

SENATE BILL No. 1150

May 29, 2012, Introduced by Senator MEEKHOF and referred to the Committee on Government Operations.

A bill to amend 1921 PA 246, entitled

"An act to regulate the service, rates, fares and charges of carriers by water within this state,"

(MCL 460.201 to 460.206) by amending the title and by adding sections 9 and 11; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to regulate the service, rates, fares, **SCHEDULES**, and charges of carriers by water within this state; ~~—~~**TO PROVIDE FOR UNIFORM CARRIER BY WATER LOCAL FRANCHISES; TO PROMOTE COMPETITION IN PROVIDING CARRIER BY WATER SERVICE IN THIS STATE; TO ENSURE REASONABLE LOCAL CONTROL OF RIGHTS-OF-WAY; TO PERMIT LOCAL UNITS OF GOVERNMENT TO IMPOSE FEES; TO PROVIDE FOR THE POWERS AND DUTIES OF CERTAIN STATE AND LOCAL AGENCIES AND OFFICIALS; AND TO PRESCRIBE PENALTIES.**

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1 SEC. 9. (1) NOTWITHSTANDING ANY CONTRARY PROVISION OF A LOCAL
2 ACT, CHARTER, ORDINANCE, OR RESOLUTION, THE PROVISIONS OF THIS ACT
3 APPLY AND THE CONTRARY PROVISION OF THE LOCAL ACT, CHARTER,
4 ORDINANCE, OR RESOLUTION SHALL NOT APPLY.

5 (2) THE LEGISLATURE FINDS AND DECLARES THAT THIS ACT ADDRESSES
6 MATTERS OF STATEWIDE CONCERN AND IS AN EXERCISE OF LEGISLATIVE
7 POWER CONSISTENT WITH THE DUTY OF THE LEGISLATURE TO PROVIDE FOR
8 THE PROTECTION OF THE WATER RESOURCES OF THIS STATE AND TO GUARD
9 THE PEOPLE'S INTEREST IN WATER RESOURCES AS A MATTER OF PARAMOUNT
10 PUBLIC CONCERN NECESSARY FOR THE HEALTH, SAFETY, AND GENERAL
11 WELFARE OF THE PEOPLE UNDER SECTION 52 OF ARTICLE IV OF THE STATE
12 CONSTITUTION OF 1963.

13 (3) IT IS THE INTENT OF THE LEGISLATURE THAT THIS ACT WILL
14 OBTAIN UNIFORMITY IN THE LAWS OF THIS STATE RELATING TO CARRIERS BY
15 WATER.

16 SEC. 11. THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE
17 "STATE CARRIERS BY WATER UNIFORM REGULATION ACT".

18 Enacting section 1. Chapter 16 of 1899 LA 437 is repealed.

19 Enacting section 2. It is the intent of the legislature that
20 the express repealing clause in enacting section 1 is included in
21 this general act to assure compliance with the constitutional
22 mandate under section 29 of article IV of the state constitution of
23 1963 prohibiting the legislature from passing a local or special
24 act where a general act can be made applicable.