

# 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:**

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  
4 transfer to the authority of which it is a part any municipal  
5 emergency service.

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

16           "The foregoing articles of incorporation were adopted by the  
17 \_\_\_\_\_ of the \_\_\_\_\_ of  
18 \_\_\_\_\_, \_\_\_\_\_ ~~county,~~  
19 **County**, Michigan, at a meeting duly held on the \_\_\_\_\_ day  
20 of \_\_\_\_\_, 1920\_\_\_\_ of said  
21 \_\_\_\_\_ Clerk of said \_\_\_\_\_."

22           (3) **Subject to this subsection, the incorporating**  
23 **municipalities shall determine the territory under the authority's**  
24 **jurisdiction.** An authority's jurisdiction ~~shall~~**must** be comprised  
25 of ~~the total~~ territory within the incorporating municipalities. The  
26 articles of incorporation ~~shall~~**must** be published at least once in  
27 a newspaper designated in the articles of incorporation and  
28 circulating within the territory of the authority. A printed copy  
29 of the articles of incorporation, certified as a true copy by the

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