

Department of Planning and Budget 2003 Fiscal Impact Statement

1. **Bill Number** HB1946

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

2. **Patron** Drake

3. **Committee** S. 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 Commissioners shall institute condemnation proceedings. HB 1946 allows up to 180 days after the recordation of such certificate to begin condemnation proceedings. If condemnation proceedings are not instituted within 180 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, because this version of the bill allows more time, up to 180 days, after the recordation of such certificate to begin condemnation proceedings, then fewer owner(s) may petition the court to determine just compensation for the property taken and damages, if any. The original bill only allowed up to 30 days. HB 1946 may still require the payment of additional attorney fees and court costs on parcels since time is still being restricted for negotiation. However, more time is being provided and some settlements could be reached, thereby, avoiding litigation.

If additional costs do result from this bill, then funding would have to be diverted from the Department of Transportation's administrative, maintenance, and/or highway construction funds. If the court system and the Attorney General's office see an increase in the number of cases, then this 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: 02/11/03/jlm

Document: (DPB G\ Leg03 \HB1946E.DOC)

cc: Secretary of Transportation

Secretary of Administration