

HOUSE BILL No. 6001

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 1976 PA 448, entitled
"Michigan energy employment act of 1976,"
by amending section 34 (MCL 460.834), as amended by 2008 PA 21.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 34. (1) A joint agency formed for the purposes provided
2 in this article is a public body politic and corporate and the
3 powers conferred by this act are considered to be the performance
4 of an essential public function.

5 (2) Any combination of 2 or more municipalities described in
6 section 31 may incorporate a joint agency by the adoption of
7 articles of incorporation by resolution of the governing body of
8 each municipality. The fact of adoption shall be endorsed on the
9 articles of incorporation by the chief executive officer and
10 clerk of the municipality, in 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 _____, ____.

 _____ of said

 _____ of said
 _____.

(3) ~~The~~ **BEFORE JANUARY 1, 2015, THE** articles of
 incorporation shall be published at least once in a newspaper or
 newspapers designated in the articles and generally circulating
 within the area of each municipality. **BEGINNING JANUARY 1, 2015,**
NOTICE OF THE ARTICLES OF INCORPORATION SHALL BE PROVIDED AS TIER
B PUBLIC NOTICE AS SET FORTH IN THE LOCAL GOVERNMENT PUBLIC
NOTICE ACT. One printed copy of the articles of incorporation,
 certified as a true copy by the person or persons designated in
 the articles, with the date and place of the publication **OR**
POSTING, shall be filed with the county clerk or clerks of the
 county or counties in which the incorporating municipalities are
 located and the secretary of state. The incorporation of the
 joint agency ~~shall become~~ **IS** effective at the time provided in
 the articles of incorporation. The validity of the joint agency
 incorporation ~~shall be~~ **IS** conclusive unless questioned in a court
 of competent jurisdiction within 60 days after the filing of
 certified copies with the county clerk or clerks and the

1 secretary of state.

2 (4) The articles of incorporation shall state the name of
3 the joint agency, the names of the various incorporating
4 municipalities, the purpose or purposes for which it is created,
5 the powers, duties, and limitations of the joint agency and its
6 officers, the method of selecting its governing body, officers,
7 and employees, the person or persons who are charged with the
8 responsibility for causing the articles of incorporation to be
9 published **OR POSTED** and filed or who are charged with the
10 responsibility in connection with the incorporation of the joint
11 agency, the place of publication **OR POSTING**, and all other
12 matters which the incorporating municipalities consider
13 advisable, all of which ~~shall be~~ **ARE** subject to article 3 of this
14 act and of the constitution and laws of the state.

15 (5) The board of commissioners of a joint agency may, by
16 resolution, authorize the establishment of 1 or more classes of
17 associate membership in the joint agency. A municipality admitted
18 as an associate member shall have participatory and other rights
19 and obligations as provided in the resolution establishing the
20 associate membership class or classes.

21 (6) A municipality described in section 31 ~~which~~ **THAT** did
22 not join in the original incorporation of a joint agency may
23 become a member or an associate member of the joint agency by the
24 adoption of a resolution by the governing body of the
25 municipality and by a resolution unanimously adopted by all
26 members of the board of commissioners of the joint agency. The
27 resolution of the board of commissioners may provide that a

1 municipality shall become a member or an associate member at a
2 future date or upon the occurrence of a future event and may
3 provide further that the decision of the board of commissioners
4 may not be revoked without the consent of the governing body of
5 the municipality being added as a member or associate member.
6 Upon the addition of a new member or associate member, the
7 articles of incorporation shall be conformed by the board of
8 commissioners to show the addition of the new member or associate
9 member and, if the municipality is being added as an associate
10 member, the rights and obligations of the municipality as an
11 associate member. Other amendments may be made to the articles of
12 incorporation if adopted by the governing body of each
13 municipality of which the joint agency is composed. An amendment
14 shall be endorsed, published **OR POSTED**, and certified, and
15 printed copies filed in the same manner as the original articles
16 of incorporation, except an amendment showing only the addition
17 of a new member or associate member and the rights and
18 obligations of a new associate member need not be published **OR**
19 **POSTED**.

20 Enacting section 1. This amendatory act does not take effect
21 unless House Bill No. 5560 of the 97th Legislature is enacted
22 into law.