

SUBSTITUTE FOR
HOUSE BILL NO. 5339

A bill to amend 1950 (Ex Sess) PA 21, entitled

"An act to create the Mackinac bridge authority, and to prescribe its powers and duties; to provide for the determination of the physical and financial feasibility of a bridge connecting the upper and lower peninsulas of Michigan; to provide for a board of consulting engineers, and to prescribe its powers and duties; and to make an appropriation to carry out the provisions of this act,"

by amending section 2 (MCL 254.302); and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) ~~There~~ **THE MACKINAC BRIDGE AUTHORITY** is ~~hereby~~
2 created **WITHIN THE DEPARTMENT OF TRANSPORTATION AS** a ~~non-salaried~~
3 **NONSALARIED** entity, ~~as~~ a public benefit corporation, and an
4 agency and instrumentality of the state of Michigan. ~~to be known~~
5 ~~as the~~ **THE** Mackinac bridge authority ~~, which is hereby made~~ a
6 body corporate ~~, and which~~ may by that name sue and be sued,
7 plead and be impleaded, contract and be contracted with, have a

1 corporate seal, and enjoy and carry out all powers ~~herein~~ granted
2 TO it in furtherance of the duty of the state of Michigan to
3 provide and maintain a system of highways and bridges for the use
4 and convenience of its inhabitants. In addition to the powers
5 expressly granted ~~herein~~ **TO IT UNDER MICHIGAN LAW**, the authority
6 shall have all powers necessary or convenient to carry out the
7 things ~~herein~~ authorized and to effect the purposes of this act.

8 (2) The authority shall consist of 7 members, 6 to be
9 appointed by the governor, with the advice and consent of the
10 senate, for terms of 6 years each. ~~:- Provided, That not more than~~
11 ~~3 members appointed by the governor shall be~~ **THE GOVERNOR SHALL**
12 **NOT APPOINT MORE THAN 3** members of the same political party. ~~-In~~
13 ~~appointing the first members the governor shall designate 2 to~~
14 ~~serve for 2 years, 2 for 4 years, and 2 for 6 years, from July 1,~~
15 ~~1950.-~~ The seventh member shall be the ~~highway commissioner of the~~
16 ~~state of Michigan~~ **DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION OR**
17 **HIS OR HER DESIGNEE FROM WITHIN THE DEPARTMENT OF TRANSPORTATION**
18 **WHO SHALL PROVIDE THE AUTHORITY BOARD WITH INPUT AND EXPERTISE**
19 **RELATING TO THIS STATE'S TRANSPORTATION SYSTEM.** Each vacancy in
20 office of members of the board, whether caused by resignation,
21 death, expiration of office, or otherwise, shall be filled by
22 appointment by the governor, with the advice and consent of the
23 senate. ~~The governor may remove any member of the board for~~
24 ~~misfeasance, malfeasance or nonfeasance in office, but only for~~
25 ~~cause and pursuant to public hearing held after 10 days' notice~~
26 ~~published in a newspaper having general circulation in the state.~~
27 **NO MEMBER OF THE BOARD SHALL RECEIVE COMPENSATION FOR HIS OR HER**

1 SERVICES. EACH BOARD MEMBER SHALL BE ENTITLED TO REIMBURSEMENT FOR
2 ALL EXPENSES NECESSARILY INCURRED IN THE PERFORMANCE OF HIS OR HER
3 DUTIES.

4 (3) The members of the board shall enter upon their duties
5 after their appointment and shall qualify by taking and filing the
6 oath of office and supplying ~~the~~ **ANY** bond required by the state
7 administrative board. Each member shall hold office until the
8 appointment and qualification of his **OR HER** successor.

9 ~~(4) Upon the designation and qualification of the members of~~
10 ~~the~~ **THE** board ~~they shall organize immediately by the election of~~
11 **SHALL ELECT** 1 of the members of the board as ~~chairman~~ **CHAIRPERSON**
12 of the authority. ~~and through the selection of a secretary who may~~
13 ~~but need not be a member of the board~~ **THE CHAIRPERSON SHALL SERVE**
14 **AS CHAIRPERSON THROUGHOUT HIS OR HER TERM OF OFFICE.** The treasurer
15 of the state shall serve as treasurer of the authority. ~~The~~
16 ~~chairman so elected shall serve as chairman throughout his term of~~
17 ~~office.~~ All funds **OF THE AUTHORITY** shall be handled by the state
18 treasurer, **ON BEHALF OF THE AUTHORITY**, in the same manner and shall
19 be governed by the same provisions of law as apply to **OTHER** state
20 funds. **FUNDS OF THE AUTHORITY SHALL NOT BE COMMINGLED WITH ANY**
21 **OTHER MONEY. THE MONEY SHALL BE DEPOSITED IN A SEPARATE BANK**
22 **ACCOUNT, AND INTEREST OR OTHER EARNINGS ACCRUED SHALL BE DEPOSITED**
23 **IN THE SAME ACCOUNT. MONEY IN THE ACCOUNT OR ACCOUNTS SHALL BE PAID**
24 **OUT BY THE STATE TREASURER ONLY ON REQUISITION OF THE CHAIRPERSON**
25 **OF THE AUTHORITY OR BY ANOTHER OFFICER OR AGENT OF THE AUTHORITY**
26 **THAT IS AUTHORIZED BY THE BOARD.**

27 (5) A quorum for the transaction of business shall consist of

House Bill No. 5339 (H-1) as amended December 1, 2005

4 of the members, and ~~such~~ A quorum may bind the authority. The board shall make all necessary and appropriate rules and regulations for the orderly carrying on of its affairs. ~~—, subject to the approval of the state administrative board, and~~ THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE THE AUTHORITY WITH PERSONNEL SUFFICIENT TO PERFORM THE AUTHORITY'S POWERS, DUTIES, AND FUNCTIONS UNDER LAW. SUBJECT TO THE MANAGEMENT AND BUDGET ACT, 1984 PA 431, MCL 18.1101 TO 18.1594, AND SUBJECT TO 1921 PA 2, MCL 17.1 TO 17.3, THE BOARD shall have THE authority to ~~employ such~~ engineers and construction experts, inspectors, and other personnel as in its judgment is advisable and to determine the compensation of such employees— UTILIZE THE SERVICES OF THE DEPARTMENT OF TRANSPORTATION OR OTHER STATE DEPARTMENTS [OR] TO CONTRACT FOR RISK MANAGEMENT, INSURANCE, ENGINEERING, INSPECTION, AND OTHER SERVICES RELATED TO THE OPERATION, MAINTENANCE, REPAIR, AND IMPROVEMENT OF THE MACKINAC BRIDGE. THE AUTHORITY IN ITS SOLE DISCRETION IS AUTHORIZED TO EMPLOY LEGAL AND FINANCIAL SERVICES THAT IT DEEMS NECESSARY TO CONSUMMATE THE FINANCING OF THE BRIDGE AND THE ISSUANCE AND SALE OF BONDS. The board may delegate to 1 or more of its members or to its officers, agents, and ~~employees such~~ EMPLOYEES THE powers and duties ~~as~~ THAT it may deem proper.

(6) ~~The corporate existence of the authority shall continue until all of its duties under this act have been completed and such powers and duties as may hereafter be granted and imposed upon it by subsequent legislative act have been performed.—~~ THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION SHALL SERVE AS THE APPOINTING AUTHORITY FOR THE EXECUTIVE SECRETARY OF THE AUTHORITY, WHO SHALL

1 BECOME AN EMPLOYEE OF THE DEPARTMENT OF TRANSPORTATION AND A MEMBER
2 OF THE STATE CLASSIFIED SERVICE. A CANDIDATE FOR THE POSITION OF
3 EXECUTIVE SECRETARY OF THE AUTHORITY NEED NOT BE AN EMPLOYEE OF THE
4 DEPARTMENT OF TRANSPORTATION OR THE STATE CLASSIFIED SERVICE BEFORE
5 SELECTION UNDER THIS SUBSECTION. THE EXECUTIVE SECRETARY OF THE
6 AUTHORITY SHALL BE SELECTED BY THE DIRECTOR ONLY AFTER CONSULTATION
7 WITH AND THE APPROVAL OF THE AUTHORITY IN ACCORDANCE WITH RULES
8 APPLICABLE TO EMPLOYEES IN THE STATE CLASSIFIED SERVICE. ON ALL
9 MATTERS RELATING TO THE POWERS, DUTIES, AND FUNCTIONS OF THE
10 AUTHORITY UNDER THE LAW, THE EXECUTIVE SECRETARY SHALL REPORT TO
11 THE BOARD. PERSONNEL REVIEWS OF THE EXECUTIVE SECRETARY SHALL BE
12 CONDUCTED JOINTLY BY THE DEPARTMENT OF TRANSPORTATION AND THE BOARD
13 OR A DESIGNEE OF THE BOARD.

14 Enacting section 1. Sections 3 and 4 of 1950 (Ex Sess) PA 21,
15 MCL 254.303 and 254.304, are repealed.

16 Enacting section 2. This amendatory act does not take effect
17 unless all of the following bills of the 93rd Legislature are
18 enacted into law:

19 (a) Senate Bill No. 829.

20 (b) Senate Bill No. 830.

21 (c) House Bill No. 5333.