

Fact Sheet
Property Rights
Constitutional Amendment

The Issue: One of Farm Bureau's greatest successes this year at the Virginia General Assembly was the second passage of a proposed constitutional amendment to protect your private property rights from eminent domain abuse. This means Virginians will have the opportunity to vote on the constitutional amendment when they visit the polls on Nov. 6. If a majority of voters approve the measure, the Virginia Constitution will be amended effective Jan. 1, 2013, to protect the property rights of all Virginians.

Our policy: We believe that eminent domain laws in Virginia should include the following:

- Where at all possible, public lands or existing corridors should be used to avoid the taking of private property in order to minimize the disruption to home, family and business.
- Compensation should be based on fair market value of property, taking into
 account factors that decrease fair market value of residual property, including
 but not limited to magnetic fields, visual blight, loss of revenue due to
 decreased crop yields and unharvestable or damaged commodities.
- Protect valuable, productive farmland when less-productive land is available.
- Private property is not for public use if it is taken for transfer to another private entity for purposes of economic development or a higher tax base.
- Close loopholes in Virginia's law that are a result of the *Kelo* decision.

Why you need to Vote Yes: This constitutional amendment is intended to prevent eminent domain abuse. The proposed amendment would tighten up the state's definition of "public use" with regard to when the government can take your property. This amendment would ensure that your property cannot be taken and given to another private entity to increase the tax base or tax revenue. It also would ensure that private property cannot be taken without just compensation to the owner and that no more property than necessary is taken.

Opposition: The opponents of this amendment will tell you that Virginia's constitution already provides this protection. **Our response**: Virginia's constitution does give you some protection, but it doesn't go far enough. This constitutional amendment will further protect your property rights, which have been eroded over time.