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SENATE BILL NO. 1471

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 2, 2009)

(Patron Prior to Substitute—Senator Saslaw)

A BILL to amend and reenact § 15.2-5146 of the Code of Virginia, relating to the Commonwealth's title in certain real property.

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-5146 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-5146. Use of state land.

A. The Commonwealth hereby consents to the use of all lands above or under water and owned or controlled by it which are necessary for the construction, improvement, operation or maintenance of any stormwater control system or water or waste system; except that the use of any portion between the right-of-way limits of any primary or secondary highway in this Commonwealth shall be subject to the approval of the Commonwealth Transportation Commissioner.

B. *In addition to the provisions of subsection A, the Governor is authorized, at the request of the user and with the concurrence of the Attorney General, to disclaim any and all rights, title, and interest of the Commonwealth in and to lands used pursuant to subsection A if he finds (i) there is no greater public need or purpose than such use or (ii) that public use and necessity have been established pursuant to subsection B of § 15.2-1903. Such disclaimer shall be filed with the appropriate court and shall have the legal force and effect of disclaiming, releasing, and renouncing all of the right, title, and interest of the Commonwealth in and to such lands.*

SENATE SUBSTITUTE

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