HOUSE BILL NO. 4360

April 11, 2023, Introduced by Reps. Brabec, Liberati, Snyder, Tsernoglou, Paiz, Haadsma, Rheingans, Byrnes, Brenda Carter, MacDonell, Morgan, Breen, Price, Young and Hood and referred to the Committee on Local Government and Municipal Finance.

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

(2) An authority is created by the adoption of articles of incorporation by the legislative body of each incorporating municipality. The adoption by an incorporating municipality must be endorsed on the articles of incorporation in the case of a county by the county executive or chairperson of the board of commissioners of the county and the county clerk; in the case of a city by the mayor and clerk of the city; in the case of a village by the president and clerk of a village; and in the case of a township by the supervisor and clerk of a township, in a form substantially as follows:

"The foregoing articles of incorporation were adopted by the __________________________ of the __________________________ of ________________ county, Michigan, at a meeting duly held on the _____________ day of ______________________________, 1920, by the _________ Clerk of said ____________________ ."

(3) Subject to this subsection, the incorporating municipalities shall determine the territory under the authority's jurisdiction. An authority's jurisdiction must be comprised of the total territory within the incorporating municipalities. The articles of incorporation must be published at least once in a newspaper designated in the articles of incorporation and circulating within the territory of the authority. A printed copy of the articles of incorporation, certified as a true copy by the
person or persons designated in the articles, and containing the
date and place of publication, shall must be filed with the
secretary of state. An authority shall become becomes effective at
the time provided in its articles of incorporation. The validity of
the incorporation of an authority shall be is conclusively presumed
unless questioned in a court of competent jurisdiction within 60
days after the date on which certified copies of the articles of
incorporation are filed with the secretary of state.

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