

HOUSE JOINT RESOLUTION LLL

September 15, 2010, Introduced by Reps. Agema and Opsommer and referred to the Committee on Government Operations.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 5 of article III, to provide for restrictions on the powers of governmental units in public-private partnerships.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to provide for restrictions on the powers of governmental units in public-private partnerships, is proposed, agreed to, and submitted to the people of the state:

ARTICLE III

Sec. 5. (1) Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the

1 performance, financing or execution of their respective functions,
2 with any one or more of the other states, the United States, the
3 Dominion of Canada, or any political subdivision thereof unless
4 otherwise provided in this constitution. Any other provision of
5 this constitution notwithstanding, an officer or employee of the
6 state or of any such unit of government or subdivision or agency
7 thereof may serve on or with any governmental body established for
8 the purposes set forth in this section and shall not be required to
9 relinquish his office or employment by reason of such service. The
10 legislature may impose such restrictions, limitations or conditions
11 on such service as it may deem appropriate.

12 (2) ANY GOVERNMENT AUTHORITY, INSTRUMENTALITY OF GOVERNMENT,
13 OR QUASI-PUBLIC ENTITY CREATED OR EMPOWERED AS PART OF A
14 TRANSPORTATION-RELATED PUBLIC-PRIVATE PARTNERSHIP LAWFULLY ENTERED
15 INTO AFTER DECEMBER 31, 2009 SHALL NOT HAVE EITHER OF THE FOLLOWING
16 POWERS:

17 (A) TO TOLL OR LEVY USER FEES UNLESS EXPRESS STATUTORY
18 AUTHORITY IS IMPLEMENTED UNDER THE LAW OF THIS STATE FOR SPECIFIC
19 HIGHWAY, ROAD, OR BRIDGE TRANSPORTATION PROJECTS, AND ONLY IN
20 AMOUNTS SUFFICIENT TO COVER MAINTENANCE, REPAIR, AND OPERATION OF
21 THE SPECIFIC TRANSPORTATION PROJECT, AND WHERE THE BOARD OR
22 GOVERNANCE OF THE GOVERNMENT AUTHORITY, INSTRUMENTALITY OF
23 GOVERNMENT, OR QUASI-PUBLIC ENTITY CONSISTS OF VOTING MEMBERS
24 ENTIRELY OF THIS STATE.

25 (B) OF EMINENT DOMAIN, CONDEMNATION, OR ITS DETERMINATION
26 WITHIN MICHIGAN UNLESS THE BOARD OR GOVERNANCE OF THE GOVERNMENT
27 AUTHORITY, INSTRUMENTALITY OF GOVERNMENT, OR QUASI-PUBLIC ENTITY

1 **CONSISTS OF VOTING MEMBERS ENTIRELY OF THIS STATE.**

2 Resolved further, That the foregoing amendment shall be
3 submitted to the people of the state at the next general election
4 in the manner provided by law.