

**SUBSTITUTE FOR  
SENATE BILL NO. 778**

A bill to authorize municipalities to collect delinquent property taxes and other delinquent assessments and charges by selling the liens related to delinquent property taxes and other delinquent assessments and charges; to authorize municipalities to establish procedures for collecting delinquent taxes and enforcing tax liens; to authorize the imposition of fees, charges, interest, and penalties upon delinquent property taxes and other delinquent assessments and charges; to authorize municipalities to create certain entities or to utilize certain existing entities to facilitate the sale and purchase of liens related to delinquent property taxes and other delinquent assessments and charges; to authorize municipalities to issue certain obligations secured by liens related to delinquent property taxes and other delinquent assessments and charges; to provide for the issuance of, and terms and conditions for, obligations secured by liens

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related to delinquent property taxes and other delinquent assessments and charges; and to exempt the property, income, bonds, notes, and interest on bonds and notes of certain entities from certain taxes.

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

1       Sec. 1. This act shall be known and may be cited as the  
2 "Michigan tax lien sale and collateralized securities act".

3       Sec. 2. As used in this act:

4       (a) "Authority" means an authority created under section 9.

5       (b) "Incorporating unit" or "municipality" means a home rule  
6 city under the home rule city act, 1909 PA 279, MCL 117.1 to  
7 117.38, that collects ad valorem taxes on behalf of a first class  
8 school district whose boundaries are coterminous with the bounda-  
9 ries of the home rule city and that does not return delinquent ad  
10 valorem taxes to the county treasurer in the county in which the  
11 home rule city is situated.

12       (c) "Purchase and sale agreement" means an agreement between  
13 a municipality and a tax lien entity or third party pursuant to  
14 section 4.

15       (d) "Tax lien" means an interest in or encumbrance on real  
16 property or personal property under section 8(c) or (d) of the  
17 general property tax act, 1893 PA 206, MCL 211.8, that is imposed  
18 pursuant to law or judgment and that relates to 1 or more of the  
19 following taxes, assessments, or levies, or that relates to  
20 interest and penalties accrued on 1 or more of the following  
21 taxes, assessments, or levies:

1       (i) Unpaid ad valorem property taxes.

2       (ii) Unpaid special assessments.

3       (iii) Other levies or charges that are returned as delin-  
4 quent and are authorized to be collected in the same manner as  
5 provided for ad valorem taxes under the general property tax act,  
6 1893 PA 206, MCL 211.1 to 211.157.

7       (e) "Tax lien collateralized securities" means bonds, notes,  
8 or other obligations issued by a tax lien entity of the munici-  
9 pality, the repayment of which is secured by tax liens and any  
10 other funds, property, or security pledged by the tax lien entity  
11 for repayment. Tax lien collateralized securities include cer-  
12 tificates of participation or similar securities evidencing an  
13 ownership in the tax liens.

14       (f) "Tax lien entity" of the municipality means [REDACTED]  
15 an [REDACTED] authority, trust, or other single purpose entity cre-  
16 ated by a municipality or in which a municipality holds a benefi-  
17 cial ownership interest, to purchase tax liens from the munici-  
18 pality or to issue tax lien collateralized securities in antici-  
19 pation of the collection of tax liens.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23       (g) "True sale" means a transfer of property of the munici-  
24 pality by which, following the transfer, the property transferred  
25 would not be considered to be property of the municipality's  
26 estate in the event the municipality were to become a debtor in a

1 case under title 11 of the United States Code, 11 U.S.C. 101 to  
2 1330.

3       Sec. 3. A municipality may do any of the following:

4       (a) Make and execute contracts and any other instruments  
5 necessary or convenient for the purposes of this act, including a  
6 purchase and sale agreement entered into pursuant to section 4.

7       (b) By charter, ordinance, or resolution establish proce-  
8 dures for collecting delinquent taxes and enforcing tax liens and  
9 establish, revise, charge, and collect fees, charges, interest,  
10 and penalties, including, but not limited to, reimbursement of  
11 all costs of financing and collection by a municipality or a tax  
12 lien entity of the municipality, including attorney's fees and  
13 service charges.

14       (c) Establish, create, form, control, or own a beneficial  
15 ownership interest in 1 or more trusts or other single purpose  
16 entities to facilitate the purchase of tax liens and the issuance  
17 of tax lien collateralized securities.

18       (d) Sell or contract to sell, at public or private sale, tax  
19 liens, singly, in bulk, or in groups and to enter into advance  
20 commitments with a tax lien entity of the municipality or third  
21 party for the sale of  
22 tax liens pursuant to section 4 for any portion of the amount  
23 owed with respect to the tax liens.

24       (e) Make and execute contracts for professional services to  
25 service or collect tax liens sold by the municipality or acquired  
26 by a tax lien entity of the municipality or to service tax lien  
purchase and sale agreements, including, but not limited to,

1 attorneys, financial advisors, accountants, or due diligence  
2 providers.

3       (f) Subject to any agreement with the holders or owners of  
4 tax lien collateralized securities, modify the time of payment,  
5 interest, penalties, or fees of a tax lien owned by the [REDACTED]  
6 [REDACTED] tax lien entity of the municipality, or of any other  
7 contract or agreement to which the municipality is a party.

8       (g) Establish terms and provisions for the sale of tax liens  
9 by the municipality to a tax lien entity of the municipality or  
10 to a third party including, but not limited to, all of the  
11 following:

12       (i) The price for tax liens, which may be at par, premium,  
13 or discount and payable in cash, noncash consideration, or no  
14 consideration.

15       (ii) The classes of property determined by the municipality  
16 to be sold to a tax lien entity of the municipality.

17       (iii) The covenants, representations, and warranties to be  
18 made by the municipality with respect to the tax liens.

19       (iv) The determination of rights of substitution and removal  
20 of tax liens previously sold, which rights of substitution shall  
21 require substitution of tax liens of not less than equivalent  
22 value.

23       (v) The establishment of the sale date.

24       (vi) Subject to the terms of the tax liens purchased, provi-  
25 sions regarding redemption or payment prior to the stated redemp-  
26 tion date.

1       (vii) Any other matters that the municipality determines to  
2 be necessary, desirable, or advisable.

3       (h) Establish terms and provisions for a tax lien purchase  
4 and sale agreement, including any terms for payment and any other  
5 matters that the municipality determines to be necessary, desir-  
6 able, or advisable.

7       Sec. 4. (1) A municipality or a tax lien entity of the  
8 municipality by resolution of the governing body of the munici-  
9 pality or the tax lien entity of the municipality may enter into  
10 1 or more purchase and sale agreements for the sale of tax liens  
11 by the municipality and the purchase of the tax liens by a tax  
12 lien entity of the municipality or a third party. A purchase and  
13 sale agreement shall contain, consistent with this act, those  
14 terms, provisions, and conditions that the municipality or a tax  
15 lien entity of the municipality considers necessary or  
16 desirable. A resolution authorizing 1 or more purchase and sale  
17 agreements may delegate to the chief financial officer of the  
18 municipality the power to enter into purchase and sale agreements  
19 and fix the details of any purchase and sale agreement by an  
20 appropriate certificate of the authorized chief financial  
21 officer. Each sale of tax liens by a municipality pursuant to a  
22 purchase and sale agreement is a true sale for all purposes of  
23 state law, without recourse to the municipality for uncollectible  
24 tax liens. Each purchase and sale agreement shall specify the  
25 amount to be made available to the municipality from the sale,  
26 which may be more or less than the face amount of the tax liens  
27 purchased by a tax lien entity of the municipality or a third

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1 party, and any other amounts that may be made available to the  
2 municipality on a contingent basis under the terms of the pur-  
3 chase and sale agreement. A purchase and sale agreement may  
4 require a municipality, subject to appropriation by the governing  
5 body of the municipality, to provide for the payment of other  
6 fees, charges, costs, or other amounts that the municipality  
7 determines to be necessary or desirable to facilitate the  
8 transaction. A purchase and sale agreement shall not require a  
9 municipality to pay the costs of collection of the amounts  
10 subject to a tax lien sold by the municipality or the principal  
11 or interest on tax lien collateralized securities issued by a tax  
12 lien entity of the municipality.

13       (2) A purchase and sale agreement entered into pursuant to  
14 subsection (1) shall provide that any obligation of the munici-  
15 pality to fund or pay the amounts provided in the purchase and  
16 sale agreement is not a debt of the municipality within the mean-  
17 ing of any constitutional, statutory, or charter provision and is  
18 executory only to the extent of money available, that the munici-  
19 pality incurs no liability beyond the money available for that  
20 purpose, and that any payment obligation of a municipality, other  
21 than the timely payment of any money collected by it and due to  
22 the municipality or a tax lien entity of the municipality as a  
23 result of the redemption of tax liens that are the subject of the  
24 purchase and sale agreement, is subject to appropriation by the  
25 governing body of the municipality.

26       (3) A resolution authorizing a purchase and sale agreement  
27 may require that the municipality establish reserves from the

1 proceeds of the sale of tax liens, to the extent that a portion  
2 of the proceeds represents future general fund receipts necessary  
3 for future general fund purposes. A resolution may also estab-  
4 lish separate funds for the deposit of portions of the proceeds  
5 of the sale of tax liens, which funds may be specifically desig-  
6 nated for capital improvements, economic development, infrastruc-  
7 ture improvements, technology improvements, collection of delin-  
8 quent taxes, enforcement of tax liens, or deposit into the home  
9 rule city's rainy day fund, subject to appropriation of the gov-  
10 erning body of the municipality.

11 (4) A municipality may enter into a purchase and sale agree-  
12 ment pursuant to this section or sell tax liens pursuant to sec-  
13 tion 5 only with respect to the following tax liens:

14 (a) A tax lien for a levy or charge imposed prior to January  
15 1, 1998.

16 (b) A tax lien for a levy or charge imposed after December  
17 31, 1997 on property for which the tax lien entity of the  
18 municipality or third party holds a tax lien from the municipality.

(5) A municipality that sells tax liens related to a levy by a  
governmental unit other than the municipality shall use the proceeds  
of those tax liens as payment of the taxes due from the levy by the  
other governmental unit or, to the extent authorized by an agreement  
with the municipality, to fund costs of collecting delinquent taxes  
in excess of any property tax collection fee imposed pursuant to law  
or charter. A school district and a municipality may enter into any  
agreement relating to the allocation of costs of collecting  
delinquent taxes in excess of any property tax collection fee  
imposed pursuant to law or charter.

19 Sec. 5. (1) A municipality may agree to any of the follow-  
20 ing in a purchase and sale agreement entered into pursuant to  
21 section 4:

22 (a) To make all covenants, representations, and warranties  
23 with respect to the tax liens sold necessary to effectuate the  
24 sale of those tax liens and to facilitate the marketing of tax  
25 lien collateralized securities issued by the  
26 tax lien entity of the municipality.



1       (b) To accept a note or other instrument issued by a tax  
2 lien entity of the municipality or a third party evidencing any  
3 contingent amounts payable under the terms of the purchase and  
4 sale agreement.

5       (2) In connection with the sale or proposed sale of tax  
6 liens to a tax lien entity of the municipality, a municipality  
7 may pay 1 or more of the following charges:

8       (a) Fixed or annual charges prescribed by the municipality  
9 for or with respect to the purchase of tax liens by a tax lien  
10 entity of the municipality. A purchase and sale agreement shall  
11 not require a municipality to pay the costs of collection of the  
12 amounts subject to a tax lien sold by the municipality or the  
13 principal or interest on tax lien collateralized securities  
14 issued by a tax lien entity of the municipality.

15       (b) All charges or expenses necessary to convert or recon-  
16 vert any tax lien into a form required by the municipality in  
17 connection with any sale or other disposition of the tax lien.

18       (3) A tax lien entity of a municipality or a third party has  
19 all of the rights provided by law to the municipality to enforce  
20 and collect amounts secured by a tax lien purchased by the tax  
21 lien entity of the municipality or the third party from the  
22 municipality. A tax lien held by a tax lien  
23 entity of a municipality or a third party is a preferred or first  
24 claim upon the property in the same manner as if the tax lien  
25 were held by the municipality. The right of a tax lien entity to  
26 enforce and collect the tax lien purchased does not authorize the  
27 tax lien entity to take any action to enforce or collect the tax  
lien that the municipality is not authorized to take.

1       (4) If a tax lien is purchased, the portion of the tax lien  
2 that represents delinquent taxes, charges, and assessments is  
3 subject to interest and penalties at the same rate as interests  
4 and penalties on delinquent taxes, charges, and assessments  
5 subject to collection by the municipality. However, the maximum  
6 amount of penalties charged before and after the purchase of the  
7 tax lien shall not exceed the maximum amount of penalties that  
8 may be imposed by the municipality for delinquent taxes, charges,  
9 and assessments subject to collection by the municipality. A tax  
10 lien entity or a third party that purchased a tax lien may retain  
11 any interest and penalties collected upon delinquent taxes,  
12 charges, and assessments subject to the tax lien purchased.

13       Sec. 6. (1) A tax lien entity of a municipality may by res-  
14 olution of its governing body, without a vote of the electors in  
15 the municipality, authorize and issue tax lien collateralized  
16 securities in anticipation of the collection on tax liens for any  
17 of the following purposes:

18       (a) To purchase tax liens, including tax liens purchased  
19 pursuant to section 107 of the general property tax act, 1893 PA  
20 206, MCL 211.107.

21       (b) To refund outstanding tax lien collateralized securities  
22 of the tax lien entity of the municipality.

23       (c) Establish reserves to secure tax lien collateralized  
24 securities.

25       (d) Payment of capitalized interest, if any.

26       (e) Payment of any of the following:

1       (i) A letter of credit, bond insurance, or other credit and  
2 liquidity support facility fees, premiums, reimbursements, and  
3 expenses.

4       (ii) Fees and expenses of trustees and paying agents.

5       (iii) Other financing and issuance costs.

6       (iv) All other expenditures of the tax lien entity of the  
7 municipality incident to and necessary or convenient to the sale  
8 and purchase of tax liens and the issuance of the tax lien col-  
9 lateralized securities.

10       (2) Tax lien collateralized securities issued by a tax lien  
11 entity of the municipality are special limited obligations of the  
12 tax lien entity of the municipality, payable only from the redemption, payment, or  
13 other satisfaction of the tax liens purchased or the liquidation  
14 of the related real property, other collateral, or credit  
15 enhancement agreements pledged to secure the tax lien collateral-  
16 ized securities, subject to any agreements pledging any particu-  
17 lar money, assets, or revenues of the tax lien entity of the  
18 municipality. The tax lien collateralized securities may be  
19 secured by past, present, and future tax liens as designated by  
20 the tax lien entity of the municipality issuing the tax lien  
21 collateralized securities.

22       (3) Tax lien collateralized securities shall be authorized  
23 without a vote of the electors of the municipality by resolution  
24 of the governing body of the tax lien entity of the municipality  
25 as provided in this act. A resolution authorizing the issuance  
26 of tax lien collateralized securities may delegate to the chief  
27 financial officer of the municipality the power to establish,

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1 within parameters established by the resolution, the details of  
2 any issue of tax lien collateralized securities by an appropriate  
3 certificate of the authorized chief financial officer.

4 (4) A resolution authorizing the issuance of tax lien col-  
5 lateralized securities or the certificate of the authorized chief  
6 financial officer of the municipality shall establish all of the  
7 following:

8 (a) The date or dates of issue.

9 (b) The maturity date or dates.

10 (c) The interest rate or rates, which may be on a fixed or  
11 variable rate basis.

12 (d) The denominations.

13 (e) The form and registration privileges.

14 (f) Manner of execution.

15 (g) That the tax lien collateralized securities are payable  
16 in lawful money of the United States at a place or places within  
17 or without the state.

18 (h) Terms of redemption prior to maturity.

19 (i) Any other terms provided by the authorizing resolution.

20 (5) Tax lien collateralized securities and related tax lien  
21 purchase and sale agreements shall not be required to be reviewed  
22 by any state agency, department, or bureau and are not subject to  
23 the provisions of the municipal finance act, 1943 PA 202, MCL  
24 131.1 to 139.3.

25 (6) A tax lien collateralized security of a tax lien entity  
26 of the municipality may be sold at public or private sale upon  
27 terms and at prices and discounts determined by the tax lien

1 entity of the municipality. A tax lien entity of the municipality  
2 may pay all expenses, premiums, and commissions necessary or advantageous in  
3 connection with the issuance and sale of the tax lien collateral-  
4 ized security.

5 (7) Whether or not tax lien collateralized securities are of  
6 a form and character as to be negotiable instruments under the  
7 terms of the uniform commercial code, 1962 PA 174, MCL 440.1101  
8 to 440.11102, tax lien collateralized securities are hereby made  
9 negotiable instruments within the meaning of and for all the pur-  
10 poses of the uniform commercial code, 1962 PA 174, MCL 440.1101  
11 to 440.11102, subject only to the provisions of the tax lien col-  
12 lateralized securities for registration.

13 (8) A resolution authorizing tax lien collateralized securi-  
14 ties of a tax lien entity of a municipality may contain the fol-  
15 lowing provisions that may be a part of the contract with the  
16 holders of tax lien collateralized securities:

17 (a) Pledging or creating a lien on all or any part of any  
18 money or assets of a tax lien entity of the municipality or of  
19 any money held in trust or by others for the payment of the tax  
20 lien collateralized securities.

21 (b) Providing for the custody, collection, securing, invest-  
22 ment, and payment of any money of a tax lien entity of the  
23 municipality.

24 (c) Setting aside reserves or sinking funds and regulating  
25 or disposing of reserves or sinking funds.

26 (d) Determining the application of the proceeds of the sale  
27 of any issue of securities.

1       (e) Applying limitations on the issuance of additional  
2 securities on a parity or subordinate basis, the terms upon which  
3 additional securities may be issued and secured, and upon the  
4 refunding of outstanding or other securities.

5       (f) The procedure and criteria, if any, by which the terms  
6 of any contract with the holders of tax lien collateralized  
7 securities may be amended or abrogated.

8       (g) The creation of special funds into which any money of  
9 the tax lien entity of the municipality may be deposited.

10       (h) Vesting a trustee with properties, rights, powers, and  
11 duties.

12       (i) Defining the acts or omissions to act that constitute a  
13 default in the obligations and duties of the tax lien entity of  
14 the municipality and providing the rights and remedies of the  
15 holders of the tax lien collateralized securities in the event of  
16 a default.

17       (j) Any other matters that affect the security and protec-  
18 tion of the tax lien collateralized securities and the rights of  
19 the holders of the tax lien collateralized securities.

20       (9) Any trust indenture or other agreement under which tax  
21 lien collateralized securities of a tax lien entity of the munic-  
22 ipality are authorized to be issued may contain provisions for  
23 vesting in a trustee the properties, rights, powers, and duties  
24 that the tax lien entity considers appropriate.

25       (10) A sale or pledge of tax liens, earnings, revenues,  
26 other money, or assets made by a tax lien entity of the  
27 municipality is valid and binding from the time the sale or

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1 pledge is made without any filing, recording, or other  
2 requirement of notice. The tax liens, earnings, revenues, other  
3 money, or assets pledged and received by a tax lien entity of the  
4 municipality are immediately subject to the lien of the pledge  
5 without physical delivery or further act. The lien of any pledge  
6 of tax liens, earnings, revenues, other money, or assets is valid  
7 and binding against all parties having claims of any kind in  
8 tort, contract, or otherwise against a tax lien entity of the  
9 municipality whether or not those parties have notice of the lien  
10 of the pledge. A resolution or any other instrument by which a  
11 pledge is created is not required to be recorded.

12 (11) Members of the governing body of the municipality, a  
13 tax lien entity of the municipality, or any person executing the tax  
14 lien collateral-  
15 ized securities is not personally liable for repayment of the tax  
16 lien collateralized securities or subject to any personal liabil-  
17 ity or accountability arising from the issuance or nonissuance of  
the tax lien collateralized securities.

(12) A tax lien entity of the municipality that is created  
pursuant to section 9 is subject to the following restrictions in  
issuing tax lien collateralized securities under this act:

(a) The net present value of the principal and interest to be  
paid on tax lien collateralized securities issued to refund  
outstanding tax lien collateralized securities of the authority,  
excluding that portion of the refunding obligation used to pay the  
costs of issuance, shall be less than the net present value of the  
principal and interest to be paid on the obligation being refunded  
as calculated using a method approved by the state treasurer.

(b) A tax lien collateralized security shall not appreciate, in  
whole or in part, in principal amount, or be sold at a discount of,  
more than 10%.

18 Sec. 7. Tax lien collateralized securities and other obli-  
19 gations of a tax lien entity of the municipality are not a debt  
20 of this state or of any municipality within the meaning of any  
21 constitutional, statutory, or charter debt limitation, and nei-  
22 ther this state nor any municipality is liable on the tax lien  
23 collateralized securities or obligations. Tax lien collateral-  
24 ized securities and other obligations of the  
25 tax lien entity of the municipality are not payable out of any  
26 funds other than those pledged for payment of the tax liens and

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1 the tax lien collateralized securities and other obligations  
2 shall state that fact on their face.

3       Sec. 8. Tax lien collateralized securities issued pursuant  
4 to this act are exempt from all taxation in this state, except  
5 inheritance and transfer taxes. Interest on tax lien collateral-  
6 ized securities is exempt from all taxation in this state.

7        Sec. 9. A municipality may incorporate 1 or more authori-  
8 ties to serve as and to exercise the powers of a tax lien entity  
9 of the municipality under this act.

10       Sec. 10. An authority is incorporated by the adoption of  
11 articles of incorporation by the governing body of the incor-  
12 porating unit. Articles of incorporation are adopted by the  
13 affirmative vote of a majority of the members of the governing  
14 body of the incorporating unit. The articles of incorporation  
15 shall be executed for and on behalf of the incorporating unit by  
16 its mayor and city clerk. The clerk of the incorporating unit  
17 shall also affix to the articles of incorporation a certificate  
18 in substantially the following form:

19 "The foregoing articles of incorporation were adopted by the  
20 \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ County, Michigan,  
21 at a meeting duly held on the \_\_\_\_\_ day of \_\_\_\_\_,  
22 19\_\_.

23 Dated: \_\_\_\_\_, 19\_\_.

24 \_\_\_\_\_  
25 Clerk".

26       Sec. 11. (1) The articles of incorporation shall set forth  
27 all of the following:

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- 1 (a) The name of the authority.
- 2 (b) The name of the unit incorporating the authority.
- 3 (c) The purpose or purposes for which the authority is  
4 created.
- 5 (d) The number, terms, and manner of selection of the  
6 authority's officers, including the authority's governing body  
7 which shall be known as the board of commissioners.
- 8 (e) The powers and duties of the authority and of the  
9 authority's officers.
- 10 (f) The date upon which the authority shall become  
11 effective.
- 12 (g) The name of the newspaper in which the articles of  
13 incorporation shall be published.
- 14 (h) Any other matters to be incorporated in the articles of  
15 incorporation.
- 16 (2) Members of the governing body of the incorporating unit  
17 are not eligible for membership in or appointment to an  
18 authority.
- 19 Sec. 12. (1) An authority shall be directed and governed by  
20 a board of commissioners of 3 members selected by the chief execu-  
21 tive officer of the incorporating unit. A commissioner shall  
22 serve for a 4-year term.
- 23 (2) The chief executive officer of the incorporating unit  
24 shall select a commissioner to serve as chairperson of the  
25 authority. The commissioners shall designate 1 member as secre-  
26 tary and shall adopt bylaws and rules of procedure.

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1       (3) The business that the board of commissioners may perform  
2 shall be conducted at a public meeting of the board of  
3 commissioners held in compliance with the open meetings act, 1976  
4 PA 267, MCL 15.261 to 15.275. Public notice of the time, date,  
5 and place of the meeting shall be given in the manner required by  
6 the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

7       Sec. 13. Members of the board of commissioners may be reim-  
8 bursed for reasonable actual expenses and mileage for attending  
9 meetings, as provided by the board of commissioners with the  
10 approval of the incorporating unit.

11       Sec. 14. (1) The articles of incorporation of an authority  
12 shall be executed in duplicate and delivered to the county clerk,  
13 who shall file 1 copy in his or her office and the other copy  
14 with the secretary of the authority. The officer designated in  
15 the articles of incorporation shall cause a copy of the articles  
16 of incorporation to be published once in a newspaper designated  
17 in the articles of incorporation and circulating within the  
18 incorporating unit, accompanied by a statement that the right  
19 exists to question the incorporation of the authority in court as  
20 provided in this section.

21       (2) The officer designated in the articles of incorporation  
22 shall file 1 copy of the articles of incorporation with the sec-  
23 retary of state. Attached to that copy shall be the certificate  
24 setting forth that the copy presented is a true and complete copy  
25 of the original articles of incorporation and the date and place  
26 of the publication.

1       (3) The authority is effective at the time provided in the  
2 articles of incorporation. The validity of the incorporation of  
3 the authority is conclusively presumed unless questioned in a  
4 court of competent jurisdiction within 60 days after the articles  
5 of incorporation are published pursuant to subsection (1) or cer-  
6 tified copies of the articles of incorporation are filed with the  
7 secretary of state, whichever is later.

8       Sec. 15. (1) An authority is a public body corporate with  
9 the power to sue and be sued in any court of this state. An  
10 authority has all of the powers necessary to carry out the pur-  
11 pose of its incorporation and those incident to its  
12 incorporation. The enumeration of any powers in this act does  
13 not limit the general powers of the authority.

14       (2) An authority is not authorized to be a debtor under  
15 chapter 9 of title 11 of the United States Code, 11 U.S.C. 901 to  
16 946.

17       Sec. 16. An authority and its incorporating unit may enter  
18 into a contract under which the authority may acquire, sell, or  
19 otherwise dispose of property contemplated by the terms of this  
20 act. The acquisition or sale of any building, lot, or structure,  
21 and the necessary site for the property, together with any appur-  
22 tenant properties and facilities by an authority or by an incor-  
23 porating unit is a benefit to and a legitimate public purpose of  
24 the authority and the incorporating unit.

25       Sec. 17. An authority may acquire property by purchase,  
26 foreclosure, construction, lease, gift, or devise from a public  
27 or private entity and may hold, control, manage, sell, exchange,

1 or lease acquired property. The governing body of an  
2 incorporating unit, by a majority vote of its members, may trans-  
3 fer any real property, except cemetery property, owned or taken  
4 by the incorporating unit to an authority established under this  
5 act. The transfer and use of real property under this section  
6 shall be considered a necessary public purpose and for the bene-  
7 fit of the public.

8       Sec. 18. The articles of incorporation of an authority may  
9 be amended if the amendments are adopted by the governing body of  
10 the incorporating unit. No amendment shall impair the obligation  
11 of any bond or other contract. An amendment shall be adopted,  
12 executed, and published and certified copies filed, in the same  
13 manner as provided for the original articles of incorporation.

14       Sec. 19. All property owned by an authority is exempt from  
15 taxation by this state or any political subdivision of this  
16 state.

17       Sec. 20. (1) An authority may contract with its incorporat-  
18 ing unit and with third parties to accomplish the objectives of  
19 this act.

20       (2) An authority may contract with any person, firm, or cor-  
21 poration to service, administer, collect, and foreclose on tax  
22 liens and to maintain or sell the foreclosed property.

23       Sec. 21. The powers granted under this act are in addition  
24 to those granted by any other statute or charter.