



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Joint Resolution E (Substitute S-3 as reported by the Committee of the Whole)  
Sponsor: Senator Tony Stamas  
Committee: Transportation

### **CONTENT**

Senate Joint Resolution E would amend Article X, Section 2 of the State Constitution to provide that the taking of private property for transfer to a private entity for the purpose of economic development or enhancement of tax revenue would not be considered to be for public use. The joint resolution also provides that private property otherwise could be taken for reasons of public use as that term was understood on the effective date of the amendment.

Article X, Section 2 of the State Constitution prohibits the taking of private property for public use without just compensation first being made or secured in a manner prescribed by law.

Under the proposed amendment, in a condemnation action, the burden of proof would be on the condemning authority to demonstrate, by the preponderance of the evidence, that the taking was for a public use. If the action involved a taking for the eradication of blight, however, the burden of proof would be on the condemning authority to demonstrate, by clear and convincing evidence, that the taking was for a public use.

The joint resolution states that any existing right, grant, or benefit afforded to property owners as of November 1, 2005, would not be abrogated or impaired by the proposed amendment.

The joint resolution would have to be submitted to the voters at the next general election, if two-thirds of the members elected to and serving in each house of the Legislature approved it.

Legislative Analyst: Julie Koval

### **FISCAL IMPACT**

The impact of the proposed constitutional amendment on future land acquisitions by State and local units of government is not determinable.

Date Completed: 11-8-05

Fiscal Analyst: Bill Bowerman