

## Department of Planning and Budget 2012 Fiscal Impact Statement

**1. Bill Number:** SB240E

**House of Origin**    ☐ Introduced    ☐ Substitute    ☒ Engrossed  
**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:**    Obenshain

**3. Committee:** Privileges and Elections

**4. Title:**    Constitutional amendment (voter referendum); taking or damaging of private property; public use.

**5. Summary:** Provides for a referendum at the November 6, 2012, election to approve or reject an amendment eliminating the General Assembly's authority to define a public use for which private property may be taken or damaged and (i) requiring that eminent domain be exercised for public uses and not for the primary purpose of private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development; (ii) defining what is to be included in determining just compensation for permissible takings; and (iii) prohibiting the taking of more private property than is necessary for the stated public use.

**6. Budget Amendment Necessary:** Yes, Item 87 SB 30

**7. Fiscal Impact Estimates:** Preliminary

The first chart reflects the estimated costs if there is a single amendment:

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2012	0		General
2013	\$230,000		General

The second chart reflects the estimated costs if a second amendment is added:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2012	0		General
2013	\$310,000		General

**8. Fiscal Implications:** Under the terms of § 30-19.9, the State Board of Elections (SBE) indicates that the agency is required to run advertisements in state newspapers and prepare posters and pamphlets providing public notice about the amendments. It is estimated by SBE that the costs relating to one amendment will run approximately \$230,000. This amount consists of approximately \$175,000 in newspaper advertising costs, (using the same 11 newspapers in which the 2010 amendments ran), with \$55,000 allocated for printing costs of pamphlets and posters. The agency estimates that approximately \$80,000 in total costs would be incurred for each additional amendment, but this estimate could vary depending on

if the ultimate number of amendments require a substantial increase in advertising space.

**9. Specific Agency or Political Subdivisions Affected:** SBE

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** No

**Date:** 2/15/2012