

# 1996 SESSION

INTRODUCED

961285466

## HOUSE BILL NO. 1450

Offered January 22, 1996

A BILL to amend and reenact § 25-46.20 of the Code of Virginia, relating to the appointment of condemnation commissioners.

Patron—Tate (By Request)

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 25-46.20 of the Code of Virginia is amended and reenacted as follows:

§ 25-46.20 Appointment and oath of commissioners; commissioners to fix value of property and damages.

If the issue of just compensation is to be determined by a commission, the parties to the eminent domain proceeding may agree upon five or nine disinterested freeholders to act as commissioners, or if the parties cannot agree upon the names of commissioners to be summoned, then each party shall present to the court a list containing the names of at least ~~six~~ three freeholders ~~from which list and the court shall select the names of nine persons~~ three freeholders. From the lists presented by each party and the three freeholders appointed by the court, the court shall select nine persons to be summoned as commissioners; ~~provided, however, that~~ . However, no person shall serve as such commissioner for more than one full week within any three-month period, unless agreed to by the parties, all of whom shall be residents of the county or city wherein the property or the greater portion of the property to be condemned is situated; ~~and provided, further, if~~ . If any party fails to submit a list containing ~~six~~ three names as provided ~~above in this section~~, the judge may, in his discretion, submit such a list in such party's behalf; ~~and provided further, that if~~ . If a defendant has filed no answer to the petition, and the attorney for the petitioner certifies that he believes the defendant is unrepresented by counsel the judge may, in his discretion, and subject to the right of the petitioner to challenge for cause, subpoena five persons who shall serve as commissioners. If nine are summoned, the petitioner and the owners shall each have two peremptory challenges and the remaining five, or the original five if only five are summoned, shall be appointed, any three or more of whom may act; ~~and~~ . Such commissioners shall fix the value of the property to be taken and the damages, if any, to any other property beyond the peculiar benefits, if any, to such other property by reason of the taking and use thereof by the petitioner. Before executing their duties the commissioners shall take an oath before some officer authorized by the laws of this Commonwealth to administer an oath, that they will faithfully and impartially ascertain what will be the value of the property to be taken and the damages, if any, to any other property beyond the peculiar benefits, if any, to such other property, by reason of such taking and use by the petitioner.

INTRODUCED

HB1450