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SENATE BILL NO. 696

Offered January 20, 2006

A *BILL to amend and reenact §§ 1-405 and 1-406 of the Code of Virginia, relating to reversion of certain land to the Commonwealth.*

Patrons—Williams and Locke

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 1-405 and 1-406 of the Code of Virginia are amended and reenacted as follows:

§ 1-405. Reversion to Commonwealth; recorded title prerequisite to vesting jurisdiction.

A. As used in this section, unless the context requires otherwise:

"Corrective action" means the response and remediation to environmental contamination to the extent required by any applicable environmental law or regulation applicable to the property.

"Environmental contamination" means any hazardous waste, substance or toxic material, or its discharge or release, that is regulated under any environmental law or regulation applicable to the property, and shall include petroleum (including crude oil), natural gas, liquefied natural gas, ordnance, unexploded munitions, and asbestos.

B. If the United States shall cease to be the owner of any lands, or any part thereof, granted or conveyed to it by the Commonwealth; if the purposes of any such grant or conveyance to the United States shall cease; or if the United States shall for five consecutive years fail to use any such land for the purposes of the grant or conveyance, then, and in that event, the right and title to such land, or such part thereof, shall immediately revert to the Commonwealth unless such land, or part thereof, contains environmental contamination. No land containing environmental contamination shall be transferred or revert to the Commonwealth, unless and until all corrective action necessary to protect human health and the environment with respect to any environmental contamination on the lands, or portion thereof, has been completed to the satisfaction of the Commonwealth and approved by the Governor pursuant to § 2.2-1149, and the United States has executed and delivered a transfer instrument including covenants warranting that (i) all corrective action necessary to protect human health and the environment with respect to any environmental contamination on the land or any portion thereof has been taken, and (ii) any corrective action for environmental contamination occurring before the date of transfer found to be necessary after the date of the transfer of the title of the land or any portion thereof shall be conducted by the United States.

In cases where the Defense Base Closure and Realignment Commission (BRAC Commission) established pursuant to P.L. 101-510 (1990), as amended, identifies United States military bases located in the Commonwealth for closure, the Commonwealth shall have, in addition to the foregoing, the right to enter upon such lands so identified for the purpose of inspection for environmental contamination. Upon completion of such inspection, the Commonwealth shall report its findings to the Governor and the appropriate federal agencies.

C. All deeds, conveyances or title papers for the transfer of title of lands to the United States shall be recorded in the county or city wherein the land or the greater part thereof lies, but no tax shall be required on any such instrument made to the United States by which they acquire lands for public purposes.

D. The jurisdiction ceded by § 1-400 shall not vest until the United States shall have acquired the title of record to such lands, or rights or interest therein, by purchase, condemnation, lease or otherwise. So long as the lands, or any rights or interest therein, are held in fee simple by the United States, and no longer, such lands, rights or interest, as the case may be, shall continue exempt and exonerated, from all state and local taxes which may be levied or imposed under the authority of the Commonwealth.

E. *Should the Commonwealth convey its reversionary interest to a locality pursuant to § 1-406, the provisions of subsections A through C of this section shall apply to the lands that revert to that locality as if the locality were the Commonwealth, except that approval of the reversion of such land shall not require the approval of the Governor pursuant to § 2.2-1149.*

§ 1-406. Conveyances to political subdivisions of lands ceded to and no longer used by United States.

A. Whenever (i) any land in the Commonwealth has been or is conveyed to the United States with a provision in the deed that upon abandonment or use for any purpose other than that stated in the deed such land shall revert to the Commonwealth, and if any such land is abandoned or is no longer used for the purpose for which conveyed, or (ii) title to any land in Virginia otherwise reverts to the

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59 *Commonwealth pursuant to the provisions of subsection B of § 1-405, the Governor is hereby authorized*
60 *to convey to the political subdivision in which such land is situated, all right, title and interest of the*
61 *Commonwealth in and to such land.*

62 *B. Should (i) the United States Congress approve a military facility for closure pursuant to the*
63 *federal Defense Base Closure And Realignment Act of 1990 (United States Public Law 101-501, as*
64 *amended through the National Defense Authorization Act of Fiscal Year 2003), and all or a portion of*
65 *the land upon which such facility is located was conveyed to the United States with a provision in the*
66 *deed that upon abandonment or use for any purpose other than that stated in the deed such land shall*
67 *revert to the Commonwealth, or (ii) title to any such land otherwise reverts to the Commonwealth*
68 *pursuant to the provisions of subsection B of § 1-405, the Governor is hereby authorized to convey to*
69 *the locality in which such land is situated the Commonwealth's reversionary interest in such land.*

70 *C. This section shall not affect any lease made under Chapter 321 of the Acts of 1952.*