

# HOUSE BILL No. 5060

July 20, 2005, Introduced by Reps. Steil, Elsenheimer, Jones, Green, Gosselin, Hune, Sheltrown, Nofs, Hoogendyk, Palmer, Robertson, Amos, Hummel, Stahl, Ball, Anderson, Vander Veen, Drolet, Rocca, Moolenaar, Pearce, Kooiman and Lemmons, III and referred to the Committee on Government Operations.

A bill to amend 1911 PA 149, entitled

"An act to provide for the acquisition by purchase, condemnation and otherwise by state agencies and public corporations of private property for the use or benefit of the public, and to define the terms "public corporations," "state agencies" and "private property" as used herein,"

by amending section 3 (MCL 213.23).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3. (1) Any public corporation or state agency is  
2 authorized to take private property necessary for a public  
3 improvement or for the purposes of its incorporation or for public  
4 purposes within the scope of its powers for the use or benefit of  
5 the public and to institute and prosecute proceedings for that  
6 purpose. When funds have been appropriated by the legislature to a  
7 state agency or division thereof or the office of the governor or a

1 division thereof for the purpose of acquiring lands or property for  
2 a designated public purpose, ~~such~~ **THE** unit to which the  
3 appropriation has been made is authorized on behalf of the people  
4 of the state of Michigan to acquire the lands or property either by  
5 purchase, condemnation, or otherwise. For the purpose of  
6 condemnation, the unit may proceed under the provisions of this  
7 act.

8       **(2) A TAKING OF PRIVATE PROPERTY UNDER SUBSECTION (1) IS NOT**  
9 **CONSIDERED TO BE FOR THE USE OR BENEFIT OF THE PUBLIC IF THE**  
10 **PROPERTY IS TRANSFERRED TO A PRIVATE ENTITY FOR THE PRIMARY BENEFIT**  
11 **OF THE PRIVATE ENTITY.**