

SENATE BILL No. 1197

November 8, 2018, Introduced by Senator CASPERSON and referred to the Committee on Government Operations.

A bill to amend 1952 PA 214, entitled

"An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting

competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation,"

(MCL 254.311 to 254.332) by amending the title, as amended by 1992 PA 120, and by adding section 14.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act authorizing the Mackinac bridge authority to acquire a bridge **AND A UTILITY TUNNEL** connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting, and terminal facilities; extending the corporate existence of the authority; authorizing ~~such~~**THE** authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of ~~such~~**THE** bridge and ~~in that connection~~ authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of ~~such~~ bonds and granting certain rights and remedies to the holders ~~thereof~~**OF BONDS**; authorizing banks and trust companies to perform certain acts in connection ~~therewith~~**WITH THE PAYMENT AND SECURITY OF BONDS**; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications, and location of ~~same~~**THE**

1 **BRIDGE**; authorizing employment of engineers ~~irrespective~~ **REGARDLESS**
2 of whether ~~such~~ **THOSE** engineers have been previously employed to
3 make preliminary inspections or reports with respect to the bridge;
4 authorizing the state ~~highway~~ **TRANSPORTATION** department to operate
5 and maintain ~~such~~ **THE** bridge or to contribute ~~thereto~~ **TO THE BRIDGE**
6 and enter into leases and agreements in connection ~~therewith~~; **WITH**
7 **THE BRIDGE**; exempting ~~such~~ bonds and the property of the authority
8 from taxation; prohibiting competing traffic facilities;
9 authorizing the operation of ferries by the authority; **AUTHORIZING**
10 **THE OPERATION OF A UTILITY TUNNEL BY THE AUTHORITY**; providing for
11 the construction and use of certain buildings; and making an
12 appropriation.

13 **SEC. 14. (1) THE AUTHORITY MAY ACQUIRE, CONSTRUCT, OPERATE,**
14 **MAINTAIN, IMPROVE, REPAIR, AND MANAGE A UTILITY TUNNEL. THE**
15 **AUTHORITY SHALL DETERMINE THE RATES CHARGED FOR THE SERVICES**
16 **OFFERED BY THE UTILITY TUNNEL. THE AUTHORITY MAY ENTER INTO**
17 **CONTRACTS OR AGREEMENTS NECESSARY TO PERFORM ITS DUTIES AND POWERS**
18 **UNDER THIS ACT, INCLUDING, BUT NOT LIMITED TO, LEASING THE RIGHT TO**
19 **USE A UTILITY TUNNEL ON TERMS AND FOR CONSIDERATION DETERMINED BY**
20 **THE AUTHORITY. THIS SUBSECTION DOES NOT AUTHORIZE THE AUTHORITY TO**
21 **INCUR OBLIGATIONS THAT WOULD CONSTITUTE AN INDEBTEDNESS OF THIS**
22 **STATE CONTRARY TO THE STATE CONSTITUTION OF 1963.**

23 **(2) THE AUTHORITY MAY PURCHASE OR OTHERWISE ACQUIRE AT A FAIR**
24 **AND REASONABLE PRICE PROPERTY AND PROPERTY RIGHTS IN CONNECTION**
25 **WITH THE CONSTRUCTION OF A UTILITY TUNNEL, INCLUDING, BUT NOT**
26 **LIMITED TO, ROADS, STRUCTURES, RIGHTS-OF-WAY, FRANCHISES,**
27 **EASEMENTS, AND OTHER INTERESTS IN LAND, INCLUDING LAND UNDER WATER;**

1 THE RIPARIAN RIGHTS OF ANY PERSON; AND THE RIGHT TO CUT OFF LIGHT,
2 AIR, AND ACCESS TO REAL PROPERTY.

3 (3) THE AUTHORITY MAY ENTER ON ANY LAND, WATER, OR PREMISES TO
4 MAKE A SURVEY, SOUNDING, OR EXAMINATION IN CONNECTION WITH THE
5 CONSTRUCTION OF A UTILITY TUNNEL. THE AUTHORITY HAS THE RIGHT TO
6 USE AND FULL EASEMENTS AND RIGHTS-OF-WAY THROUGH, ACROSS, UNDER,
7 AND OVER ANY LANDS OR PROPERTY OWNED BY THIS STATE OR IN WHICH THIS
8 STATE HAS ANY RIGHT, TITLE, OR INTEREST, WITHOUT CONSIDERATION,
9 THAT MAY BE NECESSARY OR CONVENIENT TO THE CONSTRUCTION AND
10 EFFICIENT OPERATION OF THE UTILITY TUNNEL.

11 (4) THE AUTHORITY MAY PERFORM ALL ACTS NECESSARY TO SECURE THE
12 CONSENT OF ANY DEPARTMENT, AGENCY, INSTRUMENTALITY, OR OFFICER OF
13 THE UNITED STATES GOVERNMENT OR THIS STATE TO THE CONSTRUCTION AND
14 OPERATION OF A UTILITY TUNNEL AND THE CHARGING OF FEES FOR ITS USE,
15 AND TO SECURE THE APPROVAL OF ANY DEPARTMENT, AGENCY,
16 INSTRUMENTALITY, OR OFFICER OF THE UNITED STATES GOVERNMENT OR THIS
17 STATE REQUIRED BY LAW TO APPROVE THE PLANS, SPECIFICATIONS, AND
18 LOCATION OF THE UTILITY TUNNEL OR THE FEES TO BE CHARGED FOR THE
19 USE OF THE UTILITY TUNNEL.

20 (5) THE CREATION OF THE AUTHORITY AND THE CARRYING OUT OF THE
21 AUTHORITY'S PURPOSES, INCLUDING A UTILITY TUNNEL, ARE FOR THE
22 BENEFIT OF THE PEOPLE OF THIS STATE AND CONSTITUTE A PUBLIC
23 PURPOSE, AND THE AUTHORITY IS PERFORMING AN ESSENTIAL GOVERNMENT
24 FUNCTION IN THE EXERCISE OF THE POWERS CONFERRED UPON IT BY THIS
25 ACT. ALL PROPERTY OWNED BY THE AUTHORITY RELATED TO A UTILITY
26 TUNNEL IS EXEMPT FROM ALL TAXES LEVIED BY THIS STATE AND ALL OF ITS
27 POLITICAL SUBDIVISIONS AND TAXING DISTRICTS, AND THE AUTHORITY IS

1 NOT REQUIRED TO PAY TAXES OR ASSESSMENTS UPON ITS ACTIVITIES OR
2 UPON ANY OF ITS REVENUES. IF A TAX OF ANY NATURE IS LEGALLY IMPOSED
3 ON ANY PROPERTY OR OBLIGATION OF THE AUTHORITY IN CONNECTION WITH A
4 UTILITY TUNNEL, AND THAT TAX IS DETERMINED TO BE VALID AND
5 EFFECTIVE, THE TAX SHALL BE PAID FROM THE REVENUES OF THE AUTHORITY
6 AS AN EXPENSE OF MAINTAINING AND OPERATING THE UTILITY TUNNEL.

7 (6) AS USED IN THIS SECTION, "UTILITY TUNNEL" MEANS A TUNNEL
8 JOINING AND CONNECTING THE UPPER AND LOWER PENINSULAS OF THIS STATE
9 AT THE STRAITS OF MACKINAC FOR THE PURPOSE OF ACCOMMODATING UTILITY
10 INFRASTRUCTURE, INCLUDING, BUT NOT LIMITED TO, PIPELINES, ELECTRIC
11 TRANSMISSION LINES, FACILITIES FOR THE TRANSMISSION OF DATA AND
12 TELECOMMUNICATIONS, ALL USEFUL AND RELATED FACILITIES, EQUIPMENT,
13 AND STRUCTURES, AND ALL NECESSARY TANGIBLE OR INTANGIBLE REAL AND
14 PERSONAL PROPERTY, LICENSES, FRANCHISES, EASEMENTS, AND RIGHTS-OF-
15 WAY.