

STATE CONSTITUTION (EXCERPT)
CONSTITUTION OF MICHIGAN OF 1963
Article X
PROPERTY

§ 1 Disabilities of coverture abolished; separate property of wife; dower.

Sec. 1.

The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

History: Const. 1963, Art. X, § 1, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. XVI, § 8.

§ 2 Eminent domain; compensation.

Sec. 2.

Private property shall not be taken for public use without just compensation therefore being first made or secured in a manner prescribed by law. If private property consisting of an individual's principal residence is taken for public use, the amount of compensation made and determined for that taking shall be not less than 125% of that property's fair market value, in addition to any other reimbursement allowed by law. Compensation shall be determined in proceedings in a court of record.

"Public use" does not include the taking of private property for transfer to a private entity for the purpose of economic development or enhancement of tax revenues. Private property otherwise may be taken for reasons of public use as that term is understood on the effective date of the amendment to this constitution that added this paragraph.

In a condemnation action, the burden of proof is on the condemning authority to demonstrate, by the preponderance of the evidence, that the taking of a private property is for a public use, unless the condemnation action involves a taking for the eradication of blight, in which case the burden of proof is on the condemning authority to demonstrate, by clear and convincing evidence, that the taking of that property is for a public use.

Any existing right, grant, or benefit afforded to property owners as of November 1, 2005, whether provided by this section, by statute, or otherwise, shall be preserved and shall not be abrogated or impaired by the constitutional amendment that added this paragraph.

History: Const. 1963, Art. X, § 2, Eff. Jan. 1, 1964 ;-- Am. S.J.R. E, approved Nov. 7, 2006, Eff. Dec. 23, 2006

Former Constitution: See Const. 1908, Art. XIII, §§ 1-5.

§ 3 Homestead and personalty, exemption from process.

Sec. 3.

A homestead in the amount of not less than \$3,500 and personal property of every resident of this state in the amount of not less than \$750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

History: Const. 1963, Art. X, § 3, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. XIV, §§ 1-4.

§ 4 Escheats.

Sec. 4.

Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

History: Const. 1963, Art. X, § 4, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. VI, § 20.

§ 5 State lands.

Sec. 5.

The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

History: Const. 1963, Art. X, § 5, Eff. Jan. 1, 1964

§ 6 Resident aliens, property rights.

Sec. 6.

Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

History: Const. 1963, Art. X, § 6, Eff. Jan. 1, 1964

Former Constitution: See Const. 1908, Art. XVI, § 9.