

SENATE BILL No. 499

June 28, 1989, Introduced by Senators Conroy, Fessler, Cherry, Geo. Hart, V. Smith, Irwin, O'Brien and Faxon and referred to the Committee on Government Operations.

A bill to amend the title and sections 1 and 2 of Act No. 21 of the Public Acts of the Extra Session of 1950, 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,"

being sections 254.301 and 254.302 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1 and 2 of Act No. 21 of
2 the Public Acts of the Extra Session of 1950, being sections
3 254.301 and 254.302 of the Michigan Compiled Laws, are amended to
4 read as follows:

TITLE

1

2 An act to create the G. MENNEN WILLIAMS Mackinac bridge
3 authority, and to prescribe its powers and duties; to provide for
4 the determination of the physical and financial feasibility of a
5 bridge connecting the upper and lower peninsulas of Michigan; to
6 provide for a board of consulting engineers, and to prescribe its
7 powers and duties; and to make an appropriation to carry out the
8 provisions of this act.

9 Sec. 1. As used in this act: ~~the following words and~~
10 ~~terms shall have the following meanings:~~

11 (a) ~~The word "authority" shall mean the Mackinac~~
12 "AUTHORITY" MEANS THE bridge authority ~~herein~~ created BY
13 SECTION 2.

14 (b) ~~The word "board" shall refer to~~ "BOARD" MEANS the mem-
15 bers of the GOVERNING BODY OF THE BRIDGE authority.

16 (c) ~~The word "bridge" shall mean~~ "BRIDGE" MEANS the
17 project for the acquisition of which this act ~~is adopted~~ WAS
18 ENACTED and shall mean a bridge or structure extending from the
19 ~~upper peninsula to the lower peninsula~~ UPPER PENINSULA TO THE
20 LOWER PENINSULA of Michigan, ~~and shall be understood to include~~
21 INCLUDING all of the following forming any part ~~thereof~~ OF THE
22 BRIDGE or connected with or used or useful in the operation
23 ~~thereof~~ OF THE BRIDGE: causeways, bridges, tunnels, roads,
24 fills and approaches, or any combination thereof, parking space
25 and facilities, park and recreation facilities, lighting facili-
26 ties, terminal facilities —, consisting of areas, structures and
27 buildings in which rest rooms, waiting rooms, restaurant and

1 similar facilities, and other accommodations for the traveling
2 public may be installed, including all fixtures, utility lines,
3 accessories and equipment relating to any or all of the above,
4 ~~and including~~ the improvement and beautification of such termi-
5 nal areas at each end of the structure as may be designed to
6 increase the use thereof, ~~and including in all of the foregoing~~
7 all real and personal property, tangible or intangible, licenses,
8 franchises, easements and rights-of-way necessary thereto.

9 (d) ~~The term "cost"~~ "COST of the bridge" shall include all
10 expenditures made in connection with the acquisition and con-
11 struction ~~thereof~~ OF THE BRIDGE, financing charges, interest to
12 accrue on the bonds during the period occupied by the construc-
13 tion of the bridge and for such period thereafter as may be
14 determined by the board ~~—~~ with the approval of the state admin-
15 istrative board, cost of engineering and legal expenses, plans,
16 specifications and surveys, other expenses necessary or inciden-
17 tal to determining the feasibility of the project, the cost of
18 all land, property, rights, easements and franchises, reimburse-
19 ment of all money which may have been heretofore or may hereafter
20 be paid or advanced by the state of Michigan or any of its agen-
21 cies, departments or subdivisions for any of the foregoing, and
22 all other expenses properly incident to the acquisition of the
23 bridge and the issuance of the bonds.

24 (e) ~~The words "the"~~ "THE state" shall mean the state of
25 Michigan.

26 Sec. 2. (1) There is hereby created a ~~non-salaried~~
27 NONSALARIED entity as a public benefit corporation and an agency

1 and instrumentality of the state of Michigan to be known as the
2 G. MENNEN WILLIAMS Mackinac bridge authority, which is hereby
3 made a body corporate, and which may by that name sue and be
4 sued, plead and be impleaded, contract and be contracted with,
5 have a corporate seal and enjoy and carry out all powers herein
6 granted ~~it~~ in furtherance of the duty of the state of Michigan
7 to provide and maintain a system of highways and bridges for the
8 use and convenience of its inhabitants. In addition to the
9 powers expressly granted ~~herein~~ IN THIS ACT, the authority
10 shall have all powers necessary or convenient to carry out the
11 things ~~herein~~ authorized BY THIS ACT and to effect the purposes
12 of this act.

13 (2) The GOVERNING BOARD OF THE authority shall consist of 7
14 members, 6 to be appointed by the governor, with the advice and
15 consent of the senate, for terms of 6 years each. ~~Provided,~~
16 ~~That~~ HOWEVER, not more than 3 members appointed by the governor
17 shall be members of the same political party. ~~In appointing the~~
18 ~~first members the governor shall designate 2 to serve for 2~~
19 ~~years, 2 for 4 years, and 2 for 6 years, from July 1, 1950. The~~
20 seventh member shall be the ~~highway commissioner of the state of~~
21 ~~Michigan~~ DIRECTOR OF THE STATE TRANSPORTATION DEPARTMENT, EX
22 OFFICIO. Each vacancy in office of members of the board, whether
23 caused by resignation, death, expiration of office, or otherwise,
24 shall be filled by appointment by the governor, with the advice
25 and consent of the senate. The governor may remove any member of
26 the board for misfeasance, malfeasance, or nonfeasance in office,
27 but only for cause and pursuant to public hearing held after 10

1 days' notice published in a newspaper having general circulation
2 in the state.

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

8 (4) Upon the designation and qualification of the members of
9 the board they shall organize immediately by the election of 1 of
10 the members of the board as ~~chairman~~ CHAIRPERSON of the author-
11 ity and through the selection of a secretary who may but need not
12 be a member of the board. The treasurer of the state shall serve
13 as treasurer of the authority. The ~~chairman~~ CHAIRPERSON so
14 elected shall serve as ~~chairman~~ CHAIRPERSON throughout his OR
15 HER term of office. All funds shall be handled by the state
16 treasurer in the same manner and shall be governed by the same
17 provisions of law as apply to state funds.

18 (5) A quorum for the transaction of business shall consist
19 of 4 of the members and such quorum may bind the authority. The
20 board shall make all necessary and appropriate rules and regula-
21 tions for the orderly carrying on of its affairs, subject to the
22 approval of the state administrative board, and ~~shall have~~
23 ~~authority to~~ MAY employ such engineers and construction experts,
24 inspectors, and other personnel as in its judgment is advisable
25 and ~~to~~ determine the compensation of such employees. The board
26 may delegate to 1 or more of its members or to its officers,

1 agents and ~~employees~~ EMPLOYEES such powers and duties as it may
2 ~~deem~~ CONSIDER proper.

3 (6) The corporate existence of the authority shall continue
4 until all of its duties under this act have been completed and
5 such powers and duties as may hereafter be granted and imposed
6 upon it by subsequent legislative act have been performed.

7 Section 2. This amendatory act shall not take effect unless
8 Senate Bill No. 497
9 of the 85th Legislature is enacted into law.