



# HOUSE BILL No. 5708

May 2, 2000, Introduced by Reps. DeWeese, DeRossett, Tabor, Lockwood and Garcia 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14 not withdrawn pursuant to section 63.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~~  
19 ~~following conditions:~~ ~~(i) The city is located in a participating~~  
20 ~~qualified county.~~ ~~(ii) The city owns 2 or more regional cul-~~  
21 ~~tural institutions.~~

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

24 (h) "Qualified county" means a county that ~~meets the fol-~~  
25 ~~lowing requirements:~~ ~~(i) The county has a population of not less~~  
26 ~~than 780,000 according to the most recent federal decennial~~  
27 ~~census.~~ ~~(ii) The county has a qualified city within its~~

1 geographic boundaries, or is contiguous to a county with a  
2 qualified city.

3       (i) "Regional cultural institution" means a structure, fix-  
4 ture, or activity provided by a tax exempt entity that has been  
5 in existence for at least 18 consecutive months before becoming  
6 eligible for funding under this chapter. "Regional cultural  
7 institution" may include a zoological institute; a science  
8 center, whether or not it is affiliated with a private educa-  
9 tional institution; a public broadcast station as defined by  
10 section 397 of subpart E of part IV of title III of the communi-  
11 cations act of 1934, 47 U.S.C. 397, whether or not the public  
12 broadcast station is affiliated with an institution of higher  
13 education; a museum, whether or not it is affiliated with a pri-  
14 vate educational institution; a historical center; a performing  
15 arts center; a visual or performance art instruction center  
16 affiliated with an independent institution of higher education in  
17 the arts; an orchestra; a chorus; a chorale; or an opera  
18 theater. "Regional cultural institution" does not include a pro-  
19 fessional sports arena or stadium; a labor organization; a polit-  
20 ical organization; a library; a public, private, or charter  
21 school; or an exhibition, performance, or presentation that is  
22 obscene.

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

24       (i) An organization exempt from taxation under section  
25 501(c) of the internal revenue code of 1986.

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

1       (iii) An entity owned by a township, city, village,  
2 community college, state university, or any other public body  
3 that is not a public school, charter school, or public school  
4 academy.

5       Sec. 45. (1) Two or more qualified counties in combination  
6 with one another and with 1 or more qualified cities THAT IS IN 1  
7 OF THE QUALIFIED COUNTIES may form a metropolitan region council  
8 by adopting articles of incorporation in accordance with sections  
9 47 and 49, if the county commission of each qualified county  
10 seeking to participate, and the city council of each qualified  
11 city seeking to participate, does the following:

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

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

16       (2) Upon adoption of the resolutions described in subsection  
17 (1)(a), the participating qualified counties and qualified cities  
18 of a metropolitan region council shall establish a metropolitan  
19 region council board. The chief executive officer of each par-  
20 ticipating qualified county and qualified city shall appoint 3  
21 representatives to the board, with the advice and consent of the  
22 legislative body of the county or city. However, if a partici-  
23 pating qualified county has a population greater than 2,000,000  
24 persons, a representative shall be appointed by each of the 3  
25 largest geographical conferences established in the county before  
26 January 1, 1999 under the urban cooperation act of 1967, 1967 (Ex  
27 Sess) PA 7, MCL 124.501 to 124.512.

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

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

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