

HOUSE BILL No. 5746

February 26, 2002, Introduced by Rep. DeWeese and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1989 PA 292, entitled "Metropolitan councils act," by amending sections 43 and 45 (MCL 124.693 and 124.695), as added by 1998 PA 375.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 43. As used in sections 43 through 63:

2 (a) "Articles" means a council's articles of incorporation
3 provided for in section 45.

4 (b) "Council" means a metropolitan region council estab-
5 lished pursuant to this act.

6 (c) "Council area" means the actual territory of the coun-
7 ties participating in the metropolitan region.

8 (d) "Largest" means, if used in reference to a county, the
9 county having the greatest population.

1 (e) "Obscene" means material that meets the following
2 criteria:

3 (i) When examined in its totality, the material appeals to a
4 prurient interest.

5 (ii) The material depicts or describes, in a patently offen-
6 sive way, sexual conduct specifically defined by state law.

7 (iii) When examined in its totality, the material lacks
8 serious literary, artistic, political, or scientific value.

9 (f) "Participating", if used in reference to a qualified
10 county, means 1 of the following:

11 (i) After formation of a metropolitan region council, a
12 qualified county that has joined in the formation of the council
13 or been added to the council pursuant to section 51 and that has
14 not withdrawn pursuant to section 63.

15 (ii) Before formation of a metropolitan region council, a
16 qualified county named in the articles of incorporation as a par-
17 ticipating qualified county.

18 (g) "Qualified city" means a city that meets all of the fol-
19 lowing conditions:

20 (i) The city is located in a participating qualified
21 county.

22 (ii) The city owns 2 or more regional cultural
23 institutions.

24 ~~(iii) The city has a population of not less than 700,000~~
25 ~~persons according to the most recent federal decennial census.~~

26 (h) "Qualified county" means a county that meets ~~the~~
27 ~~following requirements~~ ANY OF THE FOLLOWING CONDITIONS:

1 ~~(i) The county has a population of not less than 780,000~~
2 ~~according to the most recent federal decennial census.~~

3 (i) ~~(ii) The county~~ HAS A POPULATION OF NOT LESS THAN
4 780,000 AND CONTAINS A CITY WITH A POPULATION OF NOT LESS THAN
5 700,000 PERSONS ACCORDING TO THE MOST RECENT FEDERAL DECENNIAL
6 CENSUS AND has a qualified city within its geographic boundaries,
7 or is contiguous to a county with a qualified city.

8 (ii) HAS A POPULATION OF LESS THAN 300,000 AND CONTAINS A
9 CITY WITH A POPULATION OF MORE THAN 100,000 PERSONS ACCORDING TO
10 THE MOST RECENT FEDERAL DECENNIAL CENSUS AND HAS A QUALIFIED CITY
11 WITHIN ITS GEOGRAPHIC BOUNDARIES.

12 (iii) HAS A POPULATION OF MORE THAN 90,000 AND CONTAINS A
13 CITY WITH A POPULATION OF MORE THAN 8,000 BUT LESS THAN 20,000
14 PERSONS ACCORDING TO THE MOST RECENT FEDERAL DECENNIAL CENSUS AND
15 HAS A QUALIFIED CITY WITHIN ITS GEOGRAPHIC BOUNDARIES.

16 (iv) HAS A POPULATION OF MORE THAN 57,000 BUT LESS THAN
17 70,000 AND CONTAINS A CITY WITH A POPULATION OF MORE THAN 6,000
18 BUT LESS THAN 7,500 AND HAS A QUALIFIED CITY WITHIN ITS GEO-
19 GRAPHIC BOUNDARIES.

20 (i) "Regional cultural institution" means a structure, fix-
21 ture, or activity provided by a tax exempt entity that has been
22 in existence for at least 18 consecutive months before becoming
23 eligible for funding under this chapter. "Regional cultural
24 institution" may include a zoological institute; a science
25 center, whether or not it is affiliated with a private educa-
26 tional institution; a public broadcast station as defined by
27 section 397 of subpart E of part IV of title III of the

1 communications act of 1934, 47 U.S.C. 397, whether or not the
2 public broadcast station is affiliated with an institution of
3 higher education; a museum, whether or not it is affiliated with
4 a private educational institution; a historical center; a per-
5 forming arts center; a visual or performance art instruction
6 center affiliated with an independent institution of higher edu-
7 cation in the arts; an orchestra; a chorus; a chorale; or an
8 opera theater. "Regional cultural institution" does not include
9 a professional sports arena or stadium; a labor organization; a
10 political organization; a library; a public, private, or charter
11 school; or an exhibition, performance, or presentation that is
12 obscene.

13 (j) "Tax exempt entity" means any of the following:

14 (i) An organization exempt from taxation under section
15 501(c) of the internal revenue code of 1986, 26 U.S.C. 501.

16 (ii) An entity or division owned by an organization
17 described in subparagraph (i).

18 (iii) An entity owned by a township, city, village, commu-
19 nity college, state university, or any other public body that is
20 not a public school, charter school, or public school academy.

21 Sec. 45. (1) Two or more qualified counties in combination
22 with one another and with 1 or more qualified cities THAT IS IN 1
23 OF THE QUALIFIED COUNTIES may form a metropolitan region council
24 by adopting articles of incorporation in accordance with sections
25 47 and 49, if the county commission of each qualified county
26 seeking to participate, and the city council of each qualified
27 city seeking to participate, does the following:

1 (a) Adopts a resolution declaring an intent to participate
2 in the formation of that authority.

3 (b) Adopts articles of incorporation in accordance with sec-
4 tions 47 and 49.

5 (2) Upon adoption of the resolutions described in subsection
6 (1)(a), the participating qualified counties and qualified cities
7 of a metropolitan region council shall establish a metropolitan
8 region council board. The chief executive officer of each par-
9 ticipating qualified county and qualified city shall appoint 3
10 representatives to the board, with the advice and consent of the
11 legislative body of the county or city. However, if a partici-
12 pating qualified county has a population greater than 2,000,000
13 persons, a representative shall be appointed by each of the 3
14 largest geographical conferences established in the county before
15 January 1, 1999 under the urban cooperation act of 1967, 1967 (Ex
16 Sess) PA 7, MCL 124.501 to 124.512.

17 (3) A metropolitan region council is a public corporate body
18 with power to sue and be sued in any court of the state.

19 (4) A metropolitan region council is an authority under sec-
20 tion 6 of article IX of the state constitution of 1963.

21 (5) A metropolitan region council possesses all the powers
22 necessary for carrying out the purposes of its formation. The
23 enumeration of specific powers in this act shall not be construed
24 as a limitation on the general powers of a council, consistent
25 with its articles.