

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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## MICHIGAN STATE LAW LIBRARY

Senate Bill 1054 (as reported without amendment)

Sponsor: Senator Jack Welborn

Committee: State Affairs, Tourism, and Transportation

Date Completed: 10-24-90

**RATIONALE**

In 1989, the Department of Corrections Act was amended to require either a buffer zone or a minimum distance of 300 feet between Department of Corrections' correctional facilities and adjacent residential dwellings. This requirement was the result of complaints by neighbors of the new Carson City Regional Prison that one of the facility's buildings that was under construction was too close to a neighboring farmhouse. Although the buffer zone or minimum distance requirement may help decrease the possibility of conflicts between future prison construction projects and neighboring residential areas, the problems that prompted the complaints about the Carson City facility still exist. Although the 1989 amendment applies to facilities constructed after the amendment's effective date, the Department of Management and Budget has suggested that the State purchase the farmhouse and property to conform to the 300-foot minimum distance standard.

**CONTENT**

The bill would authorize the State Administrative Board, on behalf of the State, to acquire for the Department of Corrections a five-acre parcel of land and improvements on it in Bloomer Township, Montcalm County. The purchase would have to be for not more than fair market value. The bill's description of the parcel would be subject to adjustment as the Board or the Attorney General considered necessary. The fair market value would have to be determined by an appraisal based on the property's "highest and best use", as prepared by the State Tax Commission or an independent fee appraiser. All documents regarding the

acquisition would have to be approved by the Attorney General.

**FISCAL IMPACT**

The parcel referenced in Senate Bill 1054 is adjacent to the Carson City Regional Correctional Facility and within the statutory 300-foot perimeter restriction. The State Tax Commission has appraised the property at \$72,000 and funds to complete the transaction are available in the original construction account. To the degree that the funds have already been appropriated in a prior fiscal year, there would be no fiscal impact.

**ARGUMENTS****Supporting Argument**

Allowing the State to purchase the residential property that is within the minimum required distance from the Carson City Regional Prison would ensure that the facility conformed to the statutory provisions mandating a minimum distance or buffer zone between prison facilities and neighboring residential properties.

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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.

S.B. 1054 (10-24-90)