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HOUSE JOINT RESOLUTION NO. 693**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Privileges and Elections
on February 4, 2011)

(Patrons Prior to Substitute—Delegates Joannou, Bell, R.B., [HJR 647], Crockett-Stark [HJR 515], and
Loupassi [HJR 498])

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

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 *or damaging* 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 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.

*That the General Assembly shall pass no law whereby private property, the right to which is
fundamental, shall be damaged or taken except for public use without just compensation to the owner
thereof for the property taken and for damages to the residue caused by the taking or damaging. No
more private property may be taken than that which is necessary to achieve the stated public use. Just
compensation shall be no less than the value of the property taken and the damages to the residue
caused by the taking. A public service company, public service corporation, or railroad exercises the
power of eminent domain for public use when such exercise is for the authorized provision of utility,
common carrier, or railroad services. In all other cases, a taking or damaging of private property is not
for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs,
increasing tax revenue, or economic development, except for the elimination of a public nuisance
existing on the property. The condemnor bears the burden of proving that the use is public, without a
presumption that it is.*