

Proposed Constitutional Amendments to be voted on at the November 8, 2016 Election

Article I. Bill of Rights. Section 11-A. Right to work.

1. Ballot Question

Question: Should Article I of the Constitution of Virginia be amended to prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership to the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise?

Explanation

Present Law

Currently, Virginia's right to work law, § 40.1-59 of the Code of Virginia, provides that any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership in the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise is against public policy and illegal. This has been the law and the declared public policy of the Commonwealth since 1947.

Proposed Amendment

The proposed amendment places the provisions of Virginia's right to work law into the Constitution of Virginia. While Virginia law may be amended by any future General Assembly, a constitutional prohibition can only be changed by a future constitutional amendment approved by the voters.

Full Text of Amendment

Amend Article I of the Constitution of Virginia by adding a section numbered 11-A as follows: (Proposed new language is underlined.)

Article I. Bill of Rights. Section 11-A. Right to work.

Any agreement or combination between any employer and any labor union or labor organization whereby nonmembers of the union or organization are denied the right to work for the employer, or whereby such

membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and constitutes an illegal combination or conspiracy and is void.

Article X. Taxation and Finance. Section 6-B. Property tax exemptions for spouses of certain emergency services providers.

2. Ballot Question

Question: Shall the Constitution of Virginia be amended to allow the General Assembly to provide an option to the localities to exempt from taxation the real property of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who was killed in the line of duty, where the surviving spouse occupies the real property as his or her principal place of residence and has not remarried?

Explanation

Present Law

Article X, Section 6-A of the Constitution of Virginia now requires the General Assembly to exempt from taxation the real property, including the joint real property of husband and wife, of any veteran with a 100 percent service-connected, permanent, and total disability, as determined by the U.S. Department of Veterans Affairs, and the real property of the surviving spouse of an eligible veteran. This exemption from taxation applies to the principal place of residence of the eligible veteran or of the surviving spouse of an eligible veteran. The exemption ceases if the surviving spouse remarries.

Article X, Section 6-A of the Constitution of Virginia also authorizes the General Assembly to exempt from taxation the real property of the surviving spouse of any member of the Armed Forces of the United States who was killed in action, as determined by the U.S. Department of Defense. This exemption from taxation applies to the surviving spouse's principal place of residence, and the exemption ceases if the surviving spouse remarries.

Proposed Amendment

The proposed constitutional amendment authorizes the General Assembly to enact a law that would allow a locality to exempt from taxation the real property of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who is killed in the line of duty. The exemption from taxation would cease if the surviving spouse remarries. The exemption would apply

regardless of whether the spouse was killed in the line of duty prior to the effective date of this amendment but would apply only to those real property taxes to be paid on or after the effective date of this amendment. The exemption from taxation would apply to the surviving spouse's principal place of residence, even if he or she moves to a new principal place of residence. The exemption would not require the surviving spouse to have been residing in the Commonwealth at the time his or her spouse was killed in the line of duty.

The proposed constitutional amendment authorizes the General Assembly to prescribe additional restrictions and conditions on the exemption from taxation if enacting such a law.

Full Text of Amendment

Amend Article X of the Constitution of Virginia by adding a section numbered 6-B as follows: (Proposed new language is underlined.)

Article X. Taxation and Finance. Section 6-B. Property tax exemptions for spouses of certain emergency services providers.

(Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, may provide for a local option to exempt from taxation the real property of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who was killed in the line of duty, who occupies the real property as his or her principal place of residence. The exemption under this section shall cease if the surviving spouse remarries and shall not be claimed thereafter. This exemption applies regardless of whether the spouse was killed in the line of duty prior to the effective date of this section, but the exemption shall not be applicable for any period of time prior to the effective date. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence and without any requirement that the spouse reside in the Commonwealth at the time of death of the law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel.)