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HOUSE JOINT RESOLUTION NO. 579

Offered January 10, 2007

Prefiled December 14, 2006

Proposing an amendment to Section 11 of Article I of the Constitution of Virginia, relating to taking of private property.

Patrons—Peace; Senator: Hanger

Referred to Committee on Privileges and Elections

RESOLVED by the House of Delegates, the Senate concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 11 of Article I of the Constitution of Virginia as follows:

ARTICLE I

BILL OF RIGHTS

Section 11. Due process of law; obligation of contracts; taking of private property; prohibited discrimination; jury trial in civil cases.

That no person shall be deprived of his life, liberty, or property without due process of law; that the General Assembly shall not pass any law impairing the obligation of contracts, nor any law whereby private property shall be taken or damaged for public uses, without just compensation, the term "public uses" to be defined by the General Assembly; and that the right to be free from any governmental discrimination upon the basis of religious conviction, race, color, sex, or national origin shall not be abridged, except that the mere separation of the sexes shall not be considered discrimination.

That the General Assembly shall not pass any law whereby private property shall be taken or damaged without just compensation; nor shall it pass any law that provides for the taking of private property except for public uses. The term "public uses" shall not include the taking of private property for the predominant use of any private person or entity or for the transfer of ownership to any private person or entity. The term "public uses" shall be limited to the following: (a) a general public right to a definite use of the property; (b) continuous public ownership of property dedicated to (1) public buildings used for publicly funded services, (2) transportation, ports, or airports, (3) drainage and water control, (4) parks and recreation, or (5) public utilities; or (c) the removal of a threat to public health or safety caused by the existing use or disuse of the property. The question of whether a taking of private property is for a public use shall be a judicial question. The term "just compensation" shall mean that the property owner is compensated to the full extent of his loss. The full extent of loss shall include, but not be limited to, the appraised value of the property and all costs of relocation, inconvenience, and any other damages actually incurred by the owner because of the taking of his property.

That in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held sacred. The General Assembly may limit the number of jurors for civil cases in courts of record to not less than five.

INTRODUCED

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