

2006 SESSION

INTRODUCED

060979376

HOUSE BILL NO. 924

Offered January 11, 2006

Prefiled January 10, 2006

A BILL to amend and reenact § 15.2-1900 of the Code of Virginia, relating to eminent domain; public use.

Patrons—Landes, Athey, Callahan, Cline, Cosgrove, Crockett-Stark, Frederick, Gear, Gilbert, Hargrove, Hurt, Morgan and Scott, E.T.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1900 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1900. Definition of public uses.

The term "public uses" mentioned in Article I, Section 11 of the Constitution of Virginia, for purposes of private property subject to condemnation, is hereby defined to embrace all uses which are necessary for public purposes only those uses that are public uses and shall not include private property to be taken by eminent domain for public purposes. Public purposes or benefits, including an increase in tax revenue or an increase in jobs, shall not constitute or be deemed a public use. Any public use that is a sham or a pretext for the furtherance of private purposes or benefits shall also not constitute a public use, and courts shall be permitted to examine the motives and intent of the condemnor when determining whether a taking is for a public use.

INTRODUCED

HB924