

2007 SESSION

HOUSE SUBSTITUTE

075605232

HOUSE BILL NO. 2954

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 2, 2007)

(Patron Prior to Substitute—Delegate Bell)

A BILL to amend the Code of Virginia by adding a section numbered 1-237.1, relating to eminent domain; definition of public uses.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 1-237.1 as follows:

§ 1-237.1. Public use; limitations on eminent domain.

The term "public uses" mentioned in Article I, Section 11 of the Constitution of Virginia is hereby defined to embrace only the acquisition of property where:

1. The land is taken for the possession, occupation, and enjoyment by the public at large or by public agencies;

2. The land taken is used for the creation or functioning of any public service corporation or public service company, including but not limited to railroad companies, that have been granted or delegated the power of eminent domain;

3. The land is taken for the construction, maintenance, or operation of public highways or other public transportation facilities by the Commonwealth, a locality or political subdivision, or a private entity; or

4. The land taken is blighted and the taking eliminates a direct threat to public health or safety caused by the property in its current condition by (i) removing a public nuisance, (ii) removing a structure that is beyond repair or unfit for human habitation or use, or (iii) acquiring abandoned property.

An increase in public revenue that is anticipated to be generated as a consequence of a taking of private property, including any increase in tax revenue expected to result from a planned change in the use of the private property, shall not constitute grounds for a determination that the taking is for public uses.

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