

HOUSE BILL No. 5036

October 4, 2011, Introduced by Reps. Howze, Stallworth, Talabi, Durhal, Stapleton, Jackson, Tlaib, Olumba, Nathan, Bledsoe and Womack and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

A bill to amend 1978 PA 639, entitled
"Hertel-Law-T. Stopczynski port authority act,"
by amending section 5 (MCL 120.105), as amended by 2001 PA 244.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) Except as provided in subsection (5), an authority
2 shall consist of 5 or 7 members as follows:

3 (a) One member shall be appointed by the governor.

4 (b) The remaining members shall be appointed by the governing
5 body of each city and the governing body of each county that
6 requested the incorporation of the authority. The representation
7 on, and the number of members of, the authority shall be determined
8 by agreement among the incorporating units and included within the
9 joint resolution requesting incorporation of the authority.

10 (2) The members first appointed shall serve staggered terms.
11 After the first appointment, each member shall serve a term of 4

1 years, except that a person appointed to fill a vacancy shall be
2 appointed for the balance of the unexpired term. A member shall be
3 eligible for reappointment.

4 (3) The members shall elect 1 of their membership as
5 chairperson and another as vice-chairperson, shall designate the
6 terms of office of those officers, and shall appoint a secretary-
7 treasurer who need not be a member. A majority of the members of
8 the authority shall constitute a quorum. The affirmative vote of a
9 majority of the members shall be necessary for any action taken by
10 the authority.

11 (4) The members shall serve without compensation but shall be
12 reimbursed for all necessary travel and other expenses incurred in
13 the discharge of their duties.

14 (5) An authority that is established in a county having a
15 population of 1,500,000 or more shall consist of 5 members as
16 follows:

17 (a) One member shall be appointed by the governor.

18 (b) Two members shall be appointed by a majority of all the
19 members of the county board of commissioners of the county. The
20 members appointed shall be nominated by the commissioners on the
21 board who do not reside within the political boundaries of a city
22 having a population of ~~750,000~~ **600,000** or more.

23 (c) Two members shall be appointed by the mayor of a city
24 having a population of ~~750,000~~ **600,000** or more that is located in
25 the county.

26 (6) To the extent not protected by the immunity conferred by
27 1964 PA 170, MCL 691.1401 to ~~691.1415~~, **691.1419**, a member of the

1 authority appointed under this section who exercises the powers
2 contained in this act in good faith is immune from civil or
3 administrative liability arising from that conduct, unless the
4 conduct was gross negligence or willful and wanton misconduct.