

HOUSE BILL No. 5322

February 13, 2014, Introduced by Reps. Rendon, MacMaster, Franz, Somerville, Kelly, Yonker and Genetski and referred to the Committee on Judiciary.

A bill to amend 1996 PA 101, entitled
"Property rights preservation act,"
(MCL 24.421 to 24.425) by amending the title and by adding section
6.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to provide for a process of evaluating certain
governmental actions that may result in constitutional takings of
private property; ~~and~~ to prescribe the powers and duties of certain
state agencies and officials; **AND TO PROVIDE FOR REMEDIES.**

**SEC. 6. IF A COURT DETERMINES THAT GOVERNMENT ACTION BY A
DEPARTMENT RESULTED IN A CONSTITUTIONAL TAKING OF PRIVATE REAL
PROPERTY AND THAT THE RELEVANT DEPARTMENT DID NOT COMPLY WITH
SECTION 4 IN REGARD TO THE REAL PROPERTY, THE COURT SHALL ORDER**

1 THAT DEPARTMENT TO PAY THE PRIVATE REAL PROPERTY OWNER FOR HIS OR
2 HER REASONABLE ATTORNEY FEES AND COSTS. THIS SECTION DOES NOT APPLY
3 IF THE GOVERNMENT ACTION WAS AN IMMEDIATE RESPONSE TO AN IMMEDIATE
4 THREAT TO PUBLIC HEALTH AND SAFETY AS DESCRIBED IN SECTION 5.