

HOUSE BILL No. 4111

January 28, 1997, Introduced by Rep. McBryde and referred to the Committee on Urban Policy and Economic Development.

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending sections 2, 3, 4, 10, and 12 (MCL 124.502, 124.503, 124.504, 124.510, and 124.512), section 2 as amended by 1995 PA 108 and section 10 as amended by 1985 PA 10.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (A) "INDIAN TRIBE" MEANS AN INDIAN TRIBE, BAND, NATION, OR
3 OTHER ORGANIZED GROUP OR COMMUNITY OF INDIANS THAT IS RECOGNIZED
4 BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF THE INTERIOR
5 AS ELIGIBLE FOR THE SPECIAL PROGRAMS AND SERVICES PROVIDED BY THE
6 UNITED STATES TO INDIANS BECAUSE OF THEIR STATUS AS INDIANS.

7 (B) ~~(a)~~ "Interlocal agreement" means an agreement entered
8 into under this act.

1 (C) ~~(b)~~ "Local governmental unit" means a county, city,
2 village, township, or charter township.

3 (D) ~~(c)~~ "Province" means a province of the Dominion of
4 Canada.

5 (E) ~~(d)~~ "Property" means any real or personal property, as
6 described in section 34c of the general property tax act, Act
7 No. 206 of the Public Acts of 1893, being section 211.34c of the
8 Michigan Compiled Laws.

9 (F) ~~(e)~~ "Public agency" means a political subdivision of
10 this state or of another state of the United States or of the
11 Dominion of Canada, OR OF AN INDIAN TRIBE, including, but not
12 limited to, state government; a county, city, village, township,
13 charter township, school district, single or multipurpose special
14 district, or single or multipurpose public authority; provincial
15 government, metropolitan government, borough, or other political
16 subdivision of the Dominion of Canada; an agency of the United
17 States government; or a similar entity of ~~any other states~~
18 ANOTHER STATE of the United States and of the Dominion of Canada
19 AND OF AN INDIAN TRIBE.

20 (G) ~~(f)~~ "State" means a state of the United States.

21 Sec. 3. If ~~any~~ A provision of this act conflicts with
22 ~~any other~~ ANOTHER statute of this state providing for the
23 authorization or performance of joint or cooperative agreements
24 or undertakings between public agencies of this state or between
25 public agencies of this state and public agencies of other states
26 or of the Dominion of Canada OR OF AN INDIAN TRIBE, the
27 provisions of ~~such~~ THE other ~~statutes~~ STATUTE shall control.

1 Sec. 4. (1) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (2), A
2 public agency of this state may exercise jointly with ~~any other~~
3 ANOTHER public agency of ~~the~~ THIS state or with a public agency
4 of ~~any other~~ ANOTHER state of the United States or with a
5 public agency of the Dominion of Canada or with ~~any~~ A PUBLIC
6 AGENCY OF AN INDIAN TRIBE OR OF A public agency of the United
7 States government, any power, privilege, or authority ~~which~~
8 ~~such~~ THAT THE agencies share in common and ~~which~~ THAT each
9 might exercise separately.

10 (2) A CASINO OR OTHER GAMING ESTABLISHMENT OR OPERATION, OR
11 REVENUE DERIVED FROM A CASINO OR OTHER GAMING ESTABLISHMENT OR
12 OPERATION, SHALL NOT BE THE SUBJECT OF AN AGREEMENT UNDER THIS
13 ACT.

14 Sec. 10. (1) If funds of ~~the~~ THIS state are to be allo-
15 cated to carry out, in whole or in part, an agreement under this
16 act or if the state, an agency of the United States government,
17 ~~any other~~ ANOTHER state or political subdivision of ~~any other~~
18 ANOTHER state, or the Dominion of Canada or a political subdivi-
19 sion of the Dominion of Canada, AN INDIAN TRIBE OR A POLITICAL
20 SUBDIVISION OF AN INDIAN TRIBE, is a party to an agreement under
21 this act, an interlocal agreement, prior to and as a condition
22 precedent to its effectiveness, shall be submitted to the gover-
23 nor who shall determine whether the agreement is in proper form
24 and compatible with the laws of this state.

25 (2) For the purposes of this section, funds of the state do
26 not include grants, gifts, bequests, or assistance funds given to
27 a public agency which is a party to an interlocal agreement if

1 the purpose of that agreement is to administer those grants,
2 gifts, bequests, or assistance funds according to their terms or
3 to combine the proceeds of the parties' grants, gifts, bequests,
4 or assistance funds for investment purposes.

5 (3) The governor shall approve an agreement submitted to him
6 or her unless the governor finds that the agreement does not meet
7 the conditions set forth in this act or is not compatible with
8 the laws of this state. If the governor so finds, the governor
9 shall detail in writing addressed to the governing bodies of the
10 public agencies concerned within 90 days the specific respects in
11 which the proposed interlocal agreement fails to meet the
12 requirements of law. The governing bodies of the public agencies
13 concerned shall have 60 days to resubmit the revised interlocal
14 agreement to the governor who shall approve or disapprove the
15 agreement within 90 days.

16 (4) Prior to its effectiveness an interlocal agreement shall
17 be filed with the county clerk of each county where a party to
18 the agreement is located and with the secretary of state.

19 Sec. 12. (1) A public agency entering into an interlocal
20 agreement may appropriate funds and may sell, lease, give, or
21 otherwise supply ~~any~~ A party designated to operate the joint or
22 cooperative undertaking ~~such~~ THE personnel, services, facili-
23 ties, property, franchises, or funds ~~therefor as may be~~ THAT
24 ARE within its legal power to furnish.

25 (2) A public agency entering into an interlocal agreement
26 may receive grants-in-aid or other assistance funds from the
27 United States government, the state of Michigan, ~~or~~ the

1 Dominion of Canada, OR AN INDIAN TRIBE for use in carrying out
2 the purposes of the interlocal agreement.