

## STATEMENT OF PURPOSE

### RS21888C1

This bill amends Sections 67-8001, 8002, and 8003; of the Regulatory Takings Act to protect private property from damaging government regulations and to provide a cause of action for damaging regulations. Too often government regulations damage property. This bill would expand protection to property owners for damaging regulations. The bill extends the time allowed to perform a regulatory takings analysis; and tolls the time to appeal the regulation during the preparation of a takings analysis, and changes the process to deliver the takings analysis. The bill operates prospectively, and establishes the loss of at least 50% of the market value of a property as the threshold for compensation if the regulation is not rescinded. A regulation that results in a taking may be rescinded to minimize damages to property. In Idaho Code Section 67-8003, the bill provides for a cause of action to determine if there is a taking, and it allows the agency to rescind the regulation. The bill provides for exceptions in Section 67-8003(9) for certain types of regulations. The damage measurement in the bill is based upon a "before and after" analysis of the diminution in value that is caused directly by the regulation.

### FISCAL NOTE

This bill requires closer scrutiny of regulatory impacts on property. Damages and financial impacts are generally avoidable under this bill by requiring a takings analysis, and allowing the regulation to be rescinded. Further damages to government are largely self-imposed. The act will require more takings analysis for regulations causing damages near the threshold point for compensation, and it thereby relieves property owners from bearing these regulatory burdens. Slight additional marginal costs will be required for the takings analysis study, when these cases arise.

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