

Legislative Analysis



PICTURED ROCKS NATIONAL LAKESHORE

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Senate Bill 617 (S-1)

Sponsor: Sen. Tom Casperson

(Enacted as Public Act 116 of 2012)

House Committee: Government Operations

Senate Committee: Natural Resources, Environment and Great Lakes

Complete to 3-22-12

A SUMMARY OF SENATE BILL 617 AS REPORTED FROM HOUSE COMMITTEE

BACKGROUND INFORMATION:

The aim of the bill, according to committee testimony, is to make possible concurrent law enforcement jurisdiction on all federal owned land within the Pictured Rocks National Lakeshore.

According to National Park Service officials, some of the land within the Lakeshore is under exclusive federal jurisdiction, some is under proprietary jurisdiction, where the federal government has authority over little more than park regulations, and some under concurrent jurisdiction. This, they say, "causes confusion for land managers, area law enforcement officers, and the court systems presiding over incidents within the lakeshore." Park officials have said that "conversion of all federally owned lands to concurrent jurisdiction will eliminate this confusion and maximize the level of collaboration and effectiveness of federal, state, and local law enforcement agencies. Under concurrent legislative jurisdiction, the federal and state government share equal authority and both federal and state laws apply."

The bill accomplishes this by establishing a process whereby the federal government applies to the Governor of Michigan for him to cede jurisdiction to the United States over the lands and waters described in the application; the Governor can then choose to cede the jurisdiction requested while reserving concurrent jurisdiction to the State of Michigan. Similarly, the United States can relinquish exclusive jurisdiction over certain areas, so that the state will share concurrent jurisdiction. It is understood that the current statute as written does not allow for this. The process in the bill would also apply to any additional lands and waters acquired in the future.

SUMMARY OF THE BILL:

Public Act 168 of 1967 authorized the State of Michigan to convey title to and cede jurisdiction over certain land and water within the Pictured Rocks National Lakeshore to the United States government. Senate Bill 617 would amend that act in the following ways.

Cession of Land and/or Water

Upon the written application of the U.S. government to acquire concurrent legislative jurisdiction over the lands and waters within the Pictured Rocks National Lakeshore not previously ceded, the Governor could cede to the U.S., jurisdiction over any or all of the lands for which jurisdiction has been requested while reserving to the State of Michigan appropriate concurrent jurisdiction.

The application submitted by the U.S. government would have to state the measure of jurisdiction desired, along with an accurate jurisdiction of the lands or waters, or both, and information as to which of the lands is owned by the U.S.

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

State Reserves Jurisdiction

The bill specifies that the State of Michigan reserves jurisdiction as follows over lands and waters within the Pictured Rocks National Lakeshore to which jurisdiction is ceded to the United States:

- The state's entire legislative jurisdiction with respect to state and local taxation.
- 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.

Rights of Residents

A person residing on lands within the Pictured Rocks National Lakeshore to which legislative jurisdiction is ceded could not be deprived of any civil or political rights, including the right of suffrage, by reason of the cession of jurisdiction.

Relinquishment by the United States

If the U.S. government offers a relinquishment of legislative jurisdiction over lands within the Lakeshore, the Governor could accept on behalf of the State of Michigan; acceptance would be indicated by a writing addressed to the head of the appropriate federal department or agency. The acceptance would be effective when deposited in a U.S. post office or mailbox.

Amendment to Original Language

Public Act 168 says the State Administrative Board can convey by quitclaim deed or deeds the title to land vested in the State of Michigan and under the jurisdiction of what is now the Department of Natural Resources and can cede the offshore water area on behalf of the state to the United States "as lie within the boundaries of the shoreline zone of the Pictured Rocks National Lakeshore." The bill would delete the underlined words, making the provision apply to "the boundaries of the Pictured Rocks National Lakeshore."

MCL 3.451 et al.

FISCAL IMPACT:

Pictured Rocks National Lakeshore was authorized by Congress in 1966 and encompasses 73,235 acres which include 42 miles of Lake Superior shoreline. The park receives approximately 500,000 visitors annually. By authorizing the Governor to cede concurrent legislative jurisdiction over certain lands within the park to the federal government, Senate Bill 617 (S-1) may create administrative savings for the State of Michigan, particularly in the area of law enforcement and public safety.

POSITIONS:

Representatives of the National Park Service and the Pictured Rocks National Lakeshore testified in support of the bill. (3-21-12)

The Michigan Department of Natural Resources indicated support for the bill. (3-21-12)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.