

SENATE BILL NO. 1136

May 19, 1998, Introduced by Senator BOUCHARD and referred to
the Committee on Financial Services.

A bill to amend 1989 PA 292, entitled
"Metropolitan council act,"
(MCL 124.651 to 124.685) by adding sections 43, 45, 47, 49, 51,
55, 57, 59, 61, and 63.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 43. AS USED IN SECTIONS 43 THROUGH 63:
- 2 (A) "ARTICLES" MEANS A METROPOLITAN REGION COUNCIL'S ARTI-
- 3 CLES OF INCORPORATION PROVIDED FOR IN SECTION 45.
- 4 (B) "COUNCIL AREA" MEANS THE ACTUAL TERRITORY OF THE COUN-
- 5 TIES PARTICIPATING IN THE METROPOLITAN REGION.
- 6 (C) "LOCAL GOVERNMENTAL UNIT" MEANS A COUNTY OR A QUALIFIED
- 7 CITY.
- 8 (D) "METROPOLITAN REGION" MEANS A METROPOLITAN STATISTICAL
- 9 AREA WITH A POPULATION OF 1,500,000 OR MORE PEOPLE ACCORDING TO
- 10 THE MOST RECENT FEDERAL DECENNIAL CENSUS.

1 (E) "METROPOLITAN STATISTICAL AREA" MEANS THAT TERM AS
2 DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE OR A SUCCES-
3 SOR AGENCY AS OF JANUARY 3, 1990.

4 (F) "OBSCENE" MEANS MATERIAL THAT MEETS THE FOLLOWING
5 CRITERIA:

6 (i) WHEN EXAMINED IN ITS TOTALITY, THE MATERIAL APPEALS TO A
7 PRURIENT INTEREST.

8 (ii) THE MATERIAL DEPICTS OR DESCRIBES, IN A PATENTLY OFFEN-
9 SIVE WAY, SEXUAL CONDUCT SPECIFICALLY DEFINED BY STATE LAW.

10 (iii) WHEN EXAMINED IN ITS TOTALITY, THE MATERIAL LACKS
11 SERIOUS LITERARY, ARTISTIC, POLITICAL, OR SCIENTIFIC VALUE.

12 (G) "PARTICIPATING", IF USED IN REFERENCE TO A LOCAL GOVERN-
13 MENTAL UNIT, MEANS 1 OF THE FOLLOWING:

14 (i) AFTER FORMATION OF A METROPOLITAN REGION COUNCIL, A
15 LOCAL GOVERNMENTAL UNIT THAT HAS JOINED IN THE FORMATION OF THE
16 COUNCIL OR BEEN ADDED TO THE COUNCIL PURSUANT TO SECTION 51.

17 (ii) BEFORE FORMATION OF A METROPOLITAN REGION COUNCIL, A
18 LOCAL GOVERNMENTAL UNIT NAMED IN THE ARTICLES OF INCORPORATION AS
19 A PARTICIPATING LOCAL GOVERNMENTAL UNIT.

20 (H) "QUALIFIED CITY" MEANS A CITY THAT MEETS THE FOLLOWING
21 CONDITIONS:

22 (i) THE CITY IS LOCATED IN A PARTICIPATING COUNTY.

23 (ii) THE CITY OWNS 2 OR MORE REGIONAL CULTURAL
24 INSTITUTIONS.

25 (I) "REGIONAL CULTURAL INSTITUTION" MEANS A STRUCTURE, FIX-
26 TURE, OR ACTIVITY PROVIDED BY A TAX EXEMPT ENTITY THAT HAS BEEN
27 IN EXISTENCE FOR AT LEAST 18 CONSECUTIVE MONTHS BEFORE BECOMING

1 ELIGIBLE FOR FUNDING UNDER THIS CHAPTER. "REGIONAL CULTURAL
 2 INSTITUTION" MAY INCLUDE A ZOOLOGICAL INSTITUTE; SCIENCE CENTER,
 3 WHETHER OR NOT IT IS AFFILIATED WITH A PRIVATE EDUCATIONAL INSTI-
 4 TUTION; A PUBLIC BROADCAST STATION AS DEFINED BY SECTION 397 OF
 5 SUBPART E OF PART IV OF TITLE III OF THE COMMUNICATIONS ACT OF
 6 1934, 47 U.S.C. 397, WHETHER OR NOT THE PUBLIC BROADCAST STATION
 7 IS AFFILIATED WITH AN INSTITUTION OF HIGHER EDUCATION; A MUSEUM,
 8 WHETHER OR NOT IT IS AFFILIATED WITH A PRIVATE EDUCATIONAL INSTI-
 9 TUTION; A HISTORICAL CENTER; A PERFORMING ARTS CENTER; A VISUAL
 10 OR PERFORMANCE ART INSTRUCTION CENTER AFFILIATED WITH AN INDEPEN-
 11 DENT INSTITUTION OF HIGHER EDUCATION IN THE ARTS; AN ORCHESTRA;
 12 CHORUS; CHORALE; OR OPERA THEATER. "REGIONAL CULTURAL
 13 INSTITUTION" DOES NOT INCLUDE A PROFESSIONAL SPORTS ARENA OR STA-
 14 DIUM, LABOR ORGANIZATION, POLITICAL ORGANIZATION, LIBRARY,
 15 PUBLIC, PRIVATE, OR CHARTER SCHOOL, OR AN EXHIBITION, PER-
 16 FORMANCE, OR PRESENTATION THAT IS OBSCENE.

17 (J) "TAX EXEMPT ENTITY" MEANS ANY OF THE FOLLOWING:

18 (i) AN ORGANIZATION EXEMPT FROM TAXATION UNDER SECTION
 19 501(c) OF THE INTERNAL REVENUE CODE OF 1986.

20 (ii) AN ENTITY OR DIVISION OWNED BY AN ORGANIZATION
 21 DESCRIBED IN SUBPARAGRAPH (i).

22 (iii) AN ENTITY OWNED BY A TOWNSHIP, CITY, VILLAGE, COMMU-
 23 NITY COLLEGE, STATE UNIVERSITY, OR ANY OTHER PUBLIC BODY THAT IS
 24 NOT A PUBLIC SCHOOL, CHARTER SCHOOL, OR PUBLIC SCHOOL ACADEMY.

25 SEC. 45. (1) TWO OR MORE COUNTIES MAY COMBINE WITH ONE
 26 ANOTHER AND WITH 1 OR MORE QUALIFIED CITIES WITHIN THOSE COUNTIES
 27 TO FORM A METROPOLITAN REGION COUNCIL IF THE COUNTY COMMISSION OF

1 EACH COUNTY SEEKING TO PARTICIPATE, AND THE CITY COUNCIL OF EACH
2 QUALIFIED CITY SEEKING TO PARTICIPATE, DOES THE FOLLOWING:

3 (A) ADOPTS A RESOLUTION DECLARING AN INTENT TO PARTICIPATE
4 IN THE FORMATION OF THAT AUTHORITY.

5 (B) ADOPTS ARTICLES OF INCORPORATION IN ACCORDANCE WITH SEC-
6 TIONS 47 AND 49.

7 (2) UPON ADOPTION OF THE RESOLUTIONS DESCRIBED IN SUBSECTION
8 (1), THE PARTICIPATING COUNTIES AND QUALIFIED CITIES OF A METRO-
9 POLITAN REGION COUNCIL SHALL ESTABLISH A METROPOLITAN REGION
10 COUNCIL BOARD. THE CHIEF EXECUTIVE OFFICER OF EACH PARTICIPATING
11 COUNTY AND QUALIFIED CITY SHALL APPOINT 3 REPRESENTATIVES TO THE
12 BOARD, WITH THE ADVICE AND CONSENT OF THE LEGISLATIVE BODY OF THE
13 COUNTY OR CITY. HOWEVER, IF A PARTICIPATING COUNTY HAS A POPULA-
14 TION GREATER THAN 2,000,000 PERSONS, A REPRESENTATIVE SHALL BE
15 APPOINTED BY EACH OF THE 3 LARGEST GEOGRAPHICAL CONFERENCES
16 ESTABLISHED IN THE COUNTY BEFORE JANUARY 1, 1999 UNDER THE URBAN
17 COOPERATION ACT OF 1967, 1967 (EX SESS) PA 7, MCL 124.501 TO
18 124.512.

19 (3) A METROPOLITAN REGION COUNCIL IS A PUBLIC CORPORATE BODY
20 WITH POWER TO SUE AND BE SUED IN ANY COURT OF THE STATE.

21 (4) A METROPOLITAN REGION COUNCIL IS AN AUTHORITY UNDER SEC-
22 TION 6 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963.

23 (5) A METROPOLITAN REGION COUNCIL POSSESSES ALL THE POWERS
24 NECESSARY FOR CARRYING OUT THE PURPOSES OF ITS FORMATION. THE
25 ENUMERATION OF SPECIFIC POWERS IN THIS ACT SHALL NOT BE CONSTRUED
26 AS A LIMITATION ON THE GENERAL POWERS OF A METROPOLITAN REGION
27 COUNCIL, CONSISTENT WITH ITS ARTICLES.

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2 ESTABLISHED SOLELY TO DEVELOP OR ENHANCE REGIONAL CULTURAL INSTI-
TUTIONS AND LOCAL RECREATION AND CULTURAL FACILITIES WITHIN THE

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5 A METROPOLITAN REGION COUNCIL'S ARTICLES SHALL STATE THE NAME OF
THE COUNCIL; THE NAMES OF THE PARTICIPATING LOCAL GOVERNMENTAL

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8 DUTIES, AND LIMITATIONS OF THE COUNCIL AND ITS OFFICERS; THE
QUALIFICATIONS, METHOD OF SELECTION AND TERMS OF OFFICE OF DELE-

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11 IN WHICH PARTICIPATING LOCAL GOVERNMENTAL UNITS SHALL TAKE PART
IN THE GOVERNANCE OF THE COUNCIL; THE GENERAL METHOD OF AMENDING

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14 ADDITION OF A LOCAL GOVERNMENTAL UNIT; THE METHOD OF AMENDING THE
ARTICLES TO REFLECT A CHANGE IN THE DISTRIBUTION OF FUNDS AMONG

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17 OF A RESOLUTION BY A VOTE OF NOT LESS THAN 2/3 OF THE DELEGATES
SERVING ON THE COUNCIL, INCLUDING AT LEAST 1 DELEGATE FROM EACH

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20 THAT THE PARTICIPATING LOCAL GOVERNMENTAL UNITS CONSIDER
ADVISABLE.

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23 CIL TO ACT IN ACCORDANCE WITH SECTION 7(3). HOWEVER, ARTICLES
THAT AUTHORIZE ACTION IN ACCORDANCE WITH SECTION 7(3) SHALL SPEC-

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26 COUNTY COMMISSION OF EACH COUNTY PARTICIPATING IN THE COUNCIL

1 SHALL PLACE ON A COUNTYWIDE BALLOT THE PROPOSAL DESCRIBED IN
2 SECTION 27(1).

3 SEC. 49. (1) THE ARTICLES OF A METROPOLITAN REGION COUNCIL
4 SHALL BE ADOPTED AND MAY BE AMENDED BY AN AFFIRMATIVE VOTE OF A
5 MAJORITY OF THE MEMBERS ELECTED TO AND SERVING ON THE LEGISLATIVE
6 BODY OF EACH PARTICIPATING LOCAL GOVERNMENTAL UNIT.

7 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), THE ARTICLES OF A
8 METROPOLITAN REGION COUNCIL SHALL AUTHORIZE EACH LOCAL GOVERNMEN-
9 TAL UNIT WITHIN THE METROPOLITAN REGION TO RECEIVE UP TO 1/3 OF
10 ANY NET REVENUES COLLECTED WITHIN THAT LOCAL GOVERNMENTAL UNIT
11 UNDER SECTION 47. THE AMOUNT OF UP TO 1/3 OF NET REVENUES
12 RECEIVED SHALL BE EXPENDED TO FUND CULTURAL AND RECREATIONAL PRO-
13 GRAMS AND FACILITIES.

14 (3) A PARTICIPATING COUNTY WITH A POPULATION OF MORE THAN
15 2,000,000 PERSONS ACCORDING TO THE MOST RECENT FEDERAL DECENNIAL
16 CENSUS SHALL NOT RECEIVE ANY NET REVENUES COLLECTED WITHIN THAT
17 COUNTY UNDER SECTION 47. INSTEAD, 1/3 OF THE NET REVENUES COL-
18 LECTED IN EACH CITY, VILLAGE, OR PORTION OF A TOWNSHIP THAT IS
19 NOT INCORPORATED AS A CITY OR VILLAGE SHALL BE RETAINED BY THAT
20 CITY, VILLAGE, OR PORTION OF A TOWNSHIP, AND THOSE NET REVENUES
21 SHALL BE EXPENDED BY THE AFFECTED CITIES, VILLAGES, AND PORTIONS
22 OF TOWNSHIPS TO FUND CULTURAL AND RECREATIONAL PROGRAMS AND
23 FACILITIES.

24 (4) BEFORE THE ARTICLES ARE ADOPTED BY ANY PARTICIPATING
25 LOCAL GOVERNMENTAL UNIT, THE ARTICLES SHALL BE PUBLISHED BY THE
26 CLERK OF EACH PARTICIPATING COUNTY. THE CLERK SHALL PUBLISH THE

ARTICLES OR AMENDMENTS AT LEAST ONCE IN A NEWSPAPER GENERALLY

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3 (5) THE ADOPTION OF ARTICLES BY THE LEGISLATIVE BODY OF A
4 LOCAL GOVERNMENTAL UNIT SHALL BE EVIDENCED BY AN ENDORSEMENT ON

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6 FORM SUBSTANTIALLY AS FOLLOWS:

THESE ARTICLES OF INCORPORATION (OR AMENDMENTS) WERE ADOPTED

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9 THE LEGISLATIVE BODY OF _____,

_____ AT A MEETING DULY HELD ON THE _____ DAY

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15 ARTICLES SHALL BE FILED BY THE CLERK OF EACH PARTICIPATING
16 COUNTY. FILING SHALL BE WITH THE SECRETARY OF STATE AND THE PAR-

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18 SEC. 51. (1) A LOCAL GOVERNMENTAL UNIT IN A METROPOLITAN
19 REGION MAY BE ADDED TO A COUNCIL IN THAT METROPOLITAN REGION,

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21 (A) A MAJORITY OF THE MEMBERS ELECTED TO AND SERVING ON THE
22 LEGISLATIVE BODY OF THE LOCAL GOVERNMENTAL UNIT VOTE TO ADOPT A

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24 ADDED TO THE COUNCIL AND THAT IT ACCEPTS THE REQUIREMENTS OF THE
25 ARTICLES AS AMENDED TO REFLECT THE ADDITION OF THE LOCAL GOVERN-

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1 (B) IF THERE IS A TAX LEVIED BY THE COUNCIL PURSUANT TO
2 SECTION 47 AND THE LOCAL GOVERNMENTAL UNIT IS A COUNTY, THE TAX
3 IS AUTHORIZED BY A MAJORITY OF THE ELECTORS OF THAT COUNTY VOTING
4 ON THE PROPOSAL.

5 (C) THE ARTICLES ARE AMENDED TO REFLECT THE ADDITION OF THE
6 LOCAL GOVERNMENTAL UNIT.

7 (2) UPON ADDITION OF A LOCAL GOVERNMENTAL UNIT TO A COUNCIL,
8 A PRINTED COPY OF THE AMENDED ARTICLES SHALL BE FILED AS REQUIRED
9 BY SECTION 49 BY THE CLERK OF THE LOCAL GOVERNMENTAL UNIT ADDED
10 TO THE COUNCIL.

11 SEC. 55. (1) A COUNTY PARTICIPATING IN A COUNCIL UNDER THIS
12 ACT MAY WITHDRAW FROM MEMBERSHIP IN THE COUNCIL IF ALL OF THE
13 FOLLOWING CONDITIONS ARE MET:

14 (A) A MAJORITY OF THE MEMBERS ELECTED TO AND SERVING ON THE
15 LEGISLATIVE BODY OF THE COUNTY ADOPT A RESOLUTION REQUESTING
16 WITHDRAWAL FROM MEMBERSHIP.

17 (B) PAYMENT OR THE PROVISION FOR PAYMENT IS MADE REGARDING
18 ANY OBLIGATIONS OF THE COUNTY TO THE COUNCIL OR TO ITS
19 CREDITORS.

20 (2) WITHDRAWAL OF A COUNTY FROM A COUNCIL SHALL BE EVIDENCED
21 BY AN AMENDMENT TO THE ARTICLES EXECUTED BY THE SECRETARY OR, IF
22 THE COUNCIL HAS NO SECRETARY, BY THE CHAIRPERSON OF THE COUNCIL
23 AND FILED AND PUBLISHED IN THE SAME MANNER AS THE ORIGINAL
24 ARTICLES.

25 SEC. 57. (1) A COUNCIL FOR A METROPOLITAN REGION SHALL HAVE
26 A CHAIRPERSON. THE CHAIRPERSON SHALL ACT AS PRINCIPAL EXECUTIVE
27 OFFICER AND SHALL PRESIDE AT THE MEETINGS OF THE COUNCIL.

1 MEETING TIMES AND PLACES SHALL BE FIXED BY THE COUNCIL AND
2 SPECIAL MEETINGS MAY BE CALLED BY A MAJORITY OF THE DELEGATES ON
3 THE COUNCIL OR BY THE CHAIRPERSON. THE CHAIRPERSON SHALL HAVE
4 SUCH POWERS AND DUTIES AS PROVIDED IN THE ARTICLES.

5 (2) IN ADDITION TO THE CHAIRPERSON, A METROPOLITAN REGION'S
6 COUNCIL SHALL HAVE OTHER OFFICERS AS MAY BE PROVIDED IN THE
7 ARTICLES. THE CHAIRPERSON AND OTHER OFFICERS SHALL BE ELECTED BY
8 THE COUNCIL AND SHALL BE COUNCIL DELEGATES. HOWEVER, A SECRETARY
9 AND TREASURER NEED NOT BE COUNCIL DELEGATES.

10 (3) IF PROVIDED IN THE ARTICLES, A COUNCIL FOR A METROPOLI-
11 TAN REGION MAY APPOINT AN EXECUTIVE DIRECTOR TO SERVE AT THE
12 COUNCIL'S PLEASURE AS THE PRINCIPAL ADMINISTRATOR FOR THE
13 COUNCIL. THE DIRECTOR SHALL NOT BE A DELEGATE, SHALL BE SELECTED
14 ON THE BASIS OF TRAINING AND EXPERIENCE, AND SHALL HAVE THE
15 POWERS AND DUTIES AS PROVIDED IN THE COUNCIL BYLAWS ADOPTED PUR-
16 SUANT TO SECTION 63.

17 (4) IF SPECIFICALLY AUTHORIZED BY LAW, A COUNCIL FOR A MET-
18 ROPOLITAN REGION MAY MAKE APPOINTMENTS TO OTHER GOVERNMENTAL
19 AGENCIES.

20 SEC. 59. (1) A METROPOLITAN REGION'S COUNCIL SHALL SERVE
21 WITHOUT COMPENSATION BUT UPON APPROVAL OF A MAJORITY OF DELEGATES
22 SERVING MAY BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES
23 INCURRED IN THE PERFORMANCE OF THE COUNCIL'S OFFICIAL DUTIES.

24 (2) A METROPOLITAN REGION COUNCIL SHALL PREPARE ANNUALLY A
25 BUDGET THAT PROVIDES AS A SEPARATE ACCOUNT ANTICIPATED EXPENDI-
26 TURES FOR PER DIEM COMPENSATION AND EXPENSE REIMBURSEMENT FOR THE
27 CHAIRPERSON AND OTHER COUNCIL DELEGATES. COMPENSATION OR

1 REIMBURSEMENT SHALL BE PAID TO THE CHAIRPERSON AND OTHER COUNCIL
2 DELEGATES ONLY IF BUDGETED.

3 SEC. 61. (1) A METROPOLITAN REGION COUNCIL'S ARTICLES SHALL
4 SPECIFY THE MAXIMUM AMOUNT OR PERCENTAGE OF REVENUES RECEIVED
5 UNDER THIS ACT THAT THE COUNCIL MAY AUTHORIZE TO BE EXPENDED
6 ANNUALLY FOR ADMINISTRATIVE COSTS INCURRED UNDER THIS ACT.
7 ADDITIONALLY, THE ARTICLES SHALL AUTHORIZE THE COUNCIL TO PROVIDE
8 FUNDING, SUPPLEMENTAL TO FUNDING RECEIVED FROM OTHER SOURCES, FOR
9 REGIONAL CULTURAL INSTITUTIONS LOCATED WITHIN THE METROPOLITAN
10 REGION THAT THE COUNCIL SERVES. HOWEVER, A METROPOLITAN REGION
11 COUNCIL SHALL NOT EXPEND MONEY COLLECTED UNDER SECTION 47 UNLESS
12 THE SPECIFIC EXPENDITURE IS INCLUDED IN THE COUNCIL'S ANNUAL
13 BUDGET, EXPRESSLY AUTHORIZED IN THE COUNCIL'S ARTICLES, OR UNLESS
14 THE EXPENDITURE IS APPROVED BY AN AFFIRMATIVE VOTE OF A MAJORITY
15 OF THE COUNCIL'S DELEGATES.

16 (2) A METROPOLITAN REGION COUNCIL MAY ESTABLISH DIVISIONS,
17 BUREAUS, AND COMMITTEES, INCLUDING ADVISORY COMMITTEES. MEMBERS
18 OF ADVISORY COMMITTEES SHALL SERVE WITHOUT COMPENSATION BUT MAY
19 BE REIMBURSED FOR THEIR REASONABLE EXPENSES AS DETERMINED BY THE
20 COUNCIL.

21 SEC. 63. A METROPOLITAN REGION COUNCIL MAY ADOPT BYLAWS FOR
22 THE ADMINISTRATION OF THE COUNCIL.

23 Enacting section 1. This amendatory act does not take
24 effect unless Senate Bill No. _____ or House Bill No. _____
25 (request no. 02450'97 **) of the 89th Legislature is enacted into
26 law.