

1995 SESSION

ENROLLED

HOUSE JOINT RESOLUTION NO. 526

Continuing the Joint Subcommittee Studying Governmental Actions Affecting Private Property Rights.

Agreed to by the House of Delegates, February 23, 1995

Agreed to by the Senate, February 21, 1995

WHEREAS, House Joint Resolution No. 624, adopted by the 1993 Session of the General Assembly, established a joint subcommittee to study governmental actions affecting private property rights; and

WHEREAS, House Joint Resolution No. 74, adopted by the 1994 Session of the General Assembly, continued the work of the joint subcommittee; and

WHEREAS, the Fifth Amendment of the Constitution of the United States and Article I, Section 11 of the Constitution of Virginia provide that private property shall not be taken for public use without just compensation; and

WHEREAS, recent Supreme Court decisions, in reaffirming the fundamental protection of private property rights and in assessing the nature of governmental actions that have an impact on constitutionally protected property rights, have also reaffirmed that governmental actions that do not formally invoke the condemnation power, including regulations, may result in a taking for which just compensation is required; and

WHEREAS, responsible fiscal management and the fundamental principles of good government require that government decision makers evaluate carefully the effect of their administrative, regulatory and legislative actions on constitutionally protected property rights; and

WHEREAS, due to continuing judicial interpretations and new federal initiatives, the state of takings law is likely to remain in flux; and

WHEREAS, it would be prudent for the joint subcommittee to continue its study of this evolving area of law in order to evaluate how any changes may effect private property rights in Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Subcommittee Studying Governmental Actions Affecting Private Property Rights be continued. The joint subcommittee shall continue to study issues affecting private property rights and make recommendations for any legislation which may be needed.

The current seven members of the joint subcommittee shall continue to serve with any vacancy to be filled in accordance with the original resolution.

The direct costs of this study shall not exceed \$4,200.

The Division of Legislative Services shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall be continued for one year only and shall complete its work in time to submit its final findings and recommendations to the Governor and the 1996 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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