



HOUSE BILL No. 4719

May 6, 1993, Introduced by Reps. Dolan, Middaugh, Freeman, O'Neill, Brown, Shepich, Sikkema, Gnodtke, Hood, Wallace, Stallworth, Gire, Varga, DeMars, Points, Pitoniak, Murphy, Saunders, Bennane, Bryant, Llewellyn, Bodem, Rhead, Hill, Goschka, Bobier, Wetters and Randall and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend sections 8 and 13 of Act No. 87 of the Public Acts of 1980, entitled as amended

"The uniform condemnation procedures act,"

being sections 213.58 and 213.63 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 8 and 13 of Act No. 87 of the Public
2 Acts of 1980, being sections 213.58 and 213.63 of the Michigan
3 Compiled Laws, are amended to read as follows:

4 Sec. 8. If a motion for review as provided in section 6 is
5 not filed or is denied and the right to appeal has terminated or
6 if interim possession is granted PURSUANT TO SECTION 9, the court
7 shall order the escrowee to pay the money deposited pursuant to
8 section 5, for or on account of the just compensation ~~which~~
9 THAT may be awarded pursuant to section 13. HOWEVER, UNDER
10 CIRCUMSTANCES IT CONSIDERS JUST, THE COURT MAY ALLOW ANY PORTION

1 OF THE MONEY DEPOSITED PURSUANT TO SECTION 5 TO REMAIN IN ESCROW
2 UNTIL THE TIME THAT THE COURT ORDERS THE ESCROWEE TO PAY THAT
3 PORTION. Upon motion of any party, the court shall apportion the
4 estimated compensation among the claimants to the compensation.

5 Sec. 13. (1) The jury or the court shall award in its ver-
6 dict just compensation for each parcel. After awarding the ver-
7 dict, on request of any party, the court shall divide the award
8 among the respective parties in interest, whether the interest is
9 that of mortgagee, lessee, lienor, or otherwise, ~~in accordance~~
10 ~~with~~ PURSUANT TO proper evidence submitted by the parties in
11 interest.

12 (2) NEITHER THE TRANSFER OF TITLE PURSUANT TO PROCEEDINGS
13 UNDER THIS ACT NOR THE VERDICT ISSUED PURSUANT TO SUBSECTION (1)
14 CONSTITUTES RES JUDICATA OR ESTOPS THE AGENCY WITH REGARD TO THE
15 OWNER'S LIABILITY FOR ANY EXPENSES, FEES, OR DAMAGES ATTRIBUTABLE
16 TO ENVIRONMENTAL CONTAMINATION OF THE PROPERTY, EXCEPT TO THE
17 EXTENT THAT THE AGENCY EXPRESSLY REQUESTS AND RECEIVES AN ADJUDI-
18 CATION OF JUST COMPENSATION THAT CALCULATES AND APPORTIONS THE
19 LIABILITY. NOTWITHSTANDING AN ADJUDICATION OF JUST COMPENSATION
20 THAT CALCULATES AND APPORTIONS LIABILITY, THE PARTIES DO NOT
21 WAIVE ANY RIGHTS THEY MAY HAVE UNDER STATUTE OR COMMON LAW
22 AGAINST ANY OTHER PERSON WITH REGARD TO THE OTHER PERSON'S
23 LIABILITY FOR ANY EXPENSE, FEE, DAMAGE, OR COST ATTRIBUTABLE TO
24 ENVIRONMENTAL CONTAMINATION OF THE PROPERTY.