

HOUSE BILL No. 5323

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

A bill to amend 1996 PA 101, entitled
"Property rights preservation act,"
by amending section 2 (MCL 24.422).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Constitutional taking" or "taking" means the taking of
3 private property by government action such that compensation to the
4 owner of that property is required by ~~either~~ **ANY** of the following:

5 (i) Amendment V or XIV of the constitution of the United
6 States.

7 (ii) Section 23 of article I and section 2 of article X of the
8 state constitution of 1963.

9 (b) "Departments" means the ~~departments~~ **DEPARTMENT** of natural
10 resources, **THE DEPARTMENT OF** environmental quality, **THE DEPARTMENT**
11 **OF AGRICULTURE AND RURAL DEVELOPMENT**, and **THE STATE** transportation

1 **DEPARTMENT. "DEPARTMENT" MEANS 1 OF THE DEPARTMENTS.**

2 (c) "Government action" means any of the following:

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

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

6 (iii) Required dedications or exactions of private property.

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

9 (d) "Government action" does not include any of the following:

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

11 (ii) The forfeiture or seizure of private property by law
12 enforcement agencies as evidence of a crime or for violations of
13 law.

14 (iii) The discontinuance of government programs.

15 (e) "Rule" means a rule promulgated pursuant to the
16 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
17 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
18 ~~Compiled Laws.1969 PA 306, MCL 24.201 TO 24.328.~~

19 Enacting section 1. This amendatory act does not take effect
20 unless Senate Bill No. ____ or House Bill No. 5321 (request no.
21 04570'13) of the 97th Legislature is enacted into law.