

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4872**

A bill to amend 1978 PA 639, entitled
"Hertel-Law-T. Stopczynski port authority act,"
by amending section 5 (MCL 120.105).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) Except as provided in subsection (5), an
2 authority shall consist of 5 or 7 members as follows:
3 (a) One member shall be appointed by the governor.
4 (b) The remaining members shall be appointed by the govern-
5 ing body of each city and the governing body of each county that
6 requested the incorporation of the authority. The representation
7 on, and the number of members of, the authority shall be deter-
8 mined by agreement among the incorporating units and included
9 within the joint resolution requesting incorporation of the
10 authority.

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1 (2) The members first appointed shall serve staggered
2 terms. ~~Thereafter~~ AFTER THE FIRST APPOINTMENT, each member
3 shall serve ~~for~~ a term of 4 years, except that a person
4 appointed to fill a vacancy shall be appointed for the balance of
5 the unexpired term. A member shall be eligible for
6 reappointment.

7 (3) The members shall elect 1 of their membership as chair-
8 person and another as vice-chairperson, shall designate ~~their~~
9 THE terms of office OF THOSE OFFICERS, and shall appoint a
10 secretary-treasurer who need not be a member. A majority of the
11 members of the authority shall constitute a quorum. ~~, the~~ THE
12 affirmative vote of ~~which~~ A MAJORITY OF THE MEMBERS shall be
13 necessary for any action taken by the authority. ~~However, the~~
14 authority shall not commit funds of a constituent entity without
15 the concurrence of the member representing that entity. A unani-
16 mous vote of the members of the authority, which may be accom-
17 plished by written consent of an absent member, shall be required
18 to approve an operating budget or capital outlay.

19 (4) The members shall serve without compensation but shall
20 be reimbursed for all necessary travel and other expenses
21 incurred in the discharge of their duties.

22 (5) An authority ~~which~~ THAT is established in a county
23 having a population of ~~2,000,000~~ 1,500,000 or more shall con-
24 sist of 5 members as follows:

25 (a) One member shall be appointed by the governor.

26 (b) Two members shall be appointed by a majority of all the
27 members of the county board of commissioners of the county. The

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1 members appointed shall be nominated by the commissioners on the
2 board who do not reside within the political boundaries of a city
3 having a population of ~~1,000,000~~ 750,000 or more.

4 (c) Two members shall be appointed by the mayor of a city
5 having a population of ~~1,000,000~~ 750,000 or more ~~which~~ THAT
6 is located in the county.

7 (6) TO THE EXTENT NOT PROTECTED BY THE IMMUNITY CONFERRED BY
8 1964 PA 170. MCL 691.1401 TO 691.1415. A MEMBER OF THE AUTHORITY
APPOINTED UNDER THIS SECTION WHO EXERCISES THE POWERS CONTAINED IN
THIS ACT IN GOOD FAITH IS IMMUNE FROM CIVIL OR ADMINISTRATIVE
LIABILITY ARISING FROM THAT CONDUCT. UNLESS THE CONDUCT WAS GROSS
NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT.