

HOUSE BILL No. 5253

October 17, 2001, Introduced by Reps. Koetje, O'Neil, Pappageorge, Van Woerkom, Bishop, Kuipers, Ehardt, Vear, Birkholz and DeVuyst and referred to the Committee on Commerce.

A bill to create certain authorities; and to prescribe powers and duties of certain state and local officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "regional airport authority act".

3 Sec. 2. As used in this act:

4 (a) "Qualified airport" means an airport, other than a mili-
5 tary airport, that has a combined total of not less than
6 3,000,000 passengers that depart or arrive at the airport on
7 scheduled commercial flights in any 12-month period.

8 (b) "Qualified county" means a county having a population
9 over 700,000 and adjacent to a county with a population over
10 700,000.

11 Sec. 3. (1) Within 90 days after the effective date of this
12 act, if a qualified airport exists in a county that is adjacent

1 to 1 or more counties, each having a population of more than
2 700,000 residents, the qualified airport shall become a regional
3 airport authority subject to this act.

4 (2) A regional airport authority created under this act is
5 considered a charter authority within the meaning of section 6 of
6 article IX of the state constitution of 1963.

7 Sec. 4. (1) The southeast regional airport authority is
8 created within the state transportation department.

9 (2) The southeast regional airport authority shall consist
10 of the following members, appointed as follows:

11 (a) Two members from each participating qualified county
12 appointed by the county board of commissioners of each partici-
13 pating qualified county.

14 (b) One member appointed by the governor.

15 (3) The members first appointed to the southeast regional
16 airport authority shall be appointed within 60 days after the
17 effective date of this act.

18 (4) Members of the southeast regional airport authority
19 shall serve for 3-year terms or until a successor is appointed,
20 whichever is later, except that of the members first appointed
21 from each county, 1 from each county shall serve for 2 years and
22 1 from each county shall serve for 3 years.

23 (5) If a vacancy occurs on the southeast regional airport
24 authority, the appointing authority shall make an appointment for
25 the unexpired term in the same manner as the original
26 appointment.

1 (6) The appointing authority may remove a member of the
2 southeast regional airport authority for incompetency,
3 dereliction of duty, malfeasance, misfeasance, or nonfeasance in
4 office, or any other good cause.

5 (7) The first meeting of the southeast regional airport
6 authority shall be called by the member appointed by the
7 governor. The governor's appointee shall be the chair of the
8 authority for the first 12 months after the first meeting. After
9 the first 12 months, the authority shall elect the chairperson
10 from among its members. A chairperson may succeed himself or
11 herself. The chairperson shall appoint officers of the board who
12 shall serve in the appointed position for the first 12 months.
13 After the first meeting, the southeast regional airport authority
14 shall meet at least monthly, or more frequently at the call of
15 the chairperson or if requested by 3 or more members.

16 (8) A majority of the members of the southeast regional air-
17 port authority constitute a quorum for the transaction of busi-
18 ness at a meeting of the southeast regional airport authority. A
19 majority vote of the members present and serving are required for
20 official action of the southeast regional airport authority.

21 (9) If a member of the authority believes that a vote on any
22 question before the vote is a conflict of interest or has the
23 appearance of a conflict of interest, the member shall disclose
24 the facts to the board and the facts shall be included in the
25 minutes of the meeting.

26 (10) The business that the southeast regional airport
27 authority may perform shall be conducted at a public meeting of

1 the southeast regional airport authority held in compliance with
2 the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

3 (11) A writing prepared, owned, used, in the possession of,
4 or retained by the southeast regional airport authority in the
5 performance of an official function is subject to the freedom of
6 information act, 1976 PA 442, MCL 15.231 to 15.246.

7 (12) Members of the southeast regional airport authority
8 shall serve without compensation. However, members of the south-
9 east regional airport authority may be reimbursed for their
10 actual and necessary expenses incurred in the performance of
11 their official duties as members of the southeast regional air-
12 port authority.

13 Sec. 5. After the effective date of this act, a county that
14 becomes a qualified county is not eligible to join an existing
15 regional airport authority under this act.

16 Sec. 6. An airport authority created under this act shall
17 do all things necessary to carry out the purposes of this act and
18 rules promulgated under this act including, but not limited to,
19 all of the following:

20 (a) Prescribe and approve a budget for the operation of the
21 airport.

22 (b) Engage in contracts and approve contracts and other
23 agreements.

24 (c) Prescribe and engage in a competitive bidding process on
25 any contract involving the operation of the airport.

1 (d) Appoint an airport manager who shall meet or exceed the
2 qualifications for an airport manager under any state or federal
3 law or rule.

4 (e) Procure insurance against loss in connection with the
5 operation, assets, and activities of the airport.

6 (f) Hire sufficient auditors and staff to enable regular
7 auditing of the finances and operations of the airport.

8 (g) Appoint a legal counsel who shall represent the author-
9 ity on all legal matters.

10 Sec. 7. An airport authority may do all of the following:

11 (a) Sue and be sued.

12 (b) Adopt bylaws for the regulation of the affairs of the
13 authority.

14 (c) Borrow money and issue negotiable bonds and other
15 obligations.

16 (d) Solicit, receive, and accept from any source gifts,
17 grants, loans, or contributions of money, property, or other
18 things of value, and other aid or payment, or participate in any
19 other federal, state, or local government program.

20 (e) Determine landing fees and other assessments related to
21 the operation of aircraft.

22 (f) Hold title to any real or personal property.

23 (g) Approve all capital improvements to the land or other
24 facilities of the airport.

25 (h) Employ a police force or contract with the county or
26 this state to provide police services.

1 (i) Prepare and implement plans and procedures for
2 responding to emergencies, disasters, and other threats to public
3 safety on property under the control of the authority.

4 Sec. 8. The authority shall prepare, publish, and deliver
5 an annual report to the governor and to the secretary of the
6 senate and the clerk of the house of representatives.

7 Sec. 9. The authority shall assume all obligations of a
8 qualified airport that are outstanding on the effective date of
9 this act.