

MICHIGAN SUPERCONDUCTING SUPER COLLIDER ACT Act 26 of 1987

AN ACT to create the Michigan superconducting super collider commission; to prescribe its powers and duties; to prescribe the powers and duties of certain state agencies and certain state officials; to provide for the establishment of the superconducting super collider in this state; to provide for the purchase of certain property for the superconducting super collider; to provide for certain equity payments; and to provide for reimbursement to local governments for taxes lost due to purchase of certain real property for the superconducting super collider.

History: 1987, Act 26, Imd. Eff. May 12, 1987;—Am. 1988, Act 274, Imd. Eff. July 15, 1988.

The People of the State of Michigan enact:

3.811 Short title.

Sec. 1. This act shall be known and may be cited as the "Michigan superconducting super collider act".

History: 1987, Act 26, Imd. Eff. May 12, 1987.

Compiler's note: For transfer of powers and duties of Michigan superconducting collider commission to department of labor and economic growth, and abolishment of the commission, see E.R.O. No. 2008-4, compiled at MCL 445.2025.

3.812 Legislative finding, declaration, and intent.

Sec. 2. (1) The legislature finds and declares that it is to the advantage of the people of the state of Michigan that the particle accelerator known as the superconducting super collider, which the United States department of energy is planning to build, be built in this state.

(2) It is the intent of the legislature to create a commission to represent this state before the United States department of energy and to take any action needed to support a proposal to build the superconducting super collider in this state.

History: 1987, Act 26, Imd. Eff. May 12, 1987.

Compiler's note: For transfer of powers and duties of Michigan superconducting collider commission to department of labor and economic growth, and abolishment of the commission, see E.R.O. No. 2008-4, compiled at MCL 445.2025.

3.813 Definitions.

Sec. 3. As used in this act:

- (a) "Commission" means the Michigan superconducting super collider commission created in section 4.
- (b) "Contiguity" means in close proximity, touching, or near.
- (c) "Department" means the department of commerce.
- (d) "Local government" means a city, village, township, county, a local or intermediate school district, a community college district, or any special taxing district.
- (e) "Ombudsman" means the superconducting super collider ombudsman created in section 19.
- (f) "Parcel" means that portion of a property that has unity of ownership, contiguity, and unity of use.
- (g) "Superconducting super collider" means a 20 trillion electron volt superconducting super colliding particle beam accelerator proposed by the United States department of energy.

History: 1987, Act 26, Imd. Eff. May 12, 1987;—Am. 1988, Act 274, Imd. Eff. July 15, 1988.

Compiler's note: For transfer of powers and duties of Michigan superconducting collider commission to department of labor and economic growth, and abolishment of the commission, see E.R.O. No. 2008-4, compiled at MCL 445.2025.

3.814 Michigan superconducting super collider commission; creation; membership; vacancy; meetings; election of chairperson and other officers; quorum; action by commission; compensation and expenses.

Sec. 4. (1) The Michigan superconducting super collider commission is created in the department of commerce.

(2) The commission shall consist of the following members:

- (a) The director of commerce or his or her designee.
- (b) The director of the department of natural resources or his or her designee.
- (c) The director of the department of management and budget or his or her designee.
- (d) The director of the state transportation department or his or her designee.
- (e) The director of the state labor department or his or her designee.
- (f) The director of the department of agriculture or his or her designee.
- (g) The chairperson of the department of physics at the university of Michigan or his or her designee.

(h) The chairperson of the department of physics and astronomy at Michigan state university or his or her designee.

(i) The chairperson of the department of physics at Wayne state university or his or her designee.

(j) One individual, appointed by the governor, selected from a list of individuals provided by the senate majority leader.

(k) One individual, appointed by the governor, selected from a list of individuals provided by the speaker of the house of representatives.

(l) Eleven members appointed by the governor, with the advice and consent of the senate, as follows:

(i) Two individuals from major utility companies.

(ii) Two individuals from labor organizations.

(iii) Two individuals from business or industry.

(iv) Two individuals from environmental organizations.

(v) One local government official.

(vi) One individual who does not hold a position in state or local government.

(vii) One individual who is a resident of the area of the proposed site of the superconducting super collider.

(3) A vacancy on the commission shall be filled in the same manner as the original appointment.

(4) Within 10 days after all appointments have been made under this section, the commission shall hold its first meeting.

(5) At the meeting required in subsection (4), the commission shall elect a chairperson and other officers as it considers necessary from among its members.

(6) Following the meeting required by subsection (4), the commission shall hold meetings as considered necessary by the chairperson.

(7) A majority of the members of the commission shall constitute a quorum for the transaction of business at a meeting of the commission. Action by the commission shall be by a majority of the votes cast.

(8) The members of the commission shall receive per diem compensation as determined by the legislature and shall be allowed actual and necessary expenses incurred in performance of their official duties.

History: 1987, Act 26, Imd. Eff. May 12, 1987;—Am. 1988, Act 157, Imd. Eff. June 14, 1988.

Compiler's note: For transfer of powers and duties of Michigan superconducting collider commission to department of labor and economic growth, and abolishment of the commission, see E.R.O. No. 2008-4, compiled at MCL 445.2025.

3.815 Appointment of individuals to advise commission.

Sec. 5. The chairperson of the commission, in consultation with the governor, may appoint individuals to advise the commission on matters pertaining to attracting the superconducting super collider to this state.

History: 1987, Act 26, Imd. Eff. May 12, 1987.

Compiler's note: For transfer of powers and duties of Michigan superconducting collider commission to department of labor and economic growth, and abolishment of the commission, see E.R.O. No. 2008-4, compiled at MCL 445.2025.

3.816 Departments or agencies to assist commission; staff and services.

Sec. 6. The department of agriculture, department of attorney general, department of commerce, department of labor, department of management and budget, department of natural resources, department of public health, and any other department or agency as requested by the commission shall assist the commission and shall provide staff and services as required by the commission.

History: 1987, Act 26, Imd. Eff. May 12, 1987.

Compiler's note: For transfer of powers and duties of Michigan superconducting collider commission to department of labor and economic growth, and abolishment of the commission, see E.R.O. No. 2008-4, compiled at MCL 445.2025.

3.817 Duties of commission.

Sec. 7. The commission shall do all of the following:

(a) Act as an agent of this state in presenting to the United States department of energy site proposals for 1 or more sites in this state which would be appropriate locations for the superconducting super collider.

(b) Represent the state in matters concerning the superconducting super collider before the legislative and executive branches of the federal government and the public.

(c) Represent the state in negotiations with the United States department of energy regarding the superconducting super collider.

(d) Develop and implement both of the following:

(i) Plans for state participation in the superconducting super collider project.

(ii) Proposals for alternative methods of financing of plans for state participation in the superconducting super collider project.

(e) Consult with the senate majority leader, speaker of the house of representatives, senate minority leader, and minority leader of the house of representatives on matters pertaining to attracting the superconducting super collider to this state.

(f) Consult with the United States senators and representatives from this state on matters pertaining to attracting the superconducting super collider to this state.

(g) Contract with the Michigan energy and resource research association to aid in the preparation of the state's proposal to the United States department of energy for the superconducting super collider.

(h) Hold public meetings, and provide information as appropriate, to inform and educate local citizens as to the nature of the state's proposal to attract the superconducting super collider to this state.

(i) Perform, in a cost effective manner, all efforts necessary to attract the superconducting super collider to this state including, but not limited to, research, preparation and submission of reports, and education of the public.

(j) Provide that adequate and appropriate compensation is made by state government, federal government, contractors or other appropriate persons to local governments and individuals for losses including loss of water, loss of roads, damage to drainage fields, crop loss, roadway wear, and other damage resulting from the construction of the superconducting super collider.

(k) Provide that adequate and appropriate compensation is made to businesses or individuals whose property is acquired or who are relocated as a result of the superconducting super collider for measurable business losses or agricultural production losses as a result of the acquisition, of land under this act.

History: 1987, Act 26, Imd. Eff. May 12, 1987;—Am. 1988, Act 274, Imd. Eff. July 15, 1988.

Compiler's note: For transfer of powers and duties of Michigan superconducting collider commission to department of labor and economic growth, and abolishment of the commission, see E.R.O. No. 2008-4, compiled at MCL 445.2025.

3.818 Powers of commission.

Sec. 8. The commission may do 1 or more of the following:

(a) Hold public meetings.

(b) Contract for research and services.

(c) Accept assistance from public agencies, colleges and universities, private foundations, individuals, partnerships, corporations, or associations.

(d) Form committees or working groups as appropriate for the performance of the responsibilities of the commission.

(e) Acquire, hold, and dispose of real property, easements, and rights-of-way as may be necessary for the construction, maintenance, and operation of the superconducting super collider, and for supporting land and facilities as may be required or useful for the construction, maintenance, and operation of the superconducting super collider.

(f) Exercise the power of eminent domain under the uniform condemnation procedures act, Act No. 87 of the Public Acts of 1980, being sections 213.51 to 213.77 of the Michigan Compiled Laws, for purposes consistent with this act.

(g) Lease, sell, donate, convey, or otherwise transfer property acquired under this act to the United States department of energy for use on the superconducting super collider project.

History: 1987, Act 26, Imd. Eff. May 12, 1987.

Compiler's note: For transfer of powers and duties of Michigan superconducting collider commission to department of labor and economic growth, and abolishment of the commission, see E.R.O. No. 2008-4, compiled at MCL 445.2025.

3.819 Meetings of commission; public notice.

Sec. 9. A meeting of the commission shall be held pursuant to the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

History: 1987, Act 26, Imd. Eff. May 12, 1987.

Compiler's note: For transfer of powers and duties of Michigan superconducting collider commission to department of labor and economic growth, and abolishment of the commission, see E.R.O. No. 2008-4, compiled at MCL 445.2025.

3.820 Appropriation.

Sec. 10. The legislature shall annually appropriate to the commission sufficient funding to insure the effective implementation of this act.

History: 1987, Act 26, Imd. Eff. May 12, 1987.

Compiler's note: For transfer of powers and duties of Michigan superconducting collider commission to department of labor and

economic growth, and abolishment of the commission, see E.R.O. No. 2008-4, compiled at MCL 445.2025.

3.821 Transfer of powers and duties to department of labor and economic growth; dissolution of commission.

Sec. 11. Effective July 1, 1991, all powers and duties granted to the commission under this act shall be transferred to and shall be performed by the department of labor and economic growth and the commission shall be dissolved.

History: 1987, Act 26, Imd. Eff. May 12, 1987;—Am. 1988, Act 274, Imd. Eff. July 15, 1988;—Am. 2006, Act 226, Imd. Eff. June 26, 2006.

Compiler's note: For transfer of powers and duties of Michigan superconducting collider commission to department of labor and economic growth, and abolishment of the commission, see E.R.O. No. 2008-4, compiled at MCL 445.2025.

3.822 Purchase of real property; option agreements and payments; payment of reasonable relocation costs; discontinuing option agreements and other activities.

Sec. 12. (1) The commission shall purchase all real property necessary for the construction and operation of the superconducting super collider at the fair market value of the property.

(2) If the acquisition of a portion of a particular parcel of real property in fee simple under subsection (1) would destroy the practical value or utility of the remainder of that parcel, or reduce the fair market value of the entire parcel by greater than 50%, the commission shall offer to acquire the entire parcel.

(3) The commission shall offer to enter into option agreements and pay property owners option payments on all parcels of real property to be acquired in fee simple necessary for the construction and operation of the superconducting super collider at a price of 5% of fair market value of the property, but not less than \$500.00, if the option agreement is signed by the property owner within 60 days of the offer. If Michigan is chosen as the final site of the superconducting super collider, the commission shall offer option payments by no later than April 1, 1990 to property owners for property to be acquired. The option payment shall not be applied against the purchase price of the property if the option is exercised. The terms of the options shall include a provision that the option shall extend for a period of 1 year after the date the option agreement is signed by the property owner. The option agreement shall also provide that the option will terminate immediately upon the official announcement by the president of the United States or the president's designee that this state has not been chosen by the federal government as the site for the superconducting super collider. Within 90 days after an option on a parcel of real property is terminated, the state shall clear the title of the property as it relates to that option.

(4) The commission shall pay all reasonable relocation costs incurred as a result of the superconducting super collider pursuant to the uniform relocation assistance and real property acquisition policies act of 1970, Public Law 91-646, 42 U.S.C. 4601 to 4602, 4604, 4621 to 4633, 4635 to 4636, 4638, and 4651 to 4655.

(5) Upon the official announcement by the president of the United States or the president's designee that Michigan has not been chosen as the site of the superconducting super collider, the commission shall not offer to enter into any additional option agreements with property owners pursuant to subsection (3) and shall discontinue any activities related to the surveying, appraisal, or acquisition of land for the superconducting super collider.

History: Add. 1988, Act 274, Imd. Eff. July 15, 1988.

3.823 Farmland equity adjustment program; creation; purpose; payments.

Sec. 13. (1) A farmland equity adjustment program is created to compensate property owners for the purpose of encouraging the continuation of agriculture and reestablishing agricultural lands displaced by the superconducting super collider.

(2) Except as provided in subsection (3), the department of commerce shall provide a farmland equity adjustment payment to a property owner of real property greater than 5 acres that is acquired in fee simple by the commission for the superconducting super collider prior to October 1, 1990. The payment shall equal 50% of the fair market value of the real property less the fair market value of any homestead, improvements related to the homestead, appurtenances, and acreage related to or associated with the use of the homestead improvements related to the homestead, or appurtenances. This payment shall be made to the property owner at the time of closing unless the property is sold pursuant to a deferred payment agreement under section 14.

History: Add. 1988, Act 274, Imd. Eff. July 15, 1988.

Compiler's note: Subsection (3), referred to in subsection (2), does not appear in the official bill.

3.824 Deferred installment payment schedule; interest; request for full payment; deferred payment agreement assignable.

Sec. 14. (1) At the option of the seller, the commission shall purchase property under section 12 and

provide farmland equity adjustment payments under section 13 on a deferred installment payment schedule not to exceed 10 years after the date of purchase. However, the commission shall receive title of the property at the time the deferred payment agreement is entered into. If property is purchased on a deferred payment schedule pursuant to this section, the commission shall pay interest on the balance owing to the seller at the same rate as the state's rate of return on its investments in the common cash fund.

(2) If property is purchased on a deferred payment schedule pursuant to this section, the seller may request, at any time, full payment of the outstanding principal, plus any accrued interest, owing to him or her. The state may grant the seller's request under this subsection in the event of financial hardship or other reasonable cause. In the event of death of the seller, the state shall grant the request.

(3) A deferred payment agreement entered into under this section shall be assignable.

History: Add. 1988, Act 274, Imd. Eff. July 15, 1988.

Compiler's note: In subsection (2), the words "The state may grant the seller's request..." evidently should read "The state may grant the seller's request..."

3.825 Purchase of underground stratified fee rights; price; option agreements; limitation.

Sec. 15. (1) The commission shall purchase underground stratified fee rights necessary for the construction or operation of the superconducting super collider at a minimum price of \$5.00 per 70,000 cubic feet, or at a higher appraised value determined by the commission.

(2) The commission shall offer to enter into option agreements and pay property owners option payments on underground stratified fee rights under subsection (1) at a price of \$1.00 per 70,000 cubic feet, if the option agreement is signed by the property owner within 60 days of the offer. The option payment shall not be applied against the purchase price of the rights acquired under this section if the option is exercised. The terms of an option purchased under this section shall include the same provisions for termination of the option as specified in section 12(3). If Michigan is chosen as the site of the superconducting super collider, the commission shall offer option payments by no later than April 1, 1990 to property owners for rights to be acquired under this subsection.

History: Add. 1988, Act 274, Imd. Eff. July 15, 1988.

3.826 Payments in lieu of taxes to local governments.

Sec. 16. (1) To reimburse local governments for ad valorem taxes levied under the general property tax act, Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws, lost due to the removal of real property from the property tax rolls for the establishment of the superconducting super collider, the department of treasury shall make payments in lieu of taxes to those local governments that levy ad valorem taxes.

(2) The treasurer of each local tax collecting unit affected under this section shall forward to the state treasurer a statement of payments lost due to the removal of real property from the property tax rolls for the establishment of the superconducting super collider. The statement shall include a legal description of each parcel of property purchased by the commission under this act that is located within that local tax collecting unit.

(3) The state treasurer shall cause a warrant to be drawn on the state treasury in an amount equal to the amount of payments required by this section for each local government and shall transmit that warrant to the treasurer of the local government for deposit in the treasury of that local government. The payments required by this section to a local government shall be calculated by multiplying the current ad valorem millage rate of the local government by the lesser of the following amounts:

(a) For property removed from the tax rolls for the establishment of the superconducting super collider in the local government, the state equalized value of the property in the year prior to the removal.

(b) The amount obtained by subtracting the then current state equalized value of the local government from its adjusted state equalized value. The adjusted state equalized value for the year in which the property is removed from the tax rolls shall be calculated by multiplying the local government's prior year's state equalized value by the inflation rate for the then current year as certified under section 34d of the general property tax act, Act No. 206 of the Public Acts of 1893, being section 211.34d of the Michigan Compiled Laws. The adjusted state equalized value for subsequent years shall be calculated by multiplying that year's inflation rate by the prior year's adjusted state equalized value of the local government.

History: Add. 1988, Act 274, Imd. Eff. July 15, 1988.

3.827 Cost of initial county or secondary road construction or improvement; payment by state.

Sec. 17. The state shall pay, through legislative appropriation of funds provided under Act No. 51 of the

Public Acts of 1951, being sections 247.651 to 247.674 of the Michigan Compiled Laws, after consulting with the boards of county road commissioners in affected counties, the cost of initial county or secondary road construction or improvement needed for the construction or operation of the superconducting super collider.

History: Add. 1988, Act 274, Imd. Eff. July 15, 1988.

3.828 Cost of water systems, sewers, waste disposal systems, or preparation of new property tax descriptions.

Sec. 18. Local governments shall not be responsible for the cost of water systems, sewers, waste disposal systems, or preparing new property tax descriptions associated with the construction and operation of the superconducting super collider.

History: Add. 1988, Act 274, Imd. Eff. July 15, 1988.

3.829 Retention of improvements for removal from site at salvage value.

Sec. 19. A property owner whose property is acquired for the superconducting super collider may retain improvements for removal from the site at salvage value. A salvage value will be prepared by the commission at the request of the property owner.

History: Add. 1988, Act 274, Imd. Eff. July 15, 1988.

3.830 Information and assistance.

Sec. 20. The commission shall provide information and assist individuals in areas impacted by the construction and operation of the superconducting super collider in obtaining job training for work associated with the superconducting super collider.

History: Add. 1988, Act 274, Imd. Eff. July 15, 1988.

3.831 Superconducting super collider ombudsman; appointment; reconciliation of grievances; request for review; response.

Sec. 21. (1) The director of commerce shall appoint and be responsible for 1 or more individuals within 30 days of the effective date of this act to serve as the superconducting super collider ombudsman. The ombudsman may act on behalf of the state in attempting to reconcile grievances between the state and any person aggrieved by the planning, construction, or operation of the superconducting super collider.

(2) Any person aggrieved pursuant to subsection (1) may submit a request to the ombudsman to review the grievance. The ombudsman shall respond within 7 days of the request.

History: Add. 1988, Act 274, Imd. Eff. July 15, 1988.

3.832 Emergency rules.

Sec. 22. The department shall promulgate emergency rules to implement this act. These emergency rules shall be promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

History: Add. 1988, Act 274, Imd. Eff. July 15, 1988.