or defease the securities. If the authority
16 refunds the outstanding securities assumed under this subsection,
17 that refunding shall be considered, as a matter of law, to be
18 necessary to eliminate requirements of covenants applicable to the
19 existing outstanding securities.

20 (2) An authority may, in its sole discretion, assume, accept,
21 or become liable for any or all of the lawful agreements,
22 obligations, promises, covenants, commitments, and other
23 requirements of a local government relating to a qualified
24 convention facility conveyed and transferred under this section,
25 except as provided in subsection (4). An authority shall perform
26 all of the duties and obligations and shall be entitled to all of
27 the rights of a local government and under any agreements expressly

1 assumed and accepted by the authority related to the transfer of a
2 qualified convention facility from the local government to the
3 authority under this section.

4 (3) The local chief executive officer of a local government
5 from which the rights, responsibility, and authority to own occupy,
6 operate, control, develop, and use a qualified convention facility
7 are conveyed and transferred from the local government to an
8 authority for a qualified metropolitan area under this section
9 shall execute the instruments of conveyance, assignment, and
10 transfer or other documents as may, in the authority's judgment, as
11 necessary or appropriate to recognize, facilitate, or accomplish
12 the transfer of the qualified convention facility from the local
13 government to the authority under this section.

14 (4) An authority for a qualified metropolitan area shall not
15 assume any unfunded obligations of a local government transferring
16 a qualified convention facility under this section to provide
17 pensions or retiree health insurance. Upon request by the
18 authority, the local government shall provide the authority with a
19 statement of the amount of the unfunded obligations, determined by
20 a professional actuary acceptable to the authority.

21 (5) All lawful actions, commitments, and proceedings of a
22 local government made, given, or undertaken before the transfer
23 date and assumed by an authority under this section are ratified,
24 confirmed, and validated upon assumption. All actions, commitments,
25 or proceedings of the local government relating to a qualified
26 convention facility in the process of being undertaken by, but not
27 yet a commitment or obligation of, the local government regarding

1 the qualified convention facility may, from and after the date of
2 assumption by the authority under this section, be undertaken and
3 completed by the authority in the manner and at the times provided
4 in this act or other applicable law and in any lawful agreements
5 made by the local government before the date of assumption by the
6 authority under this section.

7 (6) The exclusive right and authorization to own, occupy,
8 operate, control, develop, and use a qualified convention facility
9 transferred under this section shall include, but not be limited
10 to:

11 (a) Ownership and operational jurisdiction over all real
12 property of the qualified convention facility, subject to any liens
13 of record and legal restrictions and limitations on the use of the
14 property.

15 (b) The local government's right, title, and interest in, and,
16 to the extent accepted by the authority, all of the local
17 government's responsibilities arising under leases and concessions
18 relating to, a qualified convention facility.

19 (7) The transfers described under this section shall include,
20 but need not be limited to, all of the following:

21 (a) All contracts with licensees, franchisees, tenants,
22 concessionaires, and leaseholders.

23 (b) All operating financial obligations secured by revenues
24 and fees generated from the operations of the qualified convention
25 facility.

26 (c) All cash balances and investments relating to or resulting
27 from operations of the qualified convention facility, all funds

1 held under an ordinance, resolution, or indenture related to or
2 securing obligations of the local government assumed by the
3 authority, and all of the accounts receivable or choses in action
4 arising from operations of the qualified convention facility.

5 (d) All office equipment, including, but not limited to,
6 computers, records and files, software, and software licenses
7 required for financial management, personnel management, accounting
8 and inventory systems, and general administration.

9 (8) The transfer of the real and personal property and
10 operational jurisdiction over a qualified convention facility to an
11 authority may not in any way impair any contracts with licensees,
12 franchisees, vendors, tenants, bondholders, or other parties in
13 privity with the local government that owned a qualified convention
14 facility transferred to an authority under this section, if the
15 contracts were not entered into or modified in violation of this
16 act.

17 (9) From and after the transfer date, a local government from
18 which a qualified convention facility has been transferred shall be
19 relieved from all further costs, responsibility, and liability
20 arising from, or associated with, control, operation, development,
21 and maintenance of the qualified convention facility. The local
22 government shall continue to be responsible for all costs
23 associated with local municipal services, including, but not
24 limited to, police, fire, and emergency medical services, without
25 any additional compensation from the authority. The authority shall
26 provide for the payment of compensation not exceeding
27 \$20,000,000.00 to the qualified city for any revenue otherwise

1 payable to the qualified city from parking facilities operated by
2 the qualified city at the qualified convention facility and for
3 other costs incurred by the qualified city associated with the
4 transfer of the qualified convention facility to the authority
5 under this section.

6 (10) A local government that owns a qualified convention
7 facility subject to transfer under this section or that owned a
8 qualified convention facility transferred to an authority under
9 this section shall comply with all of the following, before and
10 after the transfer:

11 (a) Refrain from any action to sell, transfer, or otherwise
12 dispose of a qualified convention facility other than to the
13 authority or incur new or expanded obligations related to qualified
14 convention facility, without the consent of the authority.

15 (b) Refrain from any approval of or material modification to
16 any collective bargaining agreement applicable to local government
17 employees employed at or assigned to the qualified convention
18 facility or to terms of employment for employees at or assigned to
19 the qualified convention facility. Any approval or modification
20 subject to this subsection shall be null and void.

21 (c) Refrain from any action that, in the authority's judgment,
22 would impair the authority's exercise of the powers granted to the
23 authority under this act or that would impair the efficient
24 operation and management of the qualified convention facility by
25 the authority.

26 (d) Take all actions reasonably necessary to cure any defects
27 in title to the qualified convention facility and related property

1 transferred under this section, including, but not limited to,
2 providing documents, records, and proceedings in respect of title.

3 (e) At the request of an authority, grant any license,
4 easement, or right-of-way in connection with the qualified
5 convention facility to the extent the authority has not been
6 empowered to take these actions.

7 (f) Upon creation, an authority for the qualified metropolitan
8 area in which the local government is located and before the
9 transfer date may conduct operations, maintenance, and repair of
10 the convention facility in the ordinary and usual course of
11 business.

12 (11) Any contract, agreement, lease, sale, disposition,
13 transfer, or other conveyance, easement, license, right,
14 obligation, debt, or liability assumed, approved, entered into,
15 amended, or modified in violation of this section shall be voidable
16 as a matter of law to the extent that the authority would otherwise
17 assume, become party to or transferee of, or otherwise be obligated
18 under the contract, agreement, lease, sale, disposition, transfer,
19 conveyance, easement, license, right, obligation, debt, or
20 liability.

21 (12) Unless otherwise provided in this act, the local chief
22 executive officer of a local government that owns a qualified
23 convention facility subject to transfer under this section is
24 authorized and shall take all reasonable steps to cancel or
25 terminate any agreement to which the local government is a party
26 that relates to the qualified convention facility and meets all the
27 following criteria:

1 (a) The authority has not expressly assumed or accepted the
2 agreement under subsection (2).

3 (b) The agreement provides for cancellation or termination.

4 (c) In the absence of cancellation or termination, the
5 authority would become a party to the agreement by succession,
6 assignment, operation of law, or any other involuntary means.

7 (13) If real property transferred from a qualified city to an
8 authority under this section is no longer used by the authority for
9 the purpose of maintaining or operating a convention facility, all
10 right, title, and interest of the authority in the real property
11 shall revert from the authority to the qualified city.

12 Sec. 21. (1) The authority, as of the transfer date,
13 immediately shall assume and be bound by any existing collective
14 bargaining agreements applicable to employees of the local
15 government whose employment is transferred to the authority either
16 as a result of the authority's express assumption of the employees
17 or by application of section 19 for the remainder of the term of
18 the collective bargaining agreement. Local government employees
19 whose employment is not transferred to the authority shall be
20 reassigned within the local government, pursuant to the terms of
21 any applicable collective bargaining agreements. A representative
22 of the employees or a group of employees in the local government
23 who represents or is entitled to represent the employees or a group
24 of employees of the local government pursuant to 1947 PA 336, MCL
25 423.201 to 423.217, shall continue to represent the employee or
26 group of employees after the employees transfer to the authority.
27 This subsection does not limit the rights of employees, pursuant to

1 applicable law, to assert that a bargaining representative
2 protected by this subsection is no longer their representative. The
3 rights and benefits protected by this subsection may be altered by
4 a future collective bargaining agreement or, for employees not
5 covered by collective bargaining agreements, by benefit plans as
6 established and adopted by the authority.

7 (2) Transferred employees shall not by reason of the transfer
8 have their accrued local government pension benefits or credits
9 diminished. If a transferring employee is not vested in his or her
10 local government pension rights at the time of transfer, his or her
11 posttransfer service with the authority shall be credited toward
12 vesting in any local government retirement system in which the
13 transferring employee participated prior to the transfer, but
14 posttransfer service with the authority shall not be credited for
15 any other purpose under the local government's retirement system,
16 except as provided in subsection (4).

17 (3) A transferred local government employee described in this
18 section or a person hired by the authority as a new employee after
19 the transfer date shall remain or become a participant in the local
20 government retirement system until the authority has established
21 its own retirement system or pension plan. During the period the
22 employee remains or is a participant in the local government
23 system, the employee's posttransfer service with the authority and
24 his or her posttransfer compensation from the authority shall be
25 counted in determining both eligibility for and the amount of
26 pension benefits that the employee will be eligible to receive from
27 the local government system or plan.

1 (4) If the local government maintains a retirement system that
2 provides for continuing participation and benefit accrual by local
3 government employees who transfer their employment to another
4 entity in conjunction with transfer of a local government function
5 to that entity, then the transferred employee may elect to remain a
6 participant in the local government retirement system in lieu of
7 participation in any retirement system or pension plan of the
8 authority. If the transferred employee elects to remain a
9 participant in the local government system, the employee's
10 posttransfer service with the authority and his or her posttransfer
11 compensation from the authority shall be counted in determining
12 both eligibility for and the amount of pension benefits that the
13 employee will be eligible to receive from the local government
14 system or plan. Any election to remain in a local government system
15 or plan shall be made within 60 days following the date the
16 authority has established its own retirement system or pension plan
17 and shall be irrevocable. Employees eligible to make the election
18 described in this subsection shall be those employees who
19 immediately before their transfer date were participating in the
20 local government system and who agree to make any employee
21 contributions required for continuing participation in the local
22 government system and also agree to meet all requirements and be
23 subject to all conditions that, from time to time, apply to
24 employees of the local government who participate in the local
25 government system.

26 (5) For each employee meeting the requirements of subsection
27 (4) who elects to remain a participant in the local government

1 retirement system, the authority shall, on a timely basis,
2 contribute, as applicable, to the trustees of that retirement
3 system an amount determined by the local government system's
4 actuary to be sufficient to fund the liability for all of that
5 employee's retirement and other postemployment benefits under the
6 system on a current basis, as those liabilities are accrued from
7 and after the transfer date.

8 Sec. 23. (1) Except as provided in subsection (3), an
9 authority may raise revenues to fund all of its activities,
10 operations, and investments consistent with its purposes. The
11 sources of revenue available to the authority may include, but are
12 not limited to, any of the following:

13 (a) Rents, admission fees, or other charges for use of a
14 convention facility which the authority may fix, regulate, and
15 collect.

16 (b) Federal, state, or local government grants, loans,
17 appropriations, payments, or contributions.

18 (c) The proceeds from the sale, exchange, mortgage, lease, or
19 other disposition of property that the authority has acquired.

20 (d) Grants, loans, appropriations, payments, proceeds from
21 repayments of loans made by the authority, or contributions from
22 public or private sources.

23 (e) Distributions from the convention facility development
24 fund of the state pursuant to the state convention facility
25 development act, 1985 PA 106, MCL 207.621 to 207.640.

26 (f) Investment earnings on the revenues described in
27 subdivisions (a) to (e).

1 (2) The revenues raised by an authority may be pledged, in
2 whole or in part, for the repayment of bonded indebtedness and
3 other expenditures issued or incurred by the authority.

4 (3) Notwithstanding any other provision of law to the
5 contrary, an authority shall not have the power to impose or levy a
6 tax.

7 (4) The board by resolution may establish a regional
8 convention facility operating trust fund for the purpose of
9 accumulating funds to pay for the cost of operating and maintaining
10 a qualified convention facility. Money for operating and
11 maintaining a qualified convention facility, at the authority's
12 discretion, may be provided from this fund or any other money of
13 the authority. The resolution establishing the fund shall include
14 all of the following:

15 (a) The designation of a person or persons who shall act as
16 the fund's investment fiduciary.

17 (b) A restriction of withdrawals from the fund solely for the
18 payment of reasonable operating and maintenance expenses of a
19 convention facility and the payment of the expenses of
20 administration of the fund.

21 (5) An investment fiduciary shall invest the assets of the
22 fund in accordance with an investment policy adopted by the board
23 that complies with section 13 of the public employee retirement
24 system investment act, 1965 PA 314, MCL 38.1133. However, the
25 investment fiduciary shall discharge his or her duties solely in
26 the interest of the authority. The authority may invest the fund's
27 assets in the investment instruments and subject to the investment

1 limitations governing the investment of assets of public employee
2 retirement systems under the public employee retirement system
3 investment act, 1965 PA 314, MCL 38.1132 to 38.1140m.

4 Sec. 25. (1) For the purpose of acquiring, purchasing,
5 constructing, improving, enlarging, furnishing, equipping,
6 reequipping, developing, or repairing a convention facility
7 transferred under section 19 or subsequently acquired by an
8 authority, the authority may issue self-liquidating bonds of the
9 authority in accordance with and exercise all of the powers
10 conferred upon public corporations by the revenue bond act of 1933,
11 1933 PA 94, MCL 141.101 to 141.140. Revenue bonds issued by the
12 authority are a debt of the authority and not a debt of any
13 qualified county, county, qualified city, city, or this state.

14 (2) The authority may borrow money and issue municipal
15 securities in accordance with and exercise all of the powers
16 conferred upon municipalities by the revised municipal finance act,
17 2001 PA 34, MCL 141.2101 to 141.2821.

18 (3) The authority may issue a municipal security that bears no
19 interest and appreciates as to principal amount if the municipal
20 security is rated investment grade by a nationally recognized
21 rating agency or has insurance for payment of the principal and
22 interest on the municipal security to the holders of the municipal
23 security. The municipal securities authorized by this subsection
24 shall be exempt from the limitations of section 305 of the revised
25 municipal finance act, 2001 PA 34, MCL 141.2305, except that the
26 accreted principal amount of the municipal security shall be
27 considered interest and shall be within the interest rate

1 limitations provided in section 305(1) of the revised municipal
2 finance act, 2001 PA 34, MCL 141.2305.

3 (4) All bonds or other evidences of indebtedness issued by an
4 authority under this act, and the interest on the bonds or other
5 evidences of indebtedness, are free and exempt from all taxation
6 within this state, except for transfer and franchise taxes.

7 (5) The issuance of bonds by an authority shall require the
8 affirmative vote of at least 5 board members.

9 (6) For the purpose of more effectively managing its debt
10 service, an authority may enter into an interest rate exchange or
11 swap, hedge, or similar agreement or agreements in connection with
12 the issuance or proposed issuance of obligations or other evidences
13 of indebtedness or in connection with its then outstanding
14 obligations or other evidences of indebtedness.

15 (7) In connection with entering into an interest rate exchange
16 or swap, hedge, or similar agreement, the authority may create a
17 reserve fund for the payment thereof.

18 (8) An agreement entered into pursuant to this section shall
19 comply with all of the following:

20 (a) The agreement is not a debt of the authority entering into
21 the agreement for any statutory or charter debt limitation purpose.

22 (b) The agreement is payable from general funds of the
23 authority or, subject to any existing contracts, from any available
24 money or revenue sources, including revenues specified by the
25 agreement, securing the obligation or evidence of indebtedness in
26 connection with which the agreement is entered into.

27 Sec. 27. (1) Notwithstanding any other provisions of this act

1 or any other law, the provisions of all ordinances, resolutions,
2 and other proceedings of the local government in respect to any
3 outstanding bonds, notes, or any and all evidences of indebtedness
4 or liability assumed by an authority pursuant to this act, if any,
5 shall constitute a contract between the authority and the holders
6 of the bonds, notes, or evidences of indebtedness or liability and
7 are enforceable against the authority or any or all of its
8 successors or assigns, by mandamus or any other appropriate suit,
9 action, or proceeding in law or in equity in any court of competent
10 jurisdiction in accordance with law.

11 (2) Bonds, notes, or any and all evidences of indebtedness or
12 liability that are assumed by an authority under this act shall be
13 payable from and secured by the sources of revenue that were
14 pledged to those bonds, notes, or evidences of indebtedness or
15 liability under the ordinance, resolution, or other proceedings of
16 the local government and shall not constitute a full faith and
17 credit obligation of the authority or of this state.

18 (3) Nothing in this act or in any other law shall be held to
19 relieve the local government from which a convention facility has
20 been transferred from any bonded or other debt or liability
21 lawfully contracted by the local government, to which the full
22 faith and credit of the local government has been pledged and that
23 remains outstanding as of the transfer date, notwithstanding that
24 the proceeds of the debt or liability have been used by the local
25 government in support of the convention facility.

26 (4) Upon the transfer of a convention facility to an
27 authority, trustees, paying agents, and registrars for any

1 obligation of the local government that has been expressly assumed
2 by the authority under section 19 shall perform all of their duties
3 and obligations and provide all notices related to the obligations
4 as if the authority were the issuer of the obligations. The
5 trustees, paying agents, and registrars shall care for and consider
6 all revenues and funds pledged to secure obligations of the local
7 government that have been assumed by the authority under section 19
8 as revenues and funds of the authority. The authority shall
9 indemnify and hold harmless these trustees, paying agents, and
10 registrars from liability incurred in compliance with this
11 subsection.

12 Sec. 29. (1) Unless permitted by this act or approved by an
13 authority, any restrictions standards or prerequisites of a local
14 government otherwise applicable to an authority and enacted after
15 the effective date of this act shall not apply to an authority.
16 This subsection is intended to prohibit special local legislation
17 or ordinances applicable exclusively or primarily to an authority
18 and not to exempt an authority from laws generally applicable to
19 other persons or entities.

20 (2) The powers conferred in this act upon any authority or
21 local government shall be in addition to any other powers the
22 authority or local government possesses by charter or statute. The
23 provisions of this act apply notwithstanding any resolution,
24 ordinance, or charter provision to the contrary.

25 (3) This act shall be construed liberally to effectuate the
26 legislative intent and the purpose of this act as complete and
27 independent authorization for the performance of each and every act

1 and thing authorized in the act, and all powers granted in this act
2 shall be broadly interpreted to effectuate the intent and purposes
3 of this act and not as to limitation of powers.

4 Enacting section 1. This act does not take effect unless all
5 of the following bills of the 94th Legislature are enacted into
6 law:

7 (a) House Bill No. 5691.

8 (b) House Bill No. 6405.