

# SENATE BILL No. 711

December 5, 2017, Introduced by Senators STAMAS, BRANDENBURG, EMMONS, ROBERTSON, GREEN, CONYERS, CASPERSON and SCHMIDT and referred to the Committee on Economic Development and International Investment.

A bill to amend 1978 PA 639, entitled "Hertel-Law-T. Stopczynski port authority act," by amending sections 2, 8, and 9 (MCL 120.102, 120.108, and 120.109).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2. As used in this act:

2           (a) "Authority" means a port authority created under this act  
3 and may also include the area within the jurisdiction of an  
4 authority.

5           (b) "Constituent unit" means a city or county requesting the  
6 incorporation of an authority.

7           (c) "Governing body of the city" means the city council or  
8 city commission of a city requesting incorporation of an authority

1 created under this act.

2 (d) "Governing body of the county" means the county board of  
3 commissioners of a county participating in an authority created  
4 under this act.

5 (e) "Port facilities" means those facilities ~~owned by the port~~  
6 ~~authority such as:~~ **THAT INCLUDE, BUT ARE NOT LIMITED TO:** seawall  
7 jetties; piers; wharves; docks; boat landings; marinas; warehouses;  
8 storehouses; elevators; grain bins; cold storage plants; terminal  
9 icing plants; bunkers; oil tanks; ferries; canals; locks; ~~bridges,~~  
10 ~~tunnels,~~ seaways; conveyors; modern appliances for the economical  
11 handling, storage, and transportation of freight and handling of  
12 passenger traffic; transfer and terminal facilities required for  
13 the efficient operation and development of ports and harbors; other  
14 harbor improvements; ~~or~~ improvements, enlargements, remodeling, or  
15 extensions of any of these buildings or structures; **AND OTHER REAL**  
16 **OR PERSONAL PROPERTY NECESSARY TO ENHANCE COMMERCIAL OR**  
17 **RECREATIONAL MARITIME ACTIVITIES. PORT FACILITIES SHALL NOT INCLUDE**  
18 **A BRIDGE OR A TUNNEL, DIRECTLY OR INDIRECTLY.**

19 (f) "Project" means the acquisition, purchase, construction,  
20 reconstruction, rehabilitation, remodeling, improvement,  
21 enlargement, repair, condemnation, maintenance, or operation of  
22 port facilities, **PUBLIC INFRASTRUCTURE, AND OTHER REAL AND PERSONAL**  
23 **PROPERTY NECESSARY TO ACHIEVE THE PURPOSE OF THIS ACT. PROJECT**  
24 **SHALL NOT INCLUDE A BRIDGE OR A TUNNEL, DIRECTLY OR INDIRECTLY.**

25 Sec. 8. (1) An authority may:

26 (a) Adopt, amend, and repeal bylaws for the regulation of its  
27 affairs and the conduct of its business.

1 (b) Sue and be sued on the same basis as the state; and adopt  
2 and register with the secretary of state an official seal and alter  
3 that seal at its pleasure.

4 (c) Maintain offices at a place or places, either within or  
5 without its jurisdiction as it may determine.

6 (d) Acquire, construct, reconstruct, rehabilitate, improve,  
7 maintain, lease as lessor or as lessee, repair, or operate port  
8 facilities **AND OTHER PROPERTY IT MAY ACQUIRE OR HOLD** within its  
9 territorial jurisdiction, including, **BUT NOT LIMITED TO**, the  
10 dredging of ship channels and turning basins and the filling and  
11 grading of land therefor. An authority may operate a leased  
12 facility, owned by the authority, if the lessee defaults and a new  
13 lease is negotiated or competitively bid.

14 (e) Designate the location and character of the port  
15 facilities which the authority may hold or own or over which it is  
16 authorized to act and regulate all matters related to the location  
17 and character of those port facilities.

18 (f) Acquire, hold, and dispose of real and personal property.

19 (g) Make directly, or through the hiring of expert  
20 consultants, investigations and surveys of whatever nature,  
21 including studies of business conditions, freight rates, port  
22 services, physical surveys of the conditions of channels and  
23 structures, and the necessity for additional port facilities for  
24 the development and improvement of commerce and recreation and for  
25 the more expeditious handling of that commerce and recreation, and  
26 make studies, surveys, and estimates, as necessary for the  
27 execution of its powers under this act.

1 (h) Promulgate all necessary rules to fulfill the purposes of  
2 this act.

3 (i) Issue its bonds, notes, or other evidences of indebtedness  
4 as provided in this act.

5 (j) Fix and revise from time to time and charge and collect  
6 rates, fees, rentals, or other charges for the use of a facility  
7 owned by the authority.

8 **(K) ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS WITH OTHER OWNERS**  
9 **OR PROPERTY OR PORT FACILITIES WITHIN THE JURISDICTION OF THE**  
10 **AUTHORITY.**

11 **(2) NOTHING IN THIS ACT SHALL LIMIT THE PROPERTY RIGHTS OF ANY**  
12 **PERSON THAT OWNS PROPERTY OR PORT FACILITIES WITHIN THE**  
13 **JURISDICTION OF THE AUTHORITY.**

14 **(3) THE POWERS GRANTED UNDER THIS ACT ARE IN ADDITION TO THOSE**  
15 **POWERS GRANTED BY CHARTER OR OTHER STATUTE.**

16 Sec. 9. An authority may:

17 (a) Appear in its own behalf before boards, commissions,  
18 departments, or other agencies of the federal government or of any  
19 state or international conferences and before committees of the  
20 congress of the United States and the state legislature in all  
21 matters relating to the design, establishment, construction,  
22 extension, operation, improvement, repair, or maintenance of a  
23 project operated, ~~and maintained,~~ **FINANCED, OR SUPPORTED** by the  
24 authority under this act, and appear before any federal or state  
25 agencies in matters relating to transportation rates, port services  
26 and charges, demurrage, switching, wharfage, towage, pilotage,  
27 differentials, discriminations, labor relations, trade practices,

1 river and harbor improvements, aids to navigation, permits for  
2 structures in navigable waters, and all other matters affecting the  
3 physical development of, and the business interest of, the  
4 authority and those it serves.

5 (b) Make application for, receive and accept from any federal,  
6 state, or municipal agency, foundation, public or private agency,  
7 or individual, a grant or loan for, or in aid of, the planning,  
8 construction, operation, or financing of a ~~port facility~~; **PROJECT**;  
9 and receive and accept contributions from any source of money,  
10 property, labor, or other things of value, to be held, used, and  
11 applied for the purposes for which the grant or contribution may be  
12 made.

13 (c) Appoint an executive director who shall be the chief  
14 ~~administrative~~ **EXECUTIVE** officer of the authority, and to whom the  
15 authority may delegate any of its administrative powers and  
16 authorizations. During employment the executive director shall not  
17 have a financial interest in port facilities or projects over which  
18 the authority has jurisdiction or power or authorization to act.

19 (d) Employ personnel as is necessary and employ the services  
20 of private consultants and engineers, legal counsel, accountants,  
21 construction and financial experts, and other agents for rendering  
22 professional and technical assistance and advice as may be  
23 necessary, and whose compensation, including the executive  
24 director, ~~shall be~~ **IS** determined by the authority.