

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact § 25.1-227.2 of the Code of Virginia, relating to eminent
3 domain proceedings.

4 [S 109]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**
7 **1. That § 25.1-227.2 of the Code of Virginia is amended and reenacted as follows:**
8 **§ 25.1-227.2. Empanelment of commissioners.**

9 A. The parties to the eminent domain proceeding may agree upon five or nine persons qualified to
10 act as commissioners, as provided in subsection B of § 25.1-227.1.

11 B. If the parties cannot agree upon five or nine qualified persons to act as commissioners, then each
12 party shall present to the court a list containing the names of at least six qualified persons. If any party
13 fails to submit such a list of names, the court may, in its discretion, submit such a list on such party's
14 behalf.

15 C. From the lists submitted pursuant to subsection B, the court shall select the names of nine
16 potential commissioners and at least two alternates. At least ~~one week~~ 30 days prior to their service,
17 such persons shall be summoned to appear.

18 D. If nine qualified persons are selected, the petitioner and the owners shall each have two
19 peremptory challenges and the remaining five shall serve as commissioners. If five qualified persons are
20 agreed upon as provided in subsection A, they shall serve as commissioners.

21 E. If an owner has filed no answer to the petition, and the court finds that the owner is not
22 represented by counsel, the court may, in its discretion, and subject to the right of the petitioner to
23 challenge for cause, subpoena five persons who shall serve as commissioners.

24 F. Any three or more of the five commissioners may act.

25 G. In condemnation proceedings instituted by the Commissioner of Highways, a person owning
26 structures or improvements for which an outdoor advertising permit has been issued by the
27 Commissioner of Highways pursuant to § 33.2-1208 shall be deemed to be an "owner" for purposes of
28 this section.

ENROLLED

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