

**Department of Planning and Budget
2012 Fiscal Impact Statement**

1. Bill Number: SJ3

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Obenshain

3. Committee: Privileges and Elections

4. Title: Constitutional amendment; taking or damaging of private property for public use (second resolution).

5. Summary: The proposed resolution would mark the second resolution calling for a constitutional amendment to alter the General Assembly's authority to take private property or cause damage through eminent domain. The amendment provides that no private property shall be taken or damaged for a public use without just compensation to the property owner and that only so much of the property is taken or damaged as is necessary to achieve the public use. Just compensation is to be no less than the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. The General Assembly is to define the terms lost profits and lost access.

The Virginia Constitution requires that proposed amendments to the constitution pass the House of Delegates and the Senate twice, with a general election of the House of Delegates held in between. This proposed resolution would mark the second resolution. An identical resolution (HJ 693) passed the General Assembly in the 2011 session and a general election was held in November 2011.

6. Budget Amendment Necessary: None.

7. Fiscal Impact Estimates: Preliminary. See Item 8.

8. Fiscal Implications: The proposed resolution has no immediate fiscal impact, as it only completes a step in the process to place a constitutional amendment on the ballot.

The constitutional amendment has a potential future fiscal impact from the revised factors that are to be included when public agencies determine just compensation. The magnitude of this impact depends on the definitions of lost profits and lost access that are to be set by the General Assembly and cannot be determined at this time. HB 597, HB 1035 and SB 437 provide proposed definitions for the terms, which will not be set until the final versions of these bills are passed by the General Assembly.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Transportation, agencies and institutions authorized to execute eminent domain

10. Technical Amendment Necessary: None.

11. Other Comments: Identical to HJ 3. Related to HB 5, HB 597, HB 1035 and SB 437.

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