

REAL PROPERTY LAW SECTION
Respectfully submits the following position on:

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HB 5083

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The Real Property Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Real Property Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Real Property Law Section is 3,184.

The position was adopted after an electronic discussion and vote. The number of members in the decision-making body is 17. The number who voted in favor to this position was 16. The number who voted opposed to this position was 0. The number who abstained was 1.

Report on Public Policy Position

Name of section:

Real Property Law Section

Contact person:

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Bill Number:

[HB 5083](#) (Rutledge) Property tax; delinquent taxes; definition of public property; provide for, and allow certain property to be transferred to a land bank under certain circumstances. Amends sec. 78m of [1893 PA 206](#) (MCL [211.78m](#)).

Date position was adopted:

February 7, 2014

Process used to take the ideological position:

Position adopted after an electronic discussion and vote

Number of members in the decision-making body:

17

Number who voted in favor and opposed to the position:

16 Voted for position

0 Voted against position

1 Abstained from vote

0 Did not vote

Position:

The Real Property Section takes no position on the proposed legislation. Rather it suggests a modification to the language of HB 5083 as noted in the explanation below.

Explanation of the position, including any recommended amendments:

The Real Property Section's Council takes no position on HB 5083 but suggests "public use" should be substituted for "public purpose" in subsections 78m(1) and 78m(15)(e), the new definitional section, for the reason that both terms are terms of art and the definition in 78m(15)(e) much more closely approximates the concept of public use.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2013-HB-5083>