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HOUSE JOINT RESOLUTION NO. 564
AMENDMENT IN THE NATURE OF A SUBSTITUTE(Proposed by the Senate Committee on Rules
on February 17, 1997)

(Patron Prior to Substitute— Delegate Katzen)

Memorializing Congress to pass legislation that implements the constitutional framers' intentions in adopting the fifth amendment to the Constitution of the United States of America by guaranteeing substantive protection for private property.

WHEREAS, the protection of individual property rights was a core concern of the framers of the United States Constitution and the Bill of Rights, and was regarded by the framers as "the first object of government"; and

WHEREAS, the framers designed the "just compensation clause" of the Constitution to bar Government from forcing a small group to bear burdens that, in all fairness and justice, should be borne by the public as a whole; and

WHEREAS, government may properly force individuals to give up the use of their property for the common good, but only upon receipt of equitable compensation; and

WHEREAS, history proves that there is no greater foundation for a successful free society than secure private property; and

WHEREAS, private property owners are being forced by federal policy to resort to lengthy and expensive litigation, with uncertain results, to protect basic rights guaranteed by the Constitution; and

WHEREAS, it is the duty of this and every legislative body to protect the health, safety, and welfare of its citizens and provide adequate protection of the environment; and

WHEREAS, the General Assembly adopted House Joint Resolution No. 624 (1993) calling for the creation of a Joint Subcommittee To Study Governmental Actions Affecting Private Property Rights, which was continued by House Joint Resolution No. (1994) and House Joint Resolution No. 526 (1995), all of which have completed their work; now, therefore, be it

RESOLVED by House of Delegates, the Senate concurring, That the Congress be urged to pass legislation that implements the framers' intentions in adopting the Fifth Amendment to the Constitution of the United States by guaranteeing substantive protection for private property; and, be it

RESOLVED FURTHER, That it is essential to encourage, support, and promote the private ownership of property and to ensure that the constitutional and legal rights of private property owners are preserved as the framers intended; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the House of Representatives, the President of the United States Senate, and the Virginia Congressional Delegation to apprise them of the sense of the General Assembly of Virginia in this matter.