

HOUSE BILL No. 6013

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 1955 PA 233, entitled

"An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies,"

by amending sections 2, 3, 4a, 6, and 8 (MCL 124.282, 124.283, 124.284a, 124.286, and 124.288), section 2 as amended by 1981 PA 154, section 4a as amended by 2008 PA 172, and section 8 as amended by 2009 PA 166.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Any 2 or more municipalities may incorporate an

1 authority for the purpose of acquiring, owning, improving,
 2 enlarging, extending, and operating a sewage disposal system, a
 3 water supply system, a solid waste management system, or a
 4 combination of systems by the adoption of articles of
 5 incorporation by the legislative body of each of the
 6 municipalities. The fact of the adoption shall be endorsed on
 7 ~~such~~**THE** articles of incorporation by the chairperson of the
 8 county board of commissioners and the county clerk in case of a
 9 county; the mayor and clerk in case of a city; the president and
 10 clerk in case of a village; and the supervisor and clerk in case
 11 of a township, in form substantially as follows:

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

21 (2) The authority shall be comprised of the territory lying
 22 within the incorporating municipalities. ~~The~~**BEFORE JANUARY 1,**
 23 **2015, THE** articles of incorporation shall be published at least
 24 once in a newspaper designated in the articles and having general
 25 circulation within the territory encompassed by the authority.
 26 **BEGINNING JANUARY 1, 2015, TIER B PUBLIC NOTICE WITH A LINK OF**

1 **THE ARTICLES OF INCORPORATION SHALL BE PROVIDED AS SET FORTH IN**
 2 **THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.** One printed copy of the
 3 articles of incorporation certified as a true copy by the person
 4 or persons designated for the certification, with the date and
 5 place of the publication **OR POSTING**, shall be filed with the
 6 secretary of state and the clerk of the county within which the
 7 territory or the major portion of the territory is located. The
 8 authority ~~shall become~~ **BECOMES** effective at the time provided in
 9 the articles of incorporation. The validity of the incorporation
 10 ~~shall be~~ **IS** conclusively presumed unless questioned in a court of
 11 competent jurisdiction within 60 days after the filing of the
 12 certified copies with the secretary of state and the county
 13 clerk.

14 Sec. 3. ~~Said~~ **THE** articles of incorporation shall state the
 15 name of ~~such~~ **THE** authority, the names of the various
 16 municipalities creating the ~~same~~, **THE AUTHORITY**, the purpose or
 17 purposes for which ~~it~~ **THE AUTHORITY** is created, the powers,
 18 duties, and ~~limitation~~ **LIMITATIONS** of the authority and its
 19 officers, the method of selecting its governing body, officers,
 20 and employees, the person or persons who are charged with the
 21 responsibilities of causing the articles of incorporation to be
 22 published **OR POSTED** and the printed copies ~~thereof~~ **OF THE**
 23 **ARTICLES OF INCORPORATION** to be certified and filed as ~~above~~
 24 provided **IN SECTION 2**, or who are charged with any other
 25 responsibility in connection with the incorporation of ~~said~~ **THE**
 26 authority, and any other matters ~~which~~ **THAT** the incorporators
 27 ~~shall deem~~ **CONSIDER** advisable, all of which ~~shall be~~ **ARE** subject

1 to the provisions of the **STATE** constitution **OF 1963** and **THE**
2 statutes of the **THIS** state ~~of Michigan~~ and particularly of this
3 act.

4 Sec. 4a. The authority shall adopt rules and regulations by
5 resolution of its governing body and with concurrence by
6 resolution of constituent municipalities. ~~After~~**BEFORE JANUARY 1,**
7 **2015, AFTER** adoption of the resolution and concurrence by the
8 constituent municipalities, a notice of adoption of the
9 resolution and the rules and regulations, or a summary of those
10 rules and regulations, shall be published in a newspaper of
11 general circulation within the territory encompassed by the
12 authority and within the territory furnished service by the
13 authority by contract ~~pursuant to~~**UNDER** section 10. **BEGINNING**
14 **JANUARY 1, 2015, AFTER ADOPTION OF THE RESOLUTION AND CONCURRENCE**
15 **BY THE CONSTITUTE MUNICIPALITIES, TIER B PUBLIC NOTICE WITH A**
16 **LINK OF THE NOTICE OF ADOPTION OF THE RESOLUTION AND THE RULES**
17 **AND REGULATIONS, OR A SUMMARY OF THOSE RULES AND REGULATIONS,**
18 **SHALL BE PROVIDED AS SET FORTH IN THE LOCAL GOVERNMENT PUBLIC**
19 **NOTICE ACT. BEGINNING JANUARY 1, 2015, THE NOTICE SHALL BE**
20 **PROVIDED WITHIN THE TERRITORY ENCOMPASSED BY THE AUTHORITY AND**
21 **WITHIN THE TERRITORY FURNISHED SERVICE BY THE AUTHORITY BY**
22 **CONTRACT UNDER SECTION 10.** The rules and regulations ~~shall~~ become
23 effective 30 days after the date of publication **OR POSTING** of the
24 notice and the rules and regulations or the summary of the rules
25 and regulations. If a summary of rules and regulations is
26 published **OR POSTED**, the summary shall be written in clear and
27 nontechnical language and the authority shall designate in the

1 publication **OR POSTING** the location where a full copy of the
2 rules and regulations can be inspected or obtained.

3 Sec. 6. Any municipality ~~which~~**THAT** did not join in the
4 incorporation of an authority may become a ~~constituent~~
5 **CONSTITUENT** part ~~thereof~~**OF THE AUTHORITY** by amendment to the
6 articles of incorporation adopted by the legislative body of ~~such~~
7 **THE** municipality and by the legislative body of each municipality
8 of which ~~such~~**THE** authority is composed. Other amendments may be
9 made to the articles of incorporation if adopted by the
10 legislative body of each municipality of which the authority is
11 composed. ~~Any such~~**EACH** amendment shall be indorsed, published **OR**
12 **POSTED**, and certified printed copies filed ~~7~~—in the same manner
13 as the original articles of incorporation, except that the
14 printed copies shall be certified and filed by the recording
15 officer of the authority.

16 Sec. 8. (1) A municipality or Indian tribe desiring to enter
17 into a contract with the authority under section 7 shall
18 authorize, by resolution of its governing body, the execution of
19 the contract. ~~After~~**BEFORE JANUARY 1, 2015, AFTER** the adoption of
20 such a resolution by a municipality, the municipality shall
21 publish a notice of the resolution in a newspaper of general
22 circulation in the municipality. **BEGINNING JANUARY 1, 2015, AFTER**
23 **THE ADOPTION OF SUCH A RESOLUTION BY A MUNICIPALITY, TIER B**
24 **PUBLIC NOTICE WITH A LINK OF THE NOTICE OF THE RESOLUTION SHALL**
25 **BE PROVIDED BY THE MUNICIPALITY AS SET FORTH IN THE LOCAL**
26 **GOVERNMENT PUBLIC NOTICE ACT.** The notice shall state all of the
27 following:

1 (a) That the governing body has adopted a resolution
2 authorizing execution of the contract.

3 (b) The purpose of the contract.

4 (c) The source of payment for the contractual obligation.

5 (d) The right of referendum on the contract.

6 (e) Other information that the municipality's governing body
7 determines to be necessary to adequately inform all interested
8 persons of the nature of the obligation.

9 (2) A contract under subsection (1) may be executed and
10 delivered by the municipality upon approval by its governing body
11 without a vote of the electors on the contract, but the contract
12 shall not become effective until the expiration of 45 days after
13 the date of publication **OR POSTING** of the notice. If within the
14 45-day period a petition signed by not less than 10% or 15,000,
15 whichever is less, of the registered electors residing within the
16 limits of the municipality is filed with the clerk of the
17 municipality requesting a referendum upon the contract, the
18 contract shall not become effective until approved by the vote of
19 a majority of the qualified electors of the municipality voting
20 on the question at a general or special election. If, before
21 November 19, 1981, a municipality published a resolution
22 authorizing the execution of a contract under this section in
23 substantial compliance with this section as then in effect, and
24 the referendum period formerly provided by this section expired,
25 but the bonds were not issued, the resolution and the publication
26 of the resolution are valid and, if a petition for a referendum
27 on execution of the contract was not signed and filed within the

1 time period formerly provided by this section, the contract may
2 be executed and ~~shall~~ become effective without submitting the
3 proposition for approval to the electors, or if a petition was ~~se~~
4 signed and filed, the contract may be executed and become
5 effective if approved at an election as formerly provided in this
6 section. A special election called for the purpose provided in
7 this section shall not be included in any statutory or charter
8 limitation as to the number of special elections to be called
9 within any period of time. Signatures on the petition shall be
10 verified under oath as the actual signatures of the persons whose
11 names are signed to the petition. The clerk of the municipality
12 has the same power to reject signatures as city clerks under
13 section 25 of the home rule city act, 1909 PA 279, MCL 117.25.
14 The number of registered electors in any municipality shall be
15 determined by the registration books as of the date of the filing
16 of the petition.

17 Enacting section 1. This amendatory act does not take effect
18 unless Senate Bill No. ____ or House Bill No. 5560 (request no.
19 03796'13) of the 97th Legislature is enacted into law.