

HOUSE BILL No. 6151

November 8, 1990, Introduced by Rep. Jaye and referred to the Committee on State Affairs.

A bill to amend Act No. 149 of the Public Acts of 1911,
entitled as amended

"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,"

being sections 213.21 to 213.25 of the Michigan Compiled Laws, by adding section 23b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 149 of the Public Acts of 1911, being
2 sections 213.21 to 213.25 of the Michigan Compiled Laws, is
3 amended by adding section 23b to read as follows:

4 SEC. 23B. (1) A PUBLIC CORPORATION OR STATE AGENCY SHALL
5 NOT TAKE PRIVATE PROPERTY UNDER THIS ACT IF BOTH OF THE FOLLOWING
6 APPLY:

1 (A) THE TAKING OF THE PROPERTY WILL BENEFIT SPECIFIC AND
2 IDENTIFIABLE PRIVATE INTERESTS OF A PRIVATE PERSON.

3 (B) AFTER TAKING THE PROPERTY, THE PUBLIC CORPORATION OR
4 STATE AGENCY WILL, DIRECTLY OR INDIRECTLY, SELL THE PROPERTY TO
5 OR LEASE THE PROPERTY TO THE PRIVATE PERSON DESCRIBED IN SUBDIVI-
6 SION (A); OR WILL ALLOW THE PRIVATE USE OF THE PROPERTY, WHICH
7 USE IS DISTINCT FROM THE USE OF OTHER MEMBERS OF THE PUBLIC, BY
8 THE PRIVATE PERSON DESCRIBED IN SUBDIVISION (A).

9 (2) AS USED IN THIS SECTION, "PERSON" INCLUDES AN INDIVIDU-
10 AL, PARTNERSHIP, ASSOCIATION, CORPORATION, OR ENTITY.