# ESTABLISHMENT OF BASE CONVERSION AUTHORITY

## Act 159 of 1993

AN ACT to provide for the establishment of a base conversion authority; to prescribe the powers and duties of the base conversion authority; and to provide for conversion of certain bases to civilian uses.

**History:** 1993, Act 159, Imd. Eff. Sept. 13, 1993

The People of the State of Michigan enact:

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### 3.571 Definitions.

Sec. 1.

As used in this act:

(a) "Authority" means a base conversion authority as provided for in this act.

(b) "Base" means a federal military installation on the final list of base or facility closures submitted by the base realignment and closure commission to the president of the United States and subsequently approved by congress.

(c) "Department" means the department of commerce.

**History:** 1993, Act 159, Imd. Eff. Sept. 13, 1993

### 3.572 Base conversion authority; creation by executive order.

Sec. 2.

Upon notification by the United States government that a base in this state is to be closed, the governor may create by executive order such an authority pursuant to this act, within the department.

**History:** 1993, Act 159, Imd. Eff. Sept. 13, 1993

### 3.573 Base conversion authority; appointment and qualifications of members; designation of chairperson; ex officio members; duration of authority; service of members; vacancy; meetings; voting; quorum; compensation; election of officers; employment of personnel; appointment of subcommittees and task forces.

Sec. 3.

(1) The authority shall consist of 11 voting members who shall be appointed by the governor, with the advice and consent of the senate. The governor shall designate 1 of the members to serve as chairperson. The directors of the department of commerce, labor, natural resources, and transportation; the Michigan jobs commission or its successor; the central Upper Peninsula planning and developing regional commission (CUPPAD); and the northern economic initiatives corporation (NEI Corp) shall serve as ex officio members without vote. The members shall be as follows:

(a) One member who is chairperson of the county board of commissioners of the county in which the base is located, or the chairperson's designee.

(b) The township supervisor, or that person's designee, from each township in which the land area of the base is located.

(c) One member who is a representative of a business, commerce, or economic development association operating in Alger, Delta, Dickinson, Marquette, or Menominee county.

(d) One member who is a representative of a public utility operating in Alger, Delta, Dickinson, Marquette, or Menominee county.

(e) One member who is a representative of an employer with more than 500 employees working in Alger, Delta, Dickinson, Marquette, or Menominee county.

(f) One member who is a representative of an employer with less than 500 employees working in Alger, Delta, Dickinson, Marquette, or Menominee county.

(g) One member at large who is a resident of Alger, Delta, Dickinson, Marquette, or Menominee county.

(h) One member who is a representative of organized labor.

(i) One member who is a resident of Delta county.

(2) The authority shall exist for 5 years, with 1 additional 5-year extension if authorized by concurrent resolution of the state legislature.

(3) A member of the authority described in subsection (1)(a) and (b) shall serve while the member holds the respective office specified in that subsection. All other members shall serve at the pleasure of the governor. A vacancy shall be filled in the same manner as the original appointment.

(4) The authority shall hold an annual meeting each January. Additional meetings may be conducted as are necessary. At least 1 meeting a year shall be held on the base. At a meeting of the authority a majority vote of all members appointed and serving is necessary for a decision. Voting may be conducted by telephonic communication. A quorum consists of a majority of the members.

(5) The per diem compensation of the authority and the schedule for reimbursement of expenses shall be established by the legislature.

(6) The authority shall elect annually from its membership a vice-chairperson, a secretary, and a treasurer. The authority may employ experts, consultants, administrative staff, and other personnel the authority considers necessary in the performance of its responsibilities under this act. The authority may also appoint subcommittees and task forces consisting of its own members and other individuals appointed by the chairperson of the authority.

**History:** 1993, Act 159, Imd. Eff. Sept. 13, 1993

### 3.574 Duties; oath of office; supplying bond.

Sec. 4.

The members of the authority shall enter upon their duties after their appointment and shall qualify by taking and filing the oath of office and supplying the bond required by the state administrative board.

**History:** 1993, Act 159, Imd. Eff. Sept. 13, 1993

### 3.575 Business conducted at public meeting; availability of writings to public.

Sec. 5.

(1) The business which the authority may perform shall be conducted at a public meeting of the authority held in compliance with the open meetings act, Act No. 267 of the Public Acts of

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1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(2) All writings prepared, owned, used, in the possession of, or retained by the authority in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

**History:** 1993, Act 159, Imd. Eff. Sept. 13, 1993

### 3.576 Base conversion authority as body corporate, governmental unit, public entity, and public agency; signing and attesting to official papers; grant of power construed.

Sec. 6.

(1) The authority is a body corporate which may sue and be sued, plead and be impleaded, contract and be contracted with, and carry out all powers granted it. The authority shall be considered a governmental unit of this state for purposes of subpart 1 of part 21 (general real estate powers) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.2101 to 324.2102 of the Michigan Compiled Laws, and a public entity for purposes of Act No. 317 of the Public Acts of 1968, being sections 15.321 to 15.330 of the Michigan Compiled Laws. The authority shall be considered a public agency for purposes of the urban cooperation act of 1967, Act No. 7 of the Public Acts of the Extra Session of 1967, being sections 124.501 to 124.512 of the Michigan Compiled Laws.

(2) A contract, deed of conveyance, and any other official paper of the authority shall be signed by the chairperson or vice-chairperson in the absence of the chairperson and attested by the secretary.

(3) An authority shall be considered a public body and have those powers necessary to effectuate the purposes of this act. A grant of power to an authority shall not be construed as a limitation but rather as an extension of the power of the authority.

**History:** 1993, Act 159, Imd. Eff. Sept. 13, 1993 ;-- Am. 1996, Act 29, Imd. Eff. Feb. 26, 1996

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### 3.577 Base conversion authority; functions; exercise of certain powers.

Sec. 7.

(1) The authority shall do all of the following:

(a) Serve as a holding and maintenance agency to receive property and assets from the United States department of defense, this state, and any other public or private entities.

(b) Consider and evaluate alternative proposals for conversion of the base from military to civilian uses.

(c) Enter into an intergovernmental agreement with 1 or more public agencies pursuant to Act No. 7 of the Public Acts of the Extra Session of 1967, being sections 124.501 to 124.512 of the Michigan Compiled Laws, concerning land use and zoning matters.

(2) In order to carry out these functions, the authority may exercise the powers relative to that property as described in section 8.

**History:** 1993, Act 159, Imd. Eff. Sept. 13, 1993

### 3.578 Conversion base authority; powers.

Sec. 8.

The authority may do all of the following:

(a) Employ law enforcement officers, fire protection personnel, maintenance personnel, and other employees as necessary to protect and maintain real and personal property located on the base or contract for the procurement of any of these services.

(b) Enter into contracts with the United States department of defense for the maintenance and security of buildings, grounds, water and sewage systems, heating and cooling systems, and other systems or property at the base until final disposition of the systems or property.

(c) Sell, lease, convey, exchange, transfer, assign, subdivide, pledge by mortgage or deed of trust, or otherwise dispose of any real or personal property under its control or an interest in the property.

(d) Rent, maintain, manage, operate, improve, demolish, and repair property under its control.

(e) Plan, propose, and implement plans of development necessary to achieve the purposes of this act.

(f) Receive funds from a local governmental unit, other state agencies, the federal government or an agency of the federal government, or a private individual or group, foundations or other private entities and spend those funds to the extent permitted under the powers granted to it pursuant to this section.

(g) Issue notes or bonds of the authority if necessary to implement plans of development necessary to achieve the purposes of this act. Bonds or notes issued by the authority are not subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. The issuance of bonds and notes under this act is subject to the agency financing reporting act.

**History:** 1993, Act 159, Imd. Eff. Sept. 13, 1993 ;-- Am. 2002, Act 326, Imd. Eff. May 23, 2002

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### 3.579 Annual report.

Sec. 9.

Before February 1 in each year, the authority shall file an annual report with the governor, the legislature, and the county board of commissioners of the county in which the base is located, setting forth its activities, receipts, expenditures, business considered, meetings, and progress during the immediately preceding year ending December 31.

**History:** 1993, Act 159, Imd. Eff. Sept. 13, 1993

### 3.580 Dissolution of authority; disposition of property.

Sec. 10.

When the authority has completed the purpose for which it was organized, the authority may request the legislature to dissolve the authority by concurrent resolution. Upon dissolution of the authority, either by concurrent resolution or upon completion of the time period prescribed by this act, the property, books, records, files, and funds of the authority shall become property of the county in which the base is located and shall be held or disposed of by the county in a manner prescribed by law.

**History:** 1993, Act 159, Imd. Eff. Sept. 13, 1993