



HOUSE BILL No. 5082

November 2, 1999, Introduced by Reps. Raczkowski, Garcia, Koetje, O'Neil, Voorhees, Bishop, Bovin and Jellema and referred to the Committee on Constitutional Law and Ethics.

A bill to provide for the compensation of persons whose property is taken for public use; and to prescribe the powers and duties of certain state agencies and officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "takings compensation act".

3 Sec. 2. As used in this act:

4 (a) "Government action" means any of the following:

5 (i) A decision on an application for a permit or license.

6 (ii) Proposed rules that if promulgated or enforced may
7 limit the use of private property.

8 (iii) Required dedications or exactions of private
9 property.

10 (iv) The enforcement of a statute or rule, including the
11 issuance of an order.

1 (b) "Government action" does not include any of the
2 following:

3 (i) The formal exercise of the power of eminent domain.

4 (ii) The forfeiture or seizure of private property by law
5 enforcement agencies as evidence of a crime or for violations of
6 law.

7 (iii) The discontinuance of government programs.

8 (c) "Person" means an individual, partnership, corporation,
9 association, governmental entity, or other legal entity.

10 (d) "Rule" means a rule promulgated pursuant to the adminis-
11 trative procedures act of 1969, 1969 PA 306, MCL 24.201 to
12 24.328.

13 (e) "Taking" means the taking of private property for public
14 use by governmental action and includes the diminution in value
15 of private property resulting from government action.

16 Sec. 3. If a court determines that a taking has occurred,
17 the court shall order compensation of the affected property owner
18 as follows:

19 (a) Compensation shall be equal to the fair market value of
20 the property in the absence of the government action minus the
21 fair market value of the property as affected by the government
22 action or proposed government action.

23 (b) It is not a defense to the payment of compensation under
24 this act that the property after it is affected by the government
25 action retains or will retain some economically viable use.

1 Sec. 4. This act does not apply to proceedings under the
2 uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to
3 213.75.