

Act No. 332
Public Acts of 2005
Approved by the Governor
December 20, 2005
Filed with the Secretary of State
December 28, 2005
EFFECTIVE DATE: December 28, 2005

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 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

ENROLLED HOUSE BILL No. 5339

AN ACT 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:

Sec. 2. (1) The Mackinac bridge authority is created within the department of transportation as a nonsalaried entity, a public benefit corporation, and an agency and instrumentality of the state of Michigan. The Mackinac bridge authority is a body corporate and may by that name sue and be sued, plead and be impleaded, contract and be contracted with, have a corporate seal, and enjoy and carry out all powers granted to it in furtherance of the duty of the state of Michigan to provide and maintain a system of highways and bridges for the use and convenience of its inhabitants. In addition to the powers expressly granted to it under Michigan law, the authority shall have all powers necessary or convenient to carry out the things authorized and to effect the purposes of this act.

(2) The authority shall consist of 7 members, 6 to be appointed by the governor, with the advice and consent of the senate, for terms of 6 years each. The governor shall not appoint more than 3 members of the same political party. The seventh member shall be the director of the department of transportation or his or her designee from within the department of transportation who shall provide the authority board with input and expertise relating to this state's transportation system. Each vacancy in office of members of the board, whether caused by resignation, death, expiration of office, or otherwise, shall be filled by appointment by the governor, with the advice and consent of the senate. No member of the board shall receive compensation for his or her services. Each board member shall be entitled to reimbursement for all expenses necessarily incurred in the performance of his or her duties.

(3) The members of the board shall enter upon their duties after their appointment and shall qualify by taking and filing the oath of office and supplying any bond required by the state administrative board. Each member shall hold office until the appointment and qualification of his or her successor.

(4) The board shall elect 1 of the members of the board as chairperson of the authority. The chairperson shall serve as chairperson throughout his or her term of office. The treasurer of the state shall serve as treasurer of the authority. All funds of the authority shall be handled by the state treasurer, on behalf of the authority, in the same manner and shall be governed by the same provisions of law as apply to other state funds. Funds of the authority shall not be commingled with any other money. The money shall be deposited in a separate bank account, and interest or other earnings accrued shall be deposited in the same account. Money in the account or accounts shall be paid out by the state treasurer only on requisition of the chairperson of the authority or by another officer or agent of the authority that is authorized by the board.

(5) A quorum for the transaction of business shall consist of 4 of the members, and 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. 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 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 the powers and duties that it may deem proper.

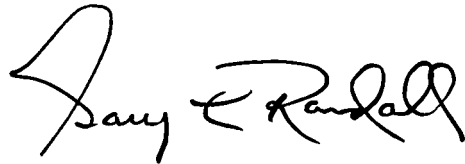
(6) The director of the department of transportation shall serve as the appointing authority for the executive secretary of the authority, who shall become an employee of the department of transportation and a member of the state classified service. A candidate for the position of executive secretary of the authority need not be an employee of the department of transportation or the state classified service before selection under this subsection. The executive secretary of the authority shall be selected by the director only after consultation with and the approval of the authority in accordance with rules applicable to employees in the state classified service. On all matters relating to the powers, duties, and functions of the authority under the law, the executive secretary shall report to the board. Personnel reviews of the executive secretary shall be conducted jointly by the department of transportation and the board or a designee of the board.

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

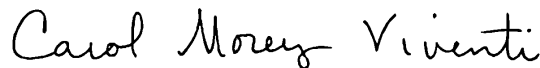
Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 829.
- (b) Senate Bill No. 830.
- (c) House Bill No. 5333.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor