

Department of Planning and Budget
2009 Fiscal Impact Statement

1. Bill Number: SB1471ER

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Saslaw

3. Committee: Passed Both Houses

4. Title: **Real property; Commonwealth's title.**

5. Summary: Allows the Governor, at the request of an authority created pursuant to Section 15.2-5102 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 for stormwater control systems or water or waste systems if there is no greater public need or purpose than such use. 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.

6. Fiscal Impact Estimates: Cannot be determined. See Item 8.

7. Budget Amendment Necessary: No

8. Fiscal Implications: Currently, the Code allows the Commonwealth to provide an unqualified right to use state lands for the construction, improvement, operation or maintenance of any stormwater control system or water or waste system without consent. The use of any portion between the right-of-way limits of any primary or secondary highway shall be subject to the approval of the Commonwealth Transportation Commissioner.

This bill authorizes the Governor to disclaim any and all rights, title, and interest of the Commonwealth in and to these lands. The fiscal impact will be the value of the land since the Commonwealth would lose the value. The bill requires the Office of the Attorney General to concur and the disclaimer to be filed with the courts. These agencies could incur some minimal fiscal impact.

9. Specific Agency or Political Subdivisions Affected: Office of Attorney General, the court system, local public bodies.

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: 3/5/09 amk

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cc: Secretary of Administration