

HOUSE BILL NO. 6402

November 12, 2020, Introduced by Reps. Coleman and Steven Johnson and referred to the Committee on Government Operations.

A bill to amend 1952 PA 196, entitled

"An act to provide for the incorporation of municipal authorities to acquire, own and operate water supply systems; to prescribe the rights, powers and duties thereof; and to authorize contracts between such authorities and other public corporations,"

by amending sections 2, 3, and 7 (MCL 124.252, 124.253, and 124.257).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. **(1)** Any 2 or more cities, villages, or townships,

1 ~~(hereinafter sometimes referred to as "municipalities")~~ or any
 2 combination thereof, **of cities, villages, or townships**, may
 3 incorporate an authority for the purpose of acquiring, owning,
 4 ~~and/or or~~ operating a water supply system or systems, by the
 5 ~~adoption of~~ **adopting** articles of incorporation by the legislative
 6 body of each ~~municipality~~. **incorporating city, village, or**
 7 **township**. The ~~fact of such adoption shall~~ **must** be endorsed on ~~such~~
 8 **the** articles of incorporation by the mayor and clerk in case of a
 9 city, the president and clerk in case of a village, and the
 10 supervisor and clerk in case of a township, in form substantially
 11 as follows:

12 "The foregoing Articles of Incorporation were adopted by the
 13 of the of,
 14 County, Michigan, at a meeting duly held on the
 15 day of, 19~~.....~~**20**.....

16
 17 of ~~said~~ **the**
 18
 19 of ~~said~~ **the**
 20

21 (2) The authority ~~shall~~ **must** be comprised of the territory
 22 lying within ~~such the~~ incorporating ~~municipalities~~. ~~The cities,~~
 23 **villages, or townships. Before January 1, 2022, the** articles of
 24 incorporation ~~shall~~ **must** be published at least once in a newspaper
 25 designated in ~~said the~~ **articles of incorporation** and circulating
 26 within the authority. **Beginning January 1, 2022, public notice of**
 27 **the articles of incorporation must be posted as set forth in the**
 28 **local government public notice act.** One printed copy of ~~such the~~
 29 articles of incorporation certified as a true copy by the person or

1 persons designated therefor, with the date and place of ~~such~~**the**
 2 publication **or posting**, ~~shall~~**must** be filed with ~~each~~, the
 3 secretary of state and the clerk of the county within which ~~such~~
 4 **the** territory or the major portion ~~thereof~~**of the territory** is
 5 located. ~~Such~~**The** authority ~~shall become~~**becomes** effective at the
 6 time provided in ~~said~~**the** articles of incorporation. The validity
 7 of ~~such~~**the** incorporation ~~shall be~~**is** conclusively presumed unless
 8 questioned in a court of competent jurisdiction within 60 days
 9 after the filing of ~~such~~**the** certified copies with the secretary of
 10 state and the county clerk.

11 Sec. 3. ~~Said~~**The** articles of incorporation ~~shall~~**must** state
 12 the name of ~~such~~**the** authority, the names of the various
 13 ~~municipalities~~**cities, villages, or townships** creating the ~~same~~,
 14 **authority**, the purpose or purposes for which ~~it~~**the authority** is
 15 created, the powers, duties, and limitations of the authority and
 16 its officers, the method of selecting its governing body, officers,
 17 and employees, the person or persons who are charged with the
 18 responsibilities of causing the articles of incorporation to be
 19 published **or posted** and the printed copies ~~thereof~~**of the articles**
 20 **of incorporation** to be certified and filed, ~~as above provided~~, or
 21 who are charged with any other responsibility in connection with
 22 the incorporation of ~~said~~**the** authority, and any other matters
 23 ~~which~~**that** the incorporators ~~shall deem~~**consider** advisable, all of
 24 which ~~shall be~~**are** subject to the provisions of the **state**
 25 constitution **of 1963** and **the** statutes of ~~the~~**this** state ~~of Michigan~~
 26 and particularly of this act.

27 Sec. 7. Any city, village, or township ~~, which~~**that** did not
 28 join in the incorporation of an authority ~~,~~**may** become a
 29 constituent part ~~thereof~~**of an authority** by amendment to the

1 articles of incorporation adopted by the legislative body of ~~such~~
2 **the** city, village, or township and by the legislative body of each
3 city, village, or township of which ~~such-the~~ authority is composed.
4 Other amendments may be made to ~~such-the~~ articles of incorporation
5 if adopted by the legislative body of each city, village, or
6 township of which the authority is composed. ~~Any-such~~ **Each**
7 amendment ~~shall-must~~ be endorsed, published **or posted**, and
8 certified printed copies filed ~~,—~~in the same manner as the original
9 articles of incorporation, except that the printed copies ~~shall~~
10 **must** be certified and filed by the recording officer of the
11 authority.

12 Enacting section 1. This amendatory act does not take effect
13 unless Senate Bill No. ____ or House Bill No. 6440 (request no.
14 02449'19) of the 100th Legislature is enacted into law.