

HOUSE BILL No. 5339

October 20, 2005, Introduced by Reps. Casperson, Elsenheimer, Hansen, Booher, Pavlov, Meyer, Green, Moore, Garfield, Stakoe, Stewart, Proos, Marleau, Jones, LaJoy, Palmer, Ball, Schuitmaker, Caul, Amos, Pearce, Palsrok, Robertson, Baxter, Shaffer, Hummel, Stahl, Hoogendyk, Vander Veen, Drolet, Gosselin, Newell and Taub and referred to the Committee on Transportation.

A bill to amend 1950 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).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

9 (2) The authority shall consist of 7 members, 6 to be
10 appointed by the governor, with the advice and consent of the
11 senate, for terms of 6 years each. ~~Provided, That not more than~~
12 ~~3 members appointed by the governor shall be~~ **THE GOVERNOR SHALL**
13 **NOT APPOINT MORE THAN 3** members of the same political party. In
14 appointing the first members, the governor shall designate 2 to
15 serve for 2 years, 2 for 4 years, and 2 for 6 years, from July 1,
16 1950. The seventh member shall be the ~~highway commissioner of the~~
17 ~~state of Michigan~~ **DIRECTOR OF THE STATE TRANSPORTATION DEPARTMENT**
18 **OR HIS OR HER DESIGNEE**. Each vacancy in office of members of the
19 board, whether caused by resignation, death, expiration of office,
20 or otherwise, shall be filled by appointment by the governor, with
21 the advice and consent of the senate. The governor may remove any
22 member of the board for misfeasance, malfeasance, or nonfeasance in
23 office, but only for cause and pursuant to public hearing held
24 after 10 days' notice published in a newspaper having general
25 circulation in the state.

26 (3) The members of the board shall enter upon their duties
27 after their appointment and shall qualify by taking and filing the

1 oath of office and supplying the bond required by the state
2 administrative board. Each member shall hold office until the
3 appointment and qualification of his **OR HER** successor.

4 **(4)** Upon the designation and qualification of the members of
5 the board, they shall organize immediately by the election of 1 of
6 the members of the board as ~~chairman~~ **CHAIRPERSON** of the authority
7 and through the selection of a secretary who may but need not be a
8 member of the board. The ~~treasurer of the state~~ **BOARD** shall **ELECT**
9 **1 MEMBER TO** serve as treasurer of the authority. The ~~chairman so~~
10 ~~elected~~ **CHAIRPERSON** shall serve as ~~chairman~~ **CHAIRPERSON**
11 throughout his **OR HER** term of office. All funds shall be handled by
12 the ~~state~~ treasurer, ~~in the same manner and shall be governed by~~
13 ~~the same provisions of law as apply to state funds~~ **AND THE**
14 **AUTHORITY SHALL DETERMINE THE MANNER IN WHICH FUNDS ARE INVESTED.**

15 **(5)** A quorum for the transaction of business shall consist of
16 4 of the members, and ~~such~~ **A** quorum may bind the authority. The
17 board shall make all necessary and appropriate rules and
18 regulations for the orderly carrying on of its affairs, subject to
19 the approval of the state administrative board, and shall have
20 authority to employ ~~such~~ **ANY** engineers and construction experts,
21 inspectors, and other personnel as in its judgment is advisable and
22 to determine the compensation of ~~such~~ **ALL** employees **INCLUDING**
23 **CONTRACTUAL EMPLOYEES.** The board may delegate to 1 or more of its
24 members or to its officers, agents, and ~~employees~~ **EMPLOYEES** such
25 powers and duties as it may deem proper.

26 **(6)** The corporate existence of the authority shall continue
27 until all of its duties under this act have been completed and

1 ~~such~~ **ANY** powers and duties as may ~~hereafter~~ be granted **AFTER**
2 **THIS ACT TAKES EFFECT** and imposed upon it by **ANY** subsequent
3 legislative act have been performed.

4 Enacting section 1. This amendatory act does not take effect
5 unless Senate Bill No.____ or House Bill No. 5333(request no.
6 04583'05) of the 93rd Legislature is enacted into law.