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## CREATE “TAKINGS COMPENSATION ACT”

**House Bill 5082**

**Sponsor: Rep. Andrew Raczkowski**

**Committee: Constitutional Law and Ethics**

**Complete to 8-28-00**

### **A SUMMARY OF HOUSE BILL 5082 AS INTRODUCED 11-2-99**

The bill would create a new act, the “takings compensation act,” to require courts to order compensation equal to the fair market value of property when the court had determined that a taking had occurred.

More specifically, if a court determined that a taking had occurred, it would be required to order compensation of the affected property owner in an amount equal to the fair market value of the property in the absence of the government action minus the fair market value of the property as affected by the government action or proposed government action. The bill would define “taking” to mean “the taking of private property for public use by governmental action,” and would include the diminution in value of private property resulting from government action. The bill also would define “government action” to mean a decision on an application for a permit or license; proposed rules that, if promulgated or enforced, could limit the use of private property; required dedications or exactions of private property; or the enforcement of a statute or rule, including the issuance of an order. “Government action” specifically would not include the formal exercise of the power of eminent domain; the forfeiture or seizure of private property by law enforcement agencies as evidence of a crime or for violations of law; or the discontinuance of government programs.

House Bill 5082 (8-28-00)

Analyst: S. Ekstrom

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