

HOUSE BILL NO. 6398

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

A bill to amend 1988 PA 57, entitled

"An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of authorities and of certain state and local agencies and officers; to provide for certain condemnation proceedings; to provide for fees; to provide for the levy of property taxes for certain purposes; and to prescribe penalties and provide remedies,"

by amending sections 2 and 3 (MCL 124.602 and 124.603).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Any 2 or more municipalities may incorporate an
 2 authority for the purpose of providing emergency services to the
 3 incorporating municipalities. An incorporating municipality may
 4 transfer to the authority of which it is a part any municipal
 5 emergency service.

6 (2) An authority is created by the adoption of articles of
 7 incorporation by the legislative body of each incorporating
 8 municipality. The adoption by an incorporating municipality ~~shall~~
 9 **must** be endorsed on the articles of incorporation in the case of a
 10 county by the county executive or chairperson of the board of
 11 commissioners of the county and the county clerk; in the case of a
 12 city by the mayor and clerk of the city; in the case of a village
 13 by the president and clerk of a village; and in the case of a
 14 township by the supervisor and clerk of a township, in a form
 15 substantially as follows:

16 "The foregoing articles of incorporation were adopted by the
 17 _____ of the _____ of
 18 _____, _____ county,
 19 Michigan, at a meeting duly held on the _____ day of
 20 _____, 19____ of said
 21 _____ Clerk of said _____".

22 (3) An authority's jurisdiction ~~shall be~~ **is** comprised of the
 23 total territory within the incorporating municipalities. ~~The~~ **Before**
 24 **January 1, 2022, the** articles of incorporation ~~shall~~ **must** be
 25 published at least once in a newspaper designated in the articles
 26 of incorporation and circulating within the territory of the
 27 authority. **Beginning January 1, 2022, public notice of the articles**
 28 **of incorporation must be posted as set forth in the local**
 29 **government public notice act.** A printed copy of the articles of

1 incorporation, certified as a true copy by the person or persons
2 designated in the articles, and containing the date and place of
3 publication ~~, shall or posting, must~~ be filed with the secretary of
4 state. An authority ~~shall become~~ **becomes** effective at the time
5 provided in its articles of incorporation. The validity of the
6 incorporation of an authority ~~shall be~~ **is** conclusively presumed
7 unless questioned in a court of competent jurisdiction within 60
8 days after the date on which certified copies of the articles of
9 incorporation are filed with the secretary of state.

10 (4) The laws of this state applying to a municipality that
11 becomes a part of an authority also ~~shall~~ continue to apply to the
12 municipality and the authority after the municipality becomes a
13 part of the authority.

14 Sec. 3. (1) Any county, city, village, or township may become
15 a part of an existing authority by amendment to the authority's
16 articles of incorporation, adopted by the legislative body of the
17 county, city, village, or township and by the legislative body of
18 every other county, city, village, or township of which the
19 existing authority is composed.

20 (2) Other amendments may be made to an authority's articles of
21 incorporation if adopted by the legislative body of each city,
22 village, or township of which the authority is composed. An
23 amendment ~~shall~~ **must** be endorsed and published **or posted**, and
24 certified printed copies ~~shall~~ **must** be filed in the same manner as
25 the original articles of incorporation, except that the filed
26 printed copies ~~shall~~ **must** be certified by the recording officer of
27 the authority.

28 Enacting section 1. This amendatory act does not take effect
29 unless Senate Bill No. ____ or House Bill No. 6440 (request no.

1 02449'19) of the 100th Legislature is enacted into law.