

**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.