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HOUSE BILL NO. 902

Offered January 11, 2006

Prefiled January 10, 2006

A BILL to amend and reenact § 25.1-100 of the Code of Virginia, relating to the definition of public uses.

Patrons—Iaquinto, Athey, Callahan, Cosgrove, Crockett-Stark, Dudley, Gilbert, Kilgore, Landes, Lingamfelter, Lohr, Marshall, D.W., Morgan, Nutter, O'Bannon, Peace, Rapp, Sherwood, Suit, Welch, Wittman and Wright

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 25.1-100 of the Code of Virginia is amended and reenacted as follows:**

§ 25.1-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Body determining just compensation" means a panel of commissioners empanelled pursuant to § 25.1-227, jury selected pursuant to § 25.1-229, or the court if neither a panel of commissioners nor a jury is appointed or empanelled.

"Court" means the court having jurisdiction as provided in § 25.1-201.

"Date of valuation" means the time of the lawful taking by the petitioner, or the date of the filing of the petition pursuant to § 25.1-205, whichever occurs first.

"Freeholder" means any person owning an interest in land in fee, including a person owning a condominium unit.

"Land" means real estate and all rights and appurtenances thereto, together with the structures and other improvements thereon, and any right, title, interest, estate or claim in or to real estate.

"Locality" or "local government" means a county, city, or town, as the context may require.

"Owner" means any person who owns property, provided that the person's ownership of the property is of record in the land records of the clerk's office of the circuit court of the county or city where the property is located. The term "owner" shall not include trustees or beneficiaries under a deed of trust, any person with a security interest in the property, or any person with a judgment or lien against the property. This definition of the term "owner" shall not affect in any way the valuation of property.

"Person" means any individual; firm; cooperative; association; corporation; limited liability company; trust; business trust; syndicate; partnership; limited liability partnership; joint venture; receiver; trustee in bankruptcy or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise; club, society or other group or combination acting as a unit; the Commonwealth or any department, agency or instrumentality thereof; any city, county, town, or other political subdivision or any department, agency or instrumentality thereof; or any interstate body to which the Commonwealth is a party.

"Petitioner" or "condemnor" means any person that possesses the power to exercise the right of eminent domain and that seeks to exercise such power under this chapter. The term "petitioner" or "condemnor" includes any person required to make an effort to purchase property as provided in § 25.1-204.

"Property" means land and personal property, and any right, title, interest, estate or claim in or to such property.

"Public uses" shall not include the taking of private property for the primary purpose of tax-revenue enhancement.

"State institution" means any (i) educational institution enumerated in § 23-14 or (ii) state hospital, state training school or state training center for the mentally retarded operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

INTRODUCED

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