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Senate Bill 617 (as introduced 9-7-11)
Sponsor: Senator Tom Casperson
Committee: Natural Resources, Environment and Great Lakes

Date Completed: 10-5-11

CONTENT

The bill would amend Public Act 168 of 1967, which authorized the State to convey title to and cede jurisdiction over certain land and water within the Pictured Rocks National Lakeshore (PRNL) to the United States, to do the following:

- Establish procedures by which the U.S. could acquire concurrent legislative jurisdiction over PRNL land and water not ceded previously.**
- Prescribe the extent to which the State would reserve jurisdiction over PRNL land and water to which legislative jurisdiction was ceded to the U.S.**
- Authorize the Governor to accept the relinquishment by the U.S. of legislative jurisdiction over PRNL land.**

Cession of Jurisdiction

The Act authorized the State Administrative Board to convey to the U.S. the title to certain land within the boundaries of the shoreline zone of the Pictured Rocks National Lakeshore, and to cede the offshore water area, for use by the U.S. Department of the Interior. Jurisdiction of that land and water area was ceded to the U.S. upon the express condition that the State of Michigan would retain concurrent jurisdiction over people on the land and water area, so that all civil and criminal process could be executed in the same manner as if jurisdiction had not been ceded.

Under the bill, if the U.S. desired to acquire concurrent legislative jurisdiction over land and water within the PRNL that had not been ceded previously, the U.S. would have to submit a written application to the Governor. Upon receiving the application, the Governor could cede to the U.S. jurisdiction over any or all of the land or water for which jurisdiction was applied, reserving to the State of Michigan concurrent jurisdiction as he or she considered appropriate. The Governor could not cede jurisdiction exceeding that requested by the U.S.

The application would have to state the measure of jurisdiction desired and be accompanied by an accurate description of the land and/or water over which jurisdiction was desired and information as to which land was owned by the U.S.

The cession of jurisdiction under the bill would become effective when accepted on behalf of the U.S. Acceptance would have to be indicated in writing upon the instrument of cession by an authorized U.S. official and be filed with Michigan's Secretary of State.

Reservation of Jurisdiction

The bill provides that the State of Michigan would reserve jurisdiction over land and water within the PRNL, to which legislative jurisdiction was ceded to the U.S. under the Act, as follows:

- The State's entire legislative jurisdiction with respect to taxation by the State or a political subdivision of the State.
- The State's entire legislative jurisdiction with respect to marriage, divorce, annulment, adoption, commitment of the mentally incompetent, and descent and distribution of property.
- Concurrent or separate power to enforce the criminal law.
- The power to execute any process, civil or criminal, issued under authority of the State of Michigan.

A person residing on land within the PRNL, to which legislative jurisdiction was ceded to the U.S., could not be deprived of any civil or political rights, including the right of suffrage, by reason of the cession.

Relinquishment of Jurisdiction

If the U.S. offered to the State a relinquishment of legislative jurisdiction over land within the PRNL, the Governor could accept it on behalf of the State. The Governor would have to indicate his or her acceptance by a writing addressed to the head of the appropriate U.S. department or agency. The acceptance would be effective when deposited in a U.S. post office or mailbox.

MCL 3.451 et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have an indeterminate impact dependent on the amount of land ceded under the provisions of the bill. Pictured Rocks National Lakeshore includes 73,000 acres along 42 miles of Lake Superior's south shore.

Fiscal Analyst: Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.