

# Legislative Analysis



## PROPERTY CONVEYANCES MARQUETTE COUNTY – MARQUETTE BRANCH PRISON

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**Senate Bill 119 as passed by the Senate**  
**Sponsor: Sen. Tom Casperson**  
**House Committee: Appropriations**  
**Senate Committee: Appropriations**

**Complete to 3-28-2017**

### SUMMARY:

Senate Bill 119 would require the State Administrative Board, on behalf of the State of Michigan, to convey state-owned property in Marquette County to Northern Michigan University for the consideration of \$1.00.

The property consists of 2.3 acres of land and is located in the Marquette County, City of Marquette, and is currently under the jurisdiction of the Department of Corrections. Approximate legal descriptions of the property are set forth in the bill.

The State Administrative Board would be required to convey the property by quitclaim deed designed or approved by the Attorney General.

The conveyance would be required to contain the following provisions:

- The property would have to be used exclusively by Northern Michigan University for studies related to forensic anthropology and directly related activities.
- The use of the property could not interfere with the use of contiguous or nearby property for correctional purposes by or on behalf of the department.
- Northern Michigan University could not convey or sell the property to any person other than the State of Michigan.

If the grantee violated any of these restrictions the grantee would be required to reconvey the property to the State, or the State could reenter and take the property, terminating the grantee's estate in the property. If the State reentered and repossessed the property, the State would not be liable to reimburse any person for improvements made on the property or to compensate any person for any part of an unfulfilled contract or license issued to provide goods and services on the property.

The State would be prohibited from reserving oil, gas, or mineral rights in the property. However, the conveyance would be required to provide that if the grantee developed any oil, gas, or minerals found on, within, or under the conveyed property, the purchaser/grantee must pay the State ½ of the gross revenue generated. Any payment would be required to be deposited in the General Fund.

The State would reserve all rights in aboriginal antiquities, including the right to explore, excavate, and remove. Aboriginal antiquities are defined as mounds, earthworks, forts, burial and village sites, mines, or other relics lying on, within, or under the property. If the property was used as a historical monument, memorial, burial ground, park, or protected wildlife habitat area, the grantee would be required to maintain and protect the property for that purpose in perpetuity.

Net revenue received under the bill would be credited to the General Fund.

## **BACKGROUND:**

The property described in the bill consists of 2.3 acres in Marquette County, City of Marquette. There are no structures located on the parcel that is the subject of this conveyance. The property is located on the current grounds of the Marquette Branch Prison. The parcel is located outside of the fenced area of the prison between the prison and the U.S. Highway that serves as the primary access to the prison facility.

Northern Michigan University would like use the property to create the only cold-climate forensic anthropology research site in the world. The university would create a secure area allowing the military, crime lab professionals, homeland security professionals, scientific researchers, law enforcement, legal professionals, and university faculty and students to perform research on human decomposition and identification in a variety of environmental settings. The university and other community partners will provide off-site laboratory facilities.

## **FISCAL IMPACT:**

Net revenue from the sale of the property would have to be deposited in the General Fund. The consideration of \$1.00 included in the bill is typical of conveyances restricted to a public purpose. There may be minimal cost savings to the Department of Corrections related to maintenance and upkeep. An estimate of those costs for this specific parcel is not known.

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