**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:**

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**

**bridge;** authorizing employment of engineers ~~irrespective~~ **regardless**

of whether ~~such~~ **those** engineers have been previously employed to

make preliminary inspections or reports with respect to the bridge;

authorizing the state ~~highway~~ **transportation** department to operate

and maintain ~~such~~ **the** bridge or to contribute ~~thereto~~ **to the bridge**

and enter into leases and agreements in connection ~~therewith;~~ **with**

**the bridge;** exempting ~~such~~ bonds and the property of the authority

from taxation; prohibiting competing traffic facilities;

authorizing the operation of ferries by the authority; **authorizing**

**the operation of a utility tunnel by the authority;** providing for

the construction and use of certain buildings; and making an

appropriation.

**Sec. 14. (1) The authority may acquire, construct, operate,**

**maintain, improve, repair, and manage a utility tunnel. The**

**authority shall determine the rates charged for the services**

**offered by the utility tunnel. The authority may enter into**

**contracts or agreements necessary to perform its duties and powers**

**under this act, including, but not limited to, leasing the right to**

**use a utility tunnel on terms and for consideration determined by**

**the authority. This subsection does not authorize the authority to**

**incur obligations that would constitute an indebtedness of this**

**state contrary to the state constitution of 1963.**

**(2) The authority may purchase or otherwise acquire at a fair**

**and reasonable price property and property rights in connection**

**with the construction of a utility tunnel, including, but not**

**limited to, roads, structures, rights-of-way, franchises,**

**easements, and other interests in land, including land under water;**

**the riparian rights of any person; and the right to cut off light,**

**air, and access to real property.**

**(3) The authority may enter on any land, water, or premises to**

**make a survey, sounding, or examination in connection with the**

**construction of a utility tunnel. The authority has the right to**

**use and full easements and rights-of-way through, across, under,**

**and over any lands or property owned by this state or in which this**

**state has any right, title, or interest, without consideration,**

**that may be necessary or convenient to the construction and**

**efficient operation of the utility tunnel.**

**(4) The authority may perform all acts necessary to secure the**

**consent of any department, agency, instrumentality, or officer of**

**the United States government or this state to the construction and**

**operation of a utility tunnel and the charging of fees for its use,**

**and to secure the approval of any department, agency,**

**instrumentality, or officer of the United States government or this**

**state required by law to approve the plans, specifications, and**

**location of the utility tunnel or the fees to be charged for the**

**use of the utility tunnel.**

**(5) The creation of the authority and the carrying out of the**

**authority's purposes, including a utility tunnel, are for the**

**benefit of the people of this state and constitute a public**

**purpose, and the authority is performing an essential government**

**function in the exercise of the powers conferred upon it by this**

**act. All property owned by the authority related to a utility**

**tunnel is exempt from all taxes levied by this state and all of its**

**political subdivisions and taxing districts, and the authority is**

**not required to pay taxes or assessments upon its activities or**

**upon any of its revenues. If a tax of any nature is legally imposed**

**on any property or obligation of the authority in connection with a**

**utility tunnel, and that tax is determined to be valid and**

**effective, the tax shall be paid from the revenues of the authority**

**as an expense of maintaining and operating the utility tunnel.**

**(6) As used in this section, "utility tunnel" means a tunnel**

**joining and connecting the upper and lower peninsulas of this state**

**at the Straits of Mackinac for the purpose of accommodating utility**

**infrastructure, including, but not limited to, pipelines, electric**

**transmission lines, facilities for the transmission of data and**

**telecommunications, all useful and related facilities, equipment,**

**and structures, and all necessary tangible or intangible real and**

**personal property, licenses, franchises, easements, and rights-of-**

**way.**