

# HOUSE BILL No. 5455

March 15, 2016, Introduced by Reps. Kesto, Kelly, Canfield, Brett Roberts, 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,"  
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 takes effect 90 days  
20 after the date it is enacted into law.

21 Enacting section 2. This amendatory act does not take effect  
22 unless Senate Bill No. \_\_\_\_ or House Bill No. 5453 (request no.  
23 05047'16) of the 98th Legislature is enacted into law.