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BILL ANALYSIS

Senate Fiscal Agency

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Senate Bill 232 (as reported without amendment)
Sponsor: Senator John F. Kelly
Committee: State Affairs, Tourism, and Transportation
Date Completed: 6-2-87

RATIONALE

The Federal government has legislative jurisdiction over some lands within Michigan (e.g., national forests and national guard training grounds). Some people claim that State and local agencies do not have jurisdiction over these areas and, consequently, are powerless to enforce the laws and ordinances within the areas. For example, there is a one square mile Federally-owned airfield that is within the city limits of Grayling. Local prosecutors have cautioned local law enforcement officers that, since the airfield is on Federal land, they would have no jurisdiction to protect, if necessary, the thousands of dollars of equipment that is stored on the site. They argue that a procedure should be established whereby the State can seek and accept the relinquishment of Federal jurisdiction.

CONTENT

Senate Bill 232 would create a new Act to establish procedures for the acceptance of State jurisdiction over Federal land upon relinquishment of Federal jurisdiction.

The bill would authorize the Governor to apply for and accept any part of the jurisdiction of the United States over Federal lands or interests in Federal lands that legally could be relinquished to the State. After receiving a notice of relinquishment of Federal jurisdiction from an official or entity of the United States, the Governor would have to send the State's written acceptance of jurisdiction to that official or entity.

The Attorney General would have to prepare all the State documents or instruments necessary for the State's acceptance of jurisdiction. All such documents, as well as the notice of relinquishment of Federal jurisdiction, would be recorded in the county office of register of deeds for the county or counties in which the Federal lands or interests were located, and filed with and retained by the Secretary of State.

The bill would repeal the section of current law that authorizes the Governor to accept jurisdiction over Federal lands relinquished to the State by the Federal Administrator of Veterans' Affairs.

MCL 21.163

FISCAL IMPACT

The bill would result in minimal indeterminate expenses for the State. The number of parcels for which Federal jurisdiction would be relinquished to the State is not known; therefore, the cost involved in preparing documents and record keeping is not determinable.

ARGUMENTS

Supporting Argument

The bill would provide for a procedure to remove the question of jurisdiction over Federal lands within the State's boundaries. If jurisdiction were relinquished, as the bill would allow, claims that a State or local law enforcement agency did not have jurisdiction over Federally-owned property could be refuted soundly.

Opposing Argument

The bill could do more than simply make law enforcement efforts more efficient. The use of the term "jurisdiction" could be interpreted loosely; some people might understand the bill to grant rights to mineral deposits, for instance. The bill should be clarified to specify that the term "jurisdiction" would apply only to law enforcement rights.

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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. 232 (6-2-87)