

# HOUSE BILL NO. 6357

November 12, 2020, Introduced by Reps. Coleman and Steven Johnson and referred to the Committee on Government Operations.

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 ~~shall~~

**must** be adopted and may be amended by an affirmative vote of a majority of the members elected to and serving on the legislative body of each participating local governmental unit.

(2) Before **January 1, 2022, before** the articles or amendments are adopted by any participating local governmental unit, the articles or amendments ~~shall~~**must** be published by the clerk of the largest participating local governmental unit at least once in a newspaper generally circulated within the participating cities, villages, and townships. **Beginning January 1, 2022, before the articles or amendments are adopted by any participating local governmental unit, the clerk of the largest participating local governmental unit shall post public notice of the articles or amendments as set forth in the local government public notice act.**

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

These articles of incorporation (or amendments) were adopted by an affirmative vote of a majority of the members serving on the legislative body of \_\_\_\_\_, \_\_\_\_\_ at a meeting duly held on the \_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_.

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

1 township.

2 Sec. 33. (1) Except as otherwise provided in subsection (2), a  
3 local governmental unit participating in a council under this act  
4 may withdraw from membership in the council if all of the following  
5 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 any  
10 obligations of the local governmental unit to the council or its  
11 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~~**must** continue to be levied in the  
16 local 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~~**must** continue  
20 to 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~~**must** 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 the  
26 same manner as the original articles.

27 Sec. 49. (1) Except as provided in subsection (2), the  
28 articles of a metropolitan region council ~~shall~~**must** authorize each  
29 participating qualified county to receive up to 1/3 of any net

1 revenues collected within that participating qualified county under  
2 section 47. The amount of up to 1/3 of net revenues received ~~shall~~  
3 **must** be expended to fund those cultural and recreational programs  
4 and facilities that are not primarily designed or used for  
5 professional sports.

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

17 (3) Before **January 1, 2022, before** the articles or amendments  
18 are adopted by any participating city, the articles or amendments  
19 ~~shall~~ **must** be published by the clerk of the participating city at  
20 least once in a newspaper generally circulated within the  
21 participating city. **Beginning January 1, 2022, before the articles**  
22 **or amendments are adopted by any participating city, the clerk of**  
23 **the participating city shall post public notice of the articles or**  
24 **amendments as set forth in the local government public notice act.**

25 (4) Before **January 1, 2022, before** the articles or amendments  
26 are adopted by participating qualified counties, the articles or  
27 amendments ~~shall~~ **must** be published by the clerk of each  
28 participating qualified county at least once in a newspaper  
29 generally circulated within that county. **Beginning January 1, 2022,**

1 before the articles or amendments are adopted by participating  
 2 qualified counties, the clerk of each participating qualified  
 3 county shall post public notice of the articles or amendments as  
 4 set forth in the local government public notice act.

5 (5) ~~(4)~~—The adoption of articles or amendments by the  
 6 legislative body of a participating county or city ~~shall~~**must** be  
 7 evidenced by an endorsement on the articles or amendments by the  
 8 clerk of the participating county or city in a form substantially  
 9 as follows:

10 These articles of incorporation (or amendments) were adopted  
 11 by an affirmative vote of a majority of the members serving on the  
 12 legislative body of \_\_\_\_\_,  
 13 at a meeting duly held on the \_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_.

14 \_\_\_\_\_  
 15 \_\_\_\_\_  
 16 (6) ~~(5)~~—Upon ~~adoption of~~**adopting** the articles or amendments  
 17 by a metropolitan region council, the clerk of each participating  
 18 county shall file in that county and with the secretary of state a  
 19 printed copy of the adopted or amended articles.

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

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

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

1 (2) If, upon withdrawal, a qualified county or qualified city  
 2 has unpaid obligations to the metropolitan region council that  
 3 arose under section 47(2) before withdrawal of the qualified county  
 4 or qualified city, the obligations ~~shall~~**must** continue to be  
 5 imposed in the qualified county or qualified city, to the extent  
 6 and in an amount needed to satisfy the unpaid obligations, until  
 7 the obligations are paid or expire, whichever ~~happens~~**occurs** first.  
 8 A qualified county or qualified city that withdraws from a  
 9 metropolitan region council ~~shall~~**must** continue to receive services  
 10 from the council until that qualified county or qualified city is  
 11 no longer required to satisfy an obligation imposed by the council  
 12 under section 47(2).

13 (3) Withdrawal of a qualified county or qualified city from a  
 14 metropolitan region council ~~shall~~**must** be evidenced by an amendment  
 15 to the articles executed by the secretary or, if the council has no  
 16 secretary, by the chairperson of the council and filed and  
 17 published **or posted** in the same manner as the original articles.

18 Sec. 71. (1) The articles of a metropolitan arts council ~~shall~~  
 19 **must** be adopted and may be amended by an affirmative vote of a  
 20 majority of the county commissioners.

21 (2) Before **January 1, 2022, before** the articles or amendments  
 22 are adopted by the county commission, the articles or amendments  
 23 ~~shall~~**must** be published by the county clerk. ~~The~~**Before January 1,**  
 24 **2022, the county** clerk ~~shall~~**must** publish the articles or  
 25 amendments at least once in a newspaper generally circulated within  
 26 the county. **Beginning January 1, 2022, before the articles or**  
 27 **amendments are adopted by the county commission, the county clerk**  
 28 **shall post public notice of the articles or amendments as set forth**  
 29 **in the local government public notice act.**

1           (3) The adoption of articles or amendments by the county  
2 commission ~~shall~~**must** be evidenced by an endorsement on the  
3 articles or amendments by the county clerk in a form substantially  
4 as follows:

5           These articles of incorporation (or amendments) were adopted  
6 by an affirmative vote of a majority of the members serving on the  
7 county commission of \_\_\_\_\_,  
8 at a meeting duly held on the \_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_.

9  
10  
11           (4) Upon ~~adoption of~~**adopting** the articles or amendments, a  
12 printed copy of the articles or the amended articles ~~shall~~**must** be  
13 filed by the clerk of the county and with the secretary of state.

14           Enacting section 1. This amendatory act does not take effect  
15 unless Senate Bill No. \_\_\_\_ or House Bill No. 6440 (request no.  
16 02449'19) of the 100th Legislature is enacted into law.