

2007 SESSION

INTRODUCED

070403105

SENATE BILL NO. 1296

Offered January 10, 2007

Prefiled January 10, 2007

A *BILL to amend the Code of Virginia by adding a section numbered 1-237.1, relating to eminent domain; definition of public uses.*

Patron—Norment

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 1-237.1 as follows:

§ 1-237.1. Limitations on eminent domain.

A. Except for entities regulated by the State Corporation Commission, the power of eminent domain shall not be exercised when the primary purpose of the taking or damaging private property is economic development or an increase in tax revenues or employment. However, a taking or damaging of private property with the incidental effect of increasing employment, economic development, or tax revenues shall not be sufficient to justify or invalidate the taking or damaging of private property.

B. In no event shall any fee interest in property taken by use or acquired under the threat of use of the power of eminent domain be transferred to any private entity not authorized in subsection A within five years of acquisition without first offering to sell such fee interest back to the original property owner, or such person's heirs or assigns, at the lesser of the current market value or the original transfer value.

C. The limitations contained in this section shall not abrogate any other provision of law that authorizes a condemnor from disposing of property taken for a public use, following a determination by the condemnor that the property is not necessary or appropriate for the provision of the service or benefit for which it was taken or, if the property was acquired for the purpose of removing an immediate threat to public health or safety, that the condition of the property no longer poses such threat.

D. If it is determined that private property is being taken or damaged for public uses, nothing herein shall be construed as abrogating the power of eminent domain delegated independently of this section.

E. The provisions of this section shall not apply to the acquisition of real property that is subject to a certificate of take or a certificate of deposit recorded prior to July 1, 2007 in the circuit court clerk's office for the circuit where the real property is located or real property that is the subject of a petition for condemnation filed prior to July 1, 2007.

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