

**SUBSTITUTE FOR
HOUSE BILL NO. 4360**

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; to authorize the issuance of bonds, notes, and other evidences of indebtedness; and to prescribe penalties and provide remedies,"

by amending section 2 (MCL 124.602).

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

1 transfer to the authority of which it is a part any municipal
2 emergency service.

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

13 "The foregoing articles of incorporation were adopted by the
14 _____ of the _____ of
15 _____, _____ county,
16 **County**, Michigan, at a meeting duly held on the _____ day
17 of _____, 1920 of said
18 _____ Clerk of said _____."

19 (3) **Subject to this subsection, the incorporating**
20 **municipalities shall determine the territory under the authority's**
21 **jurisdiction.** An authority's jurisdiction ~~shall~~**must** be comprised
22 of ~~the total~~ territory within the incorporating municipalities. The
23 articles of incorporation ~~shall~~**must** be published ~~at least once in~~
24 ~~a newspaper designated in the articles of incorporation and~~
25 ~~circulating within the territory of the authority.~~ **on the website**
26 **of each incorporating municipality, or, if a website is**
27 **unavailable, in the clerk's office of each incorporating**
28 **municipality.** A printed copy of the articles of incorporation,
29 certified as a true copy by the person or persons designated in the

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

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

13 (5) **If the territory under the authority's jurisdiction does**
14 **not include all of the taxable property within each incorporating**
15 **municipality, the authority may levy a tax under section 12 on all**
16 **of the taxable property within the limits of the authority, but the**
17 **authority must not be funded under section 13.**

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