

# HOUSE BILL No. 5454

March 15, 2016, Introduced by Reps. Brett Roberts, Kesto, Canfield, Kelly, Cole, McBroom, Bumstead, Johnson, Sheppard and Lucido 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:**

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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 APPROPRIATE DEPARTMENT DID NOT COMPLY WITH SECTION 4 IN REGARD TO THE REAL PROPERTY, THE COURT SHALL ORDER THE DEPARTMENT THAT DID NOT COMPLY WITH SECTION 4 TO PAY THE PRIVATE**

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

5 Enacting section 1. This amendatory act takes effect 90 days  
6 after the date it is enacted into law.