

# HOUSE BILL NO. 4526

May 22, 2025, Introduced by Reps. Wortz, Kunse, Kuhn, Hoadley, Woolford, Bohnak, Cavitt, Markkanen, DeSana, Beson, Maddock, Pavlov, Kelly, Fox, Frisbie, Outman, Martin, Smit, Thompson and Bruck and referred to Committee on Energy.

A bill to amend 1980 PA 87, entitled  
"The uniform condemnation procedures act,"  
by amending section 6 (MCL 213.56), as amended by 1996 PA 474.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 6. (1) Within the time prescribed to responsively plead  
2 after service of a complaint, an owner of the property desiring to  
3 challenge the necessity of acquisition of all or part of the  
4 property for the purposes stated in the complaint may file a motion  
5 in the pending action asking that the necessity be reviewed. The  
6 hearing ~~shall~~**must** be held ~~within~~**no later than** 30 days after the  
7 filing of the motion.

1       (2) ~~With respect to~~ **For** an acquisition by a public agency, the  
2 determination of public necessity by that agency is binding on the  
3 court in the absence of a showing of fraud, error of law, or abuse  
4 of discretion.

5       (3) Except as otherwise provided in this section, ~~with respect~~  
6 ~~to~~ **for** an acquisition by a private agency, the court at the hearing  
7 shall determine the public necessity of the acquisition of the  
8 particular parcel. The granting of a permanent or temporary  
9 certificate ~~by the public service commission or by a federal agency~~  
10 authorized by federal law to make determinations of public  
11 convenience and necessity as to condemnation constitutes a prima  
12 facie case that the project in furtherance of which the particular  
13 parcel would be acquired is required by the public convenience and  
14 necessity. ~~The granting of a certificate of public convenience and~~  
15 ~~necessity by the public service commission pursuant to the electric~~  
16 ~~transmission line certification act, Act No. 30 of the Public Acts~~  
17 ~~of 1995, being sections 460.561 to 460.575 of the Michigan Compiled~~  
18 ~~Laws, is binding on the court.~~ **In determining the public necessity**  
19 **of the acquisition of property by an independent transmission**  
20 **company or affiliated transmission company, the court shall**  
21 **determine the acquisition is necessary only if the independent**  
22 **transmission company or affiliated transmission company**  
23 **demonstrates by clear and convincing evidence that the proposed**  
24 **route of the transmission line is more reasonable than other**  
25 **possible routes for the transmission line. In determining if the**  
26 **proposed route of the transmission line is more reasonable than**  
27 **other possible routes for the transmission line, the court shall**  
28 **give priority to all of the following:**

29       (a) Routes within or adjacent to public land.

(b) Routes within or adjacent to current rights-of-way and easements.

(c) Routes adjacent to property boundaries.

(4) The court shall render a decision ~~within~~ **no later than** 60 days after the date on which the hearing is first scheduled.

(5) The court's determination of a motion to review necessity is a final judgment.

(6) Notwithstanding section 309 of the revised judicature act of 1961, ~~Act No. 236 of the Public Acts of 1961, being section 600.309 of the Michigan Compiled Laws,~~ **1961 PA 236, MCL 600.309**, an order of the court upholding or determining public necessity or upholding the validity of the condemnation proceeding is appealable to the court of appeals only by leave of that court ~~pursuant to~~ **in accordance with** the ~~general Michigan~~ court rules. In the absence of a timely filed appeal of the order, **the court of appeals shall not grant** an appeal ~~shall not be granted~~ and the order is not appealable as part of an appeal from a judgment as to just compensation.

(7) If a motion to review necessity is not filed as provided in this section, necessity ~~shall be~~ **is** conclusively presumed to exist and the right to have necessity reviewed or further considered is waived.

(8) As used in this section:

(a) "Affiliated transmission company" means that term as defined in section 2 of the electric transmission line certification act, 1995 PA 30, MCL 460.562.

(b) "Independent transmission company" means that term as defined in section 2 of the electric transmission line certification act, 1995 PA 30, MCL 460.562.