

HOUSE BILL NO. 6434

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

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.

(2) Any combination of 2 or more municipalities described in section 31 may incorporate a joint agency by ~~the adoption of~~ **adopting** articles of incorporation by resolution of the governing body of each municipality. The fact of adoption ~~shall~~**must** be endorsed on the articles of incorporation by the chief executive officer and 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, 2022, the** articles of incorporation ~~shall~~**must** 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, 2022, notice of the articles of incorporation must be posted as provided 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~~**must** 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

1 time provided in the articles of incorporation. The validity of the
2 joint agency incorporation ~~shall be~~ **is** conclusive unless questioned
3 in a court of competent jurisdiction within 60 days after the
4 filing of certified copies with the county clerk or clerks and the
5 secretary of state.

6 (4) The articles of incorporation ~~shall~~ **must** state the name of
7 the joint agency, the names of the various incorporating
8 municipalities, the purpose or purposes for which ~~it~~ **the joint**
9 **agency** is created, the powers, duties, and limitations of the joint
10 agency and its officers, the method of selecting ~~its~~ **the joint**
11 **agency's** governing body, officers, and employees, the person or
12 persons who are charged with the responsibility for causing the
13 articles of incorporation to be published **or posted** and filed or
14 who are charged with the responsibility in connection with the
15 incorporation of the joint agency, the place of publication **or**
16 **posting**, and all other matters ~~which~~ **that** the incorporating
17 municipalities consider advisable, all of which ~~shall be~~ **are**
18 subject to article 3 of this act and of the **state** constitution of
19 **1963** and laws of ~~the~~ **this** state.

20 (5) The board of commissioners of a joint agency may, by
21 resolution, authorize the establishment of 1 or more classes of
22 associate membership in the joint agency. A municipality admitted
23 as an associate member ~~shall have~~ **has** participatory and other
24 rights and obligations as provided in the resolution establishing
25 the associate membership class or classes.

26 (6) A municipality described in section 31 ~~which~~ **that** did not
27 join in the original incorporation of a joint agency may become a
28 member or an associate member of the joint agency by the adoption
29 of a resolution by the governing body of the municipality and by a

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

22 Enacting section 1. This amendatory act does not take effect
23 unless Senate Bill No. ____ or House Bill No. 6440 (request no.
24 02449'19) of the 100th Legislature is enacted into law.