

HOUSE BILL No. 6018

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 1989 PA 292, entitled "Metropolitan councils act," by amending sections 9, 33, 49, 63, and 71 (MCL 124.659, 124.683, 124.699, 124.713, and 124.721), sections 9 and 33 as amended and section 71 as added by 1998 PA 373 and sections 49 and 63 as added by 1998 PA 375.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) The articles of a metropolitan area council
2 shall be adopted and may be amended by an affirmative vote of a
3 majority of the members elected to and serving on the legislative
4 body of each participating local governmental unit.

5 (2) Before **JANUARY 1, 2015, BEFORE** the articles or
6 amendments are adopted by any participating local governmental
7 unit, the articles or amendments shall be published by the clerk

1 of the largest participating local governmental unit at least
 2 once in a newspaper generally circulated within the participating
 3 cities, villages, and townships. **BEGINNING JANUARY 1, 2015,**
 4 **BEFORE THE ARTICLES OR AMENDMENTS ARE ADOPTED BY ANY**
 5 **PARTICIPATING LOCAL GOVERNMENTAL UNIT, THE CLERK OF THE LARGEST**
 6 **PARTICIPATING LOCAL GOVERNMENTAL UNIT SHALL PROVIDE TIER B PUBLIC**
 7 **NOTICE WITH A LINK OF THE ARTICLES OR AMENDMENTS AS SET FORTH IN**
 8 **THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.**

9 (3) The adoption of articles or amendments by the
 10 legislative body of a local governmental unit shall be evidenced
 11 by an endorsement on the articles or amendments by the clerk of
 12 the local governmental unit in a form substantially as follows:

13 These articles of incorporation (or amendments) were adopted
 14 by an affirmative vote of a majority of the members serving on
 15 the legislative body of _____,
 16 _____ at a meeting duly held on the ____ day of
 17 _____, A.D., ____.

18 _____
 19 _____

20 (4) Upon adoption of the articles or amendments, a printed
 21 copy of the articles or the amended articles shall be filed by
 22 the clerk of the largest participating local governmental unit
 23 with the secretary of state, the clerk of each county in which is
 24 located all or part of a participating city, village, or
 25 township, and the clerk of each participating city, village, or

1 township.

2 Sec. 33. (1) Except as otherwise provided in subsection (2),
3 a local governmental unit participating in a council under this
4 act may withdraw from membership in the council if all of the
5 following conditions are met:

6 (a) Adoption of a resolution by a majority of the members
7 elected to and serving on the legislative body of the local
8 governmental unit requesting withdrawal from membership.

9 (b) Payment or the provision for payment is made regarding
10 any obligations of the local governmental unit to the council or
11 its creditors.

12 (2) If, upon withdrawal of a local governmental unit, the
13 local governmental unit has unpaid obligations to the council, a
14 tax levied by the council under this act before withdrawal of the
15 local governmental unit shall continue to be levied in the local
16 governmental unit, to the extent and in an amount needed to
17 satisfy the unpaid obligations, until the obligations are paid or
18 the tax expires, whichever ~~happens~~ **OCCURS** first. A local
19 governmental unit that withdraws from a council shall continue to
20 receive services from the council until the local governmental
21 unit is no longer required to pay a tax levied by the council.

22 (3) Withdrawal of a local governmental unit from a council
23 shall be evidenced by an amendment to the articles executed by
24 the secretary or, if the council has no secretary, by the
25 chairperson of the council and filed and published **OR POSTED** in
26 the same manner as the original articles.

27 Sec. 49. (1) Except as provided in subsection (2), the

1 articles of a metropolitan region council shall authorize each
2 participating qualified county to receive up to 1/3 of any net
3 revenues collected within that participating qualified county
4 under section 47. The amount of up to 1/3 of net revenues
5 received shall be expended to fund those cultural and
6 recreational programs and facilities that are not primarily
7 designed or used for professional sports.

8 (2) A participating qualified county with a population of
9 more than ~~2,000,000~~ **1,500,000** persons according to the most
10 recent federal decennial census shall not receive any net
11 revenues collected within that county under section 47(2).
12 Instead, 1/3 of the net revenues collected in each city, village,
13 or portion of a township that is not incorporated as a city or
14 village shall be retained by that city, village, or portion of a
15 township, and those net revenues shall be expended by the
16 affected cities, villages, and portions of townships to fund only
17 cultural and recreational programs and facilities that are not
18 primarily designed or used for professional sports.

19 (3) Before **JANUARY 1, 2015, BEFORE** the articles or
20 amendments are adopted by any participating city, the articles or
21 amendments shall be published by the clerk of the participating
22 city at least once in a newspaper generally circulated within the
23 participating city. **BEGINNING JANUARY 1, 2015, BEFORE THE**
24 **ARTICLES OR AMENDMENTS ARE ADOPTED BY ANY PARTICIPATING CITY, THE**
25 **CLERK OF THE PARTICIPATING CITY SHALL PROVIDE TIER B PUBLIC**
26 **NOTICE WITH A LINK OF THE ARTICLES OR AMENDMENTS AS SET FORTH IN**
27 **THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.**

1 (4) Before **JANUARY 1, 2015, BEFORE** the articles or
 2 amendments are adopted by participating qualified counties, the
 3 articles or amendments shall be published by the clerk of each
 4 participating qualified county at least once in a newspaper
 5 generally circulated within that county. **BEGINNING JANUARY 1,**
 6 **2015, BEFORE THE ARTICLES OR AMENDMENTS ARE ADOPTED BY**
 7 **PARTICIPATING QUALIFIED COUNTIES, THE CLERK OF EACH PARTICIPATING**
 8 **QUALIFIED COUNTY SHALL PROVIDE TIER B PUBLIC NOTICE WITH A LINK**
 9 **OF THE ARTICLES OR AMENDMENTS AS SET FORTH IN THE LOCAL**
 10 **GOVERNMENT PUBLIC NOTICE ACT.**

11 (5) ~~(4)~~—The adoption of articles or amendments by the
 12 legislative body of a participating county or city shall be
 13 evidenced by an endorsement on the articles or amendments by the
 14 clerk of the participating county or city in a form substantially
 15 as follows:

16 These articles of incorporation (or amendments) were adopted
 17 by an affirmative vote of a majority of the members serving on
 18 the legislative body of _____,
 19 _____ at a meeting duly held on the ____ day of
 20 _____, A.D., ____.

21 _____
 22 _____

23 (6) ~~(5)~~—Upon adoption of the articles or amendments by a
 24 metropolitan region council, the clerk of each participating
 25 county shall file in that county and with the secretary of state
 26 a printed copy of the adopted or amended articles.

1 Sec. 63. (1) Except as otherwise provided in subsection (2),
2 a participating qualified county or qualified city may withdraw
3 from membership in the metropolitan region council if all of the
4 following conditions are met:

5 (a) Adoption of a resolution by a majority of the members
6 elected to and serving on the legislative body of the qualified
7 county or qualified city requesting withdrawal from membership.

8 (b) Payment or the provision for payment is made regarding
9 any obligations of the qualified county or qualified city to the
10 metropolitan region council or its creditors.

11 (2) If, upon withdrawal, a qualified county or qualified
12 city has unpaid obligations to the metropolitan region council
13 that arose under section 47(2) before withdrawal of the qualified
14 county or qualified city, the obligations shall continue to be
15 imposed in the qualified county or qualified city, to the extent
16 and in an amount needed to satisfy the unpaid obligations, until
17 the obligations are paid or expire, whichever ~~happens~~ **OCCURS**
18 first. A qualified county or qualified city that withdraws from a
19 metropolitan region council shall continue to receive services
20 from the council until that qualified county or qualified city is
21 no longer required to satisfy an obligation imposed by the
22 council under section 47(2).

23 (3) Withdrawal of a qualified county or qualified city from
24 a metropolitan region council shall be evidenced by an amendment
25 to the articles executed by the secretary or, if the council has
26 no secretary, by the chairperson of the council and filed and
27 published **OR POSTED** in the same manner as the original articles.

1 Sec. 71. (1) The articles of a metropolitan arts council
2 shall be adopted and may be amended by an affirmative vote of a
3 majority of the county commissioners.

4 (2) Before **JANUARY 1, 2015, BEFORE** the articles or
5 amendments are adopted by the county commission, the articles or
6 amendments shall be published by the county clerk. ~~The-**BEFORE**~~
7 **JANUARY 1, 2015, THE COUNTY** clerk shall publish the articles or
8 amendments at least once in a newspaper generally circulated
9 within the county. **BEGINNING JANUARY 1, 2015, BEFORE THE ARTICLES**
10 **OR AMENDMENTS ARE ADOPTED BY THE COUNTY COMMISSION, THE COUNTY**
11 **CLERK SHALL PROVIDE TIER B PUBLIC NOTICE WITH A LINK OF THE**
12 **ARTICLES OR AMENDMENTS AS SET FORTH IN THE LOCAL GOVERNMENT**
13 **PUBLIC NOTICE ACT.**

14 (3) The adoption of articles or amendments by the county
15 commission shall be evidenced by an endorsement on the articles
16 or amendments by the county clerk in a form substantially as
17 follows:

18 These articles of incorporation (or amendments) were adopted
19 by an affirmative vote of a majority of the members serving on
20 the county commission of _____,
21 _____ at a meeting duly held on the ____ day of
22 _____, A.D., ____.

23 _____
24 _____

25 (4) Upon adoption of the articles or amendments, a printed

1 copy of the articles or the amended articles shall be filed by
2 the clerk of the county and with the secretary of state.

3 Enacting section 1. This amendatory act does not take effect
4 unless House Bill No. 5560 of the 97th Legislature is enacted
5 into law.