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HOUSE JOINT RESOLUTION NO. 714

Offered January 10, 2007

Prefiled January 10, 2007

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

Patrons—Rapp; 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 for public uses without just compensation. Except for entities regulated by the State Corporation Commission, the power of eminent domain shall not be exercised when the purpose of the taking or damaging of private property is economic development, the transfer of ownership to a private party, or an increase in tax revenues or employment. However, a taking or damaging of private property with the incidental effect of increasing employment, economic development, or tax revenues shall not be sufficient to justify or invalidate the taking or damaging of private 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.

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