

# HOUSE BILL No. 4617

May 4, 2011, Introduced by Reps. Lindberg, Barnett, Liss and McBroom and referred to the Committee on Government Operations.

A bill to amend 1967 PA 168, entitled

"An act to authorize the state administrative board to convey certain lands and to cede a certain water area in Alger county to the United States of America for use by the national park service; and to declare the effect thereof,"

by amending sections 1 and 4 (MCL 3.451 and 3.454) and by adding sections 4a, 4b, and 4c.

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

1           Sec. 1. The state administrative board ~~is authorized to~~ **MAY**  
2 convey by ~~quit claim~~ **QUITCLAIM** deed or deeds ~~such~~ **THE** title to  
3 lands ~~as is~~ vested in the state of Michigan and under the  
4 jurisdiction of the department of ~~conservation~~ **NATURAL RESOURCES**  
5 and ~~to~~ **MAY** cede the ~~off shore~~ **OFFSHORE** water area, without any  
6 monetary consideration, for and ~~in~~ **ON** behalf of the state of  
7 Michigan, to the United States of America, as lie within the  
8 boundaries of the shoreline zone of the Pictured Rocks national

1 lakeshore as depicted on the map identified as "~~proposed pictured~~  
 2 ~~rocks~~ **PICTURED ROCKS** national lakeshore, United States department  
 3 of the interior, national park service, boundary map NL-PR-7001A,  
 4 July, 1966", to be used by the United States department of the  
 5 interior. The ~~conservation~~ **NATURAL RESOURCES** commission shall  
 6 approve the descriptions and total acreage of land to be conveyed  
 7 and water area to be ceded.

8       Sec. 4. The jurisdiction of ~~such~~ **THE** lands and water area  
 9 **DESCRIBED IN SECTION 1** is ceded to the United States of America  
 10 upon the express condition that the state of Michigan shall retain  
 11 concurrent jurisdiction, both civil and criminal, over persons on  
 12 ~~such~~ **THE** lands and water area, so that all civil and criminal  
 13 process issued by any court of competent jurisdiction or officer  
 14 having authority of law to issue ~~such~~ process and all orders made  
 15 by ~~such~~ **THE** court, or any judicial officer ~~duly empowered~~  
 16 **AUTHORIZED** to make ~~such~~ **THE** orders necessary to be served upon any  
 17 person, may be executed upon ~~such~~ **THE** lands and water area in the  
 18 same manner as if jurisdiction had not been ~~so~~ ceded.

19       **SEC. 4A. (1) IF THE UNITED STATES DESIRES TO ACQUIRE**  
 20 **CONCURRENT LEGISLATIVE JURISDICTION OVER THE LANDS AND WATERS**  
 21 **WITHIN THE PICTURED ROCKS NATIONAL LAKESHORE THAT HAVE NOT**  
 22 **PREVIOUSLY BEEN CEDED UNDER SECTION 4, THE UNITED STATES SHALL**  
 23 **SUBMIT AN APPLICATION, IN WRITING, TO THE GOVERNOR. UPON RECEIPT OF**  
 24 **THE APPLICATION, THE GOVERNOR MAY CEDE TO THE UNITED STATES**  
 25 **JURISDICTION, NOT EXCEEDING THAT REQUESTED BY THE UNITED STATES,**  
 26 **OVER ANY OR ALL OF THE LANDS OR WATERS FOR WHICH JURISDICTION HAS**  
 27 **BEEN APPLIED, AND RESERVING TO THIS STATE CONCURRENT JURISDICTION**

1 AS THE GOVERNOR CONSIDERS APPROPRIATE.

2 (2) AN APPLICATION SUBMITTED UNDER SUBSECTION (1) SHALL STATE  
3 THE MEASURE OF JURISDICTION DESIRED AND SHALL BE ACCOMPANIED BY AN  
4 ACCURATE DESCRIPTION OF THE LANDS OR WATERS, OR BOTH, OVER WHICH  
5 JURISDICTION IS DESIRED AND INFORMATION AS TO WHICH OF THE LANDS  
6 ARE OWNED BY THE UNITED STATES.

7 (3) THE CESSION OF JURISDICTION UNDER THIS SECTION BECOMES  
8 EFFECTIVE WHEN IT IS ACCEPTED ON BEHALF OF THE UNITED STATES.  
9 ACCEPTANCE BY THE UNITED STATES SHALL BE INDICATED IN WRITING UPON  
10 THE INSTRUMENT OF CESSION BY AN AUTHORIZED OFFICIAL OF THE UNITED  
11 STATES AND SHALL BE FILED WITH THE SECRETARY OF STATE OF THIS  
12 STATE.

13 SEC. 4B. (1) THIS STATE RESERVES JURISDICTION AS FOLLOWS OVER  
14 LANDS AND WATERS WITHIN THE PICTURED ROCKS NATIONAL LAKESHORE, TO  
15 WHICH LEGISLATIVE JURISDICTION IS CEDED TO THE UNITED STATES UNDER  
16 THIS ACT:

17 (A) THE STATE'S ENTIRE LEGISLATIVE JURISDICTION WITH RESPECT  
18 TO TAXATION BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE.

19 (B) THE STATE'S ENTIRE LEGISLATIVE JURISDICTION WITH RESPECT  
20 TO MARRIAGE, DIVORCE, ANNULMENT, ADOPTION, COMMITMENT OF THE  
21 MENTALLY INCOMPETENT, AND DESCENT AND DISTRIBUTION OF PROPERTY.

22 (C) CONCURRENT OR SEPARATE POWER TO ENFORCE THE CRIMINAL LAW.

23 (D) THE POWER TO EXECUTE ANY PROCESS, CIVIL OR CRIMINAL,  
24 ISSUED UNDER AUTHORITY OF THIS STATE.

25 (2) A PERSON RESIDING ON LANDS WITHIN THE PICTURED ROCKS  
26 NATIONAL LAKESHORE, TO WHICH LEGISLATIVE JURISDICTION IS CEDED TO  
27 THE UNITED STATES UNDER THIS ACT, SHALL NOT BE DEPRIVED OF ANY

1 CIVIL OR POLITICAL RIGHTS, INCLUDING THE RIGHT OF SUFFRAGE, BY  
2 REASON OF THE CESSION OF JURISDICTION TO THE UNITED STATES.

3 SEC. 4C. IF THE UNITED STATES OFFERS TO THIS STATE A  
4 RELINQUISHMENT OF LEGISLATIVE JURISDICTION OVER LANDS WITHIN THE  
5 PICTURED ROCKS NATIONAL LAKESHORE, THE GOVERNOR MAY ACCEPT ON  
6 BEHALF OF THIS STATE THE LEGISLATIVE JURISDICTION OFFERED TO BE  
7 RELINQUISHED. THE GOVERNOR SHALL INDICATE HIS OR HER ACCEPTANCE OF  
8 RELINQUISHED LEGISLATIVE JURISDICTION BY A WRITING ADDRESSED TO THE  
9 HEAD OF THE APPROPRIATE DEPARTMENT OR AGENCY OF THE UNITED STATES.  
10 THE ACCEPTANCE IS EFFECTIVE WHEN DEPOSITED IN A UNITED STATES POST  
11 OFFICE OR MAILBOX.