

PROPERTY RIGHTS ACQUISITION ACT

Act 201 of 1986

AN ACT to require certain limitations, conditions, and procedures for the acquisition of certain property rights in this state by the United States; to require the approval of the state legislature; and to repeal certain acts and parts of acts.

History: 1986, Act 201, Imd. Eff. July 25, 1986

The People of the State of Michigan enact:

3.251 Short title.

Sec. 1.

This act shall be known and may be cited as the "property rights acquisition act".

History: 1986, Act 201, Imd. Eff. July 25, 1986

3.252 Definitions.

Sec. 2.

As used in this act:

- (a) "Board" means a county board of commissioners.
- (b) "Local unit of government" means a city, village, township, or county.
- (c) "Political subdivision" means any agency or local unit of government of this state which now is, or after the effective date of this act becomes, authorized to levy taxes or empowered to cause taxes to be levied.
- (d) "Property rights" means the ownership of an easement over, or any other interest in, real property or water located in this state.
- (e) "United States" means the federal government, or any agency or instrumentality of the federal government.

History: 1986, Act 201, Imd. Eff. July 25, 1986

3.253 Consent of state.

Sec. 3.

The consent of this state to the acquisition of any property rights by the United States for any purpose under clause 17 of section 8 of article I of the constitution of the United States or for any other purpose shall be given only as provided in this act.

History: 1986, Act 201, Imd. Eff. July 25, 1986

3.254 Notice of proposed acquisition.

Sec. 4.

Not less than 120 days before the United States proposes to acquire property rights in this state, it shall give written notice simultaneously to the board of each county and each city, village, and township, in which the property rights to be acquired are located and to the Michigan department of natural resources. The written notice shall contain all of the following:

- (a) A complete legal description of any real property or water area in which property rights are to be acquired.
- (b) The reason for the proposed acquisition.
- (c) The name of the county or counties in which the real property or water area is located.
- (d) The intended use of the real property or water area.

History: 1986, Act 201, Imd. Eff. July 25, 1986

3.255 Public meeting.

Sec. 5.

Not less than 30 days after a board has received the written notice required in section 4, the board shall schedule and hold a public meeting regarding the proposed acquisition of property rights by the United States.

History: 1986, Act 201, Imd. Eff. July 25, 1986

3.256 Review and comment on proposed acquisition.

Sec. 6.

(1) Not more than 30 days after a public meeting under section 5 has been held, the board shall review and comment on the proposed acquisition.

(2) The board promptly shall make a recommendation regarding the proposed acquisition and shall certify the recommendation and comments in writing and forward them to the president of the state senate and to the speaker of the state house of representatives, who shall refer the recommendation and comments to the appropriate committees of the senate and the house of representatives.

History: 1986, Act 201, Imd. Eff. July 25, 1986

3.257 Approval or disapproval of proposed acquisition; "session days" defined.

Sec. 7.

(1) Not more than 30 session days or 90 calendar days, whichever is earlier, after receipt by the respective committees of the senate and house of representatives of a written certification described in section 6 from each of the boards of the affected counties, the legislature by concurrent resolution and a record roll call vote shall approve or disapprove the proposed acquisition of property rights by the United States. If the legislature fails to vote as prescribed in this section, the proposed acquisition of property rights by the United States shall be considered to be disapproved.

(2) As used in this section, "session days" means those days on which at least 1 house of the legislature is in session.

History: 1986, Act 201, Imd. Eff. July 25, 1986

3.258 Retention of concurrent jurisdiction; execution of civil and criminal process; execution of orders; radioactive materials.

Sec. 8.

(1) Any acquisition of property rights by the United States under this act is made upon the express condition that this state shall retain concurrent jurisdiction with the United States in and over all real property or water areas acquired pursuant to this act and that all civil and criminal process issued by a court of competent jurisdiction, or officers having authority of law to issue process, and all orders made by the court or a judicial officer duly empowered to make the orders, and necessary to be served upon a person, may be executed upon the real property or water areas, and in the buildings erected on the real property in the same way and manner as if jurisdiction had not been acquired.

(2) This state does not consent to the acquisition by the United States by purchase, condemnation, or otherwise of any land or building for use in storing, depositing, or dumping radioactive material.

History: 1986, Act 201, Imd. Eff. July 25, 1986

3.259 Conditions to approval of acquisition.

Sec. 9.

The legislature of this state shall not approve the acquisition of property rights by the United States under this act unless both of the following have occurred:

(a) The United States, by a statute then in force and effect, must have provided for, and must be ready, able, and willing to make tax payments, or payments in lieu of taxes, upon the premises, including the improvements to be placed on the premises, at the rate that other similar property in the county is taxed. Payments required by this subdivision shall continue as long as United States ownership continues, and shall be apportioned among the state and all political subdivisions which otherwise would have had the right to tax the property from time to time if the property had been privately owned. A tax, or payments in lieu of taxes, shall not be demanded upon a right of way for a public road or post office or for any purpose expressly stated in clause 17 of section 8 of article I of the constitution of the United States. A payment in lieu of taxes shall be made as provided in Act No. 318 of the Public Acts of 1941, being sections 3.221 to 3.229 of the Michigan Compiled Laws.

(b) The United States has agreed in writing to pay to the affected political subdivisions a specified portion of any profit derived directly or indirectly by the United States or any other entity from the acquisition of property rights.

History: 1986, Act 201, Imd. Eff. July 25, 1986

3.260 Real property or water to which act inapplicable.

Sec. 10.

This act does not apply to any of the following:

(a) Real property or water areas within the national and state forests pursuant to Act No. 312 of the Public Acts of 1923, being sections 3.401 to 3.402 of the Michigan Compiled Laws.

(b) Real property or water under section 404 of the federal water pollution control act, 33 U.S.C. 1344.

(c) Real property or water under the Goemaere-Anderson wetland protection act, Act No. 203 of the Public Acts of 1979, being sections 281.701 to 281.722 of the Michigan Compiled Laws, unless the real property or water is intended for inclusion in or expansion of a national park or national lakeshore.

(d) Real property acquired for forts, magazines, arsenals, dockyards, and other needful buildings and defense projects pursuant to Act No. 3 of the Public Acts of the First Extra Session of 1942, being sections 3.201 to 3.203 of the Michigan Compiled Laws.

History: 1986, Act 201, Imd. Eff. July 25, 1986

3.261 Repeal of MCL 3.341 to 3.342, 3.301, and 3.321 to 3.322.

Sec. 11.

The following acts and parts of acts are repealed:

- (a) Act No. 52 of the Public Acts of 1871, being sections 3.341 to 3.342 of the Michigan Compiled Laws.
- (b) Act No. 4 of the Public Acts of 1874, being section 3.301 of the Michigan Compiled Laws.
- (c) Act No. 5 of the Public Acts of 1874, being sections 3.321 to 3.322 of the Michigan Compiled Laws.

History: 1986, Act 201, Imd. Eff. July 25, 1986

3.262 Conditional effective date.

Sec. 12.

This act shall not take effect unless both of the following bills of the 83rd Legislature are enacted into law:

- (a) Senate Bill No. 21.
- (b) Senate Bill No. 19.

History: 1986, Act 201, Imd. Eff. July 25, 1986

Compiler's Notes: Senate Bill No. 21, referred to in Sec. 3.262, was filed with the Secretary of State on July 25, 1986, and became P.A. 1986, No. 202, Imd. Eff. July 25, 1986. Senate Bill No. 19, also referred to in Sec. 3.262, was filed with the Secretary of State on December 6, 1985, and became P.A. 1985, No. 180, Eff. July 25, 1986.