

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 597
Committee Substitute Favorable 5/9/95

Short Title: Study State Property Rights Act.

(Public)

Sponsors:

Referred to:

March 28, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
3 STUDY THE ISSUE OF STATE PROPERTY RIGHTS.

4 The General Assembly of North Carolina enacts:

5 Section 1. The Legislative Research Commission shall study the issue of
6 compensation to an owner when a regulation by a governmental entity causes an
7 economic impact resulting in a diminution in value of the right to use the owner's land.

8 The study shall include:

- 9 (1) Review constitutional and legal issues relating to takings and
10 compensation including recent court decisions, Congressional action,
11 and legislation in other states.
12 (2) Examine alternative methods for determining diminution of value.
13 (3) Evaluate what diminution in value should entitle a landowner to
14 compensation.
15 (4) Determine whether and to what extent local governments and other
16 governmental entities should be required to compensate.
17 (5) Evaluate which types of governmental action should give rise to a claim
18 for compensation as a regulatory taking.

- 1 (6) Develop uniform administrative and judicial procedures for determining
2 diminution of value and compensation.
3 (7) Any other related issue.
4 Sec. 2. This act is effective upon ratification.