

Department of Planning and Budget 2003 Fiscal Impact Statement

1. **Bill Number** HB1946

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. **Patron** Drake

3. **Committee** H. Transportation

4. **Title** Commonwealth Transportation Commissioner condemnations; delays in filing proceedings

5. Summary/Purpose:

Current law states that at any time after the recordation of such certificate, but within 60 days after completion of the construction of such highway, if the Commissioner and the owners are unable to agree as to the compensation or damages, then the Commissioner shall institute condemnation proceedings. HB 1946 only allows up to 30 days after the recordation of such certificate to begin condemnation proceedings. If condemnation proceedings are not instituted within 30 days of the proceedings, the owner(s) may petition the court to determine just compensation for the property taken and damages, if any.

6. **Fiscal Impact Estimates are:** preliminary, see Item 8.

7. **Budget amendment necessary:** No.

8. Fiscal implications:

The fiscal implication of this bill cannot be determined. However, it is anticipated that by only allowing up to 30 days after the recordation of such certificate to begin condemnation proceedings, more owner(s) may petition the court to determine just compensation for the property taken and damages, if any. HB 1946 could require the payment of additional attorney fees and court costs on parcels since less time is provided for negotiation. If additional costs result from this bill, then funding would have to be diverted from the Department of Transportation's administrative, maintenance, and/or highway construction funds. Also, the court system and the Attorney General's office may see an increase in the number of cases because there is less time for negotiation and a disagreement, which could impact judges, clerks, and attorneys' workloads. However, in many cases, the Attorney General's office contracts with "outside" attorneys to handle the case.

9. **Specific agency or political subdivisions affected:** VDOT, the Attorney General's office, and the court system.

10. **Technical amendment necessary:** No.

11. **Other comments:** None.

Date: 01/22/03/jlm

Document: (DPB G:\Leg03 \HB1946.DOC)

cc: Secretary of Transportation