



HOUSE BILL No. 5911

June 20, 2000, Introduced by Rep. Richner and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1980 PA 87, entitled "The uniform condemnation procedures act," by amending the title and section 2 (MCL 213.52), the title as amended by 1988 PA 189.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to provide procedures for the condemnation, acqui-
3 tion, or exercise of eminent domain of real or personal property
4 by public agencies or private agencies; TO RESTRICT THE PURPOSES
5 FOR WHICH EMINENT DOMAIN CAN BE EXERCISED; to provide for an
6 agency's entry upon land for certain purposes; to provide for
7 damages; to prescribe remedies; and to repeal certain acts and
8 parts of acts.

9 Sec. 2. (1) This act provides standards for the
10 acquisition of property by an agency, the conduct of condemnation

1 actions, and the determination of just compensation. It does not
2 confer the power of eminent domain ~~—~~ and, EXCEPT AS PROVIDED IN
3 SUBSECTION (2), does not prescribe or restrict the purposes for
4 which or the persons by whom that power may be exercised.

5 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE POWER OF
6 EMINENT DOMAIN SHALL NOT BE EXERCISED BY ANY PERSON FOR THE PUR-
7 POSE OF ACQUIRING REAL OR PERSONAL PROPERTY FOR A CASINO OR
8 CASINO ENTERPRISE, AS DEFINED IN SECTION 2 OF THE MICHIGAN GAMING
9 CONTROL AND REVENUE ACT, THE INITIATED LAW OF 1996, MCL 432.202.

10 (3) All laws and court rules applicable to civil actions
11 shall apply to condemnation proceedings except as otherwise pro-
12 vided in this act.

13 (4) ~~(2)~~ If property is to be acquired by an agency through
14 the exercise of its power of eminent domain, the agency shall
15 commence a condemnation action for that purpose. An agency shall
16 not intentionally make it necessary for an owner of property to
17 commence an action, including an action for constructive taking
18 or de facto taking, to prove the fact of the taking of the
19 property.

20 (5) ~~(3)~~ If a private agency is required by law to secure a
21 certificate of public necessity from the public service commis-
22 sion or other public agency before it may acquire property, the
23 private agency shall not institute judicial proceedings to
24 acquire the property until it has secured the required
25 certificate.