

2007 SESSION

INTRODUCED

070118232

HOUSE BILL NO. 2954

Offered January 10, 2007

Prefiled January 10, 2007

A BILL to amend and reenact § 15.2-1900 of the Code of Virginia, relating to the definition of public uses.

Patrons—Bell, Athey, Cosgrove, Frederick, Gear, Gilbert, Iaquinto, Jones, S.C., Kilgore, Lohr, Miller, J.H., Orrock, Saxman, Scott, E.T., Sherwood and Welch; Senator: Hanger

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1900 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1900. Definition of public uses.

The term "public uses" mentioned in Article I, Section 11 of the Constitution of Virginia is hereby defined to embrace ~~all uses which are necessary for public purposes~~ *only the acquisition of property (i) that will be owned, enjoyed and occupied by the Commonwealth or political subdivision solely to provide a service or facility to or for the public generally, (ii) by a private entity pursuant to a delegation by the General Assembly of the power of eminent domain that authorizes the private entity to take private property for the purpose of providing its utility or transportation services or facilities to or for the public or (iii) that is necessary to remove an immediate threat to public health and safety caused by the existing condition of the property.*

An increase in public revenue that is anticipated to be generated as a consequence of a taking of private property, including any increase in tax revenue expected to result from a planned change in the use of the private property, shall not constitute grounds for a determination that the taking is for public uses.

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HB2954