

# HOUSE BILL NO. 6387

November 12, 2020, Introduced by Reps. Coleman and Steven Johnson and referred to the Committee on Government Operations.

A bill to amend 1947 PA 179, entitled

"An act to provide for the incorporation of certain municipal authorities for the collection or disposal, or both, of garbage or rubbish, or both, and for the operation of a dog pound; and to prescribe the powers, rights and duties thereof,"

by amending sections 1, 2, and 7 (MCL 123.301, 123.302, and 123.307).

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1**       Sec. 1. **(1)** Any 2 or more cities, villages, or townships,

1 ~~hereinafter referred to as "municipalities",~~ or any combination  
 2 ~~thereof, of cities, villages, or townships,~~ may incorporate an  
 3 authority for the purpose of ~~the collection or disposal,~~ **collecting**  
 4 **or disposing,** or both, ~~of~~ garbage or rubbish, or both, and for ~~the~~  
 5 ~~establishment and operation of~~ **establishing and operating** a dog  
 6 pound, by ~~the adoption of~~ **adopting** articles of incorporation ~~, by~~  
 7 the legislative body of each ~~such municipality. The fact of such~~  
 8 **incorporating city, village, or township. The** adoption ~~shall must~~  
 9 be endorsed on ~~such the~~ articles of incorporation by the mayor and  
 10 clerk of the city, the president and clerk of the village, or the  
 11 supervisor and clerk of the township, as ~~the case may be,~~  
 12 **applicable,** in form substantially as follows:

13 "The foregoing articles of incorporation were adopted by the  
 14 ..... of the ..... of  
 15 ....., .....  
 16 county, Michigan, at a meeting duly held on the .....  
 17 day of ....., ~~19-20.... of said the~~  
 18 ..... Clerk of ~~said the~~ ....."

19 (2) The authority ~~shall must~~ be ~~comprised~~ **composed** of the  
 20 territory within ~~such the~~ incorporating municipalities. ~~The Before~~  
 21 **January 1, 2022, the** articles of incorporation ~~shall must~~ be  
 22 published at least once in a newspaper designated in ~~said the~~  
 23 articles **of incorporation** and circulating within the authority.  
 24 **Beginning January 1, 2022, public notice of the articles of**  
 25 **incorporation must be posted as set forth in the local government**  
 26 **public notice act.** One printed copy of ~~such the~~ articles of  
 27 incorporation certified as a true copy by the person or persons  
 28 designated therefor, with the date and place of ~~such the~~  
 29 publication **or posting,** ~~shall must~~ be filed with ~~each the~~ secretary

1 of state and the clerk of the county within which ~~such-the~~  
 2 authority or the major portion ~~thereof-of the authority~~ is located.  
 3 ~~Such-The~~ authority ~~shall-become-becomes~~ effective at the time  
 4 provided in ~~said-the~~ articles of incorporation. The validity of  
 5 ~~such-the~~ incorporation ~~shall-be-is~~ conclusively presumed unless  
 6 questioned in a court of competent jurisdiction within 60 days  
 7 after the filing of ~~such-the~~ certified copies with the secretary of  
 8 state and the county clerk.

9       Sec. 2. ~~Said-The~~ articles of incorporation ~~shall-must~~ state  
 10 the name of ~~such-the~~ authority, the names of the various  
 11 ~~municipalities-cities, villages, or townships~~ creating the ~~same,~~  
 12 **authority**, the purpose or purposes for which ~~it-the~~ **authority** is  
 13 created, the powers, duties, and limitations of the authority and  
 14 its officers, the method of selecting its governing body, officers,  
 15 and employees, **and** the person or persons who are charged with the  
 16 responsibility of causing the articles of incorporation to be  
 17 published **or posted** and printed copies to be certified and filed ~~as~~  
 18 ~~above provided~~ or who are charged with any other responsibility in  
 19 connection with the incorporation of ~~said-the~~ authority, all of  
 20 which ~~shall-be-are~~ subject to the provisions of the **state**  
 21 constitution **of 1963** and **the** statutes of ~~the-this~~ state ~~of Michigan~~  
 22 and particularly of this act.

23       Sec. 7. Any city, village, or township may become a part of  
 24 ~~such-an~~ authority by amendment to the articles of incorporation,  
 25 adopted by the legislative body of ~~such-the~~ city, village, or  
 26 township and by the legislative body of each city, village, or  
 27 township of which ~~such-the~~ authority is composed. Other amendments  
 28 may be made to ~~such-the~~ articles of incorporation if adopted by the  
 29 legislative body of each city, village, or township of which the

1 authority is composed. Any ~~such~~-amendment ~~shall~~-**must** be endorsed,  
2 published **or posted**, and certified printed copies filed in the same  
3 manner as the original articles of incorporation, except that the  
4 filed printed copies ~~shall~~-**must** be certified by the recording  
5 officer of the authority.

6 Enacting section 1. This amendatory act does not take effect  
7 unless Senate Bill No.\_\_\_\_ or House Bill No. 6440 (request no.  
8 02449'19) of the 100th Legislature is enacted into law.