

HOUSE BILL No. 5837

April 19, 2018, Introduced by Rep. Miller and referred to the Committee on Energy Policy.

A bill to amend 1976 PA 448, entitled
"Michigan energy employment act of 1976,"
(MCL 460.801 to 460.848) by adding section 36a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 36A. (1) A MUNICIPAL UNIT OR OTHER POLITICAL SUBDIVISION
2 OF ANOTHER STATE OR CANADIAN PROVINCE OWNING A SYSTEM FOR THE
3 GENERATION, TRANSMISSION, OR DISTRIBUTION OF ELECTRIC POWER AND
4 ENERGY FOR PUBLIC OR PRIVATE USE OR PROPOSING TO OWN SUCH A SYSTEM
5 MAY BECOME A MEMBER OR AN ASSOCIATE MEMBER OF, AND MAY WITHDRAW
6 FROM, A JOINT AGENCY IN THE SAME MANNER AS A MUNICIPALITY UNDER
7 SECTIONS 34(6) AND 36. HOWEVER, IN ADDITION TO COMPLYING WITH THE
8 REQUIREMENTS SET FORTH IN SECTIONS 34(6) AND 36, THE MUNICIPAL UNIT

1 OR POLITICAL SUBDIVISION OF ANOTHER STATE OR CANADIAN PROVINCE
2 SHALL PROVIDE TO THE JOINT AGENCY AN OPINION ACCEPTABLE TO THE
3 JOINT AGENCY FROM AN INDIVIDUAL LICENSED TO PRACTICE LAW IN THAT
4 STATE OR PROVINCE ATTESTING TO THE FOLLOWING:

5 (A) THAT THE LAWS APPLICABLE TO THE PROSPECTIVE MEMBER OR
6 ASSOCIATE MEMBER DO NOT PRECLUDE THE PROSPECTIVE MEMBER OR
7 ASSOCIATE MEMBER FROM JOINING THE JOINT AGENCY.

8 (B) THAT THE PROSPECTIVE MEMBER OR ASSOCIATE MEMBER HAS THE
9 LEGAL AUTHORITY UNDER LAWS APPLICABLE TO THE PROSPECTIVE MEMBER OR
10 ASSOCIATE MEMBER TO ENTER INTO VALID, BINDING, AND ENFORCEABLE
11 AGREEMENTS WITH THE JOINT AGENCY AND MEMBERS AND ASSOCIATE MEMBERS
12 OF THE JOINT AGENCY.

13 (2) EXCEPT AS OTHERWISE PROVIDED BY THE BOARD OF COMMISSIONERS
14 OF THE JOINT AGENCY, A MEMBER OR AN ASSOCIATE MEMBER LOCATED IN
15 ANOTHER STATE OR CANADIAN PROVINCE HAS THE SAME RIGHTS, PRIVILEGES,
16 AND OBLIGATIONS AS OTHER MEMBERS OR ASSOCIATE MEMBERS OF THE JOINT
17 AGENCY.