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HOUSE BILL NO. 2838

House Amendments in [] — February 4, 1997

A *BILL to amend and reenact §§ 25-46.20:1 and 33.1-238 of the Code of Virginia and to repeal § 25-46.20 of the Code of Virginia and the fourth enactment of Chapter 520 of the 1991 Acts of Assembly, as amended, relating to condemnation commissioners.*

Patrons—Wardrup and Tata; Senator: Schrock

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That §§ 25-46.20:1 and 33.1-238 of the Code of Virginia are amended and reenacted as follows:**

§ 25-46.20:1. Jury commission to select condemnation commissioners when Commonwealth Transportation Commissioner is condemnor; qualifications of commissioners; preparation of list.

The jury commissioners established pursuant to Chapter 11 (§ 8.01-336 et seq.) of Title 8.01 shall also select condemnation commissioners ~~when the Commonwealth Transportation Commissioner is the condemnor in any county with the urban county executive form of government, or in a city adjacent to or completely surrounded by such a county, or in a county contiguous to any such county, or in a city adjacent to or completely surrounded by such a contiguous county, or in any town within such contiguous county.~~ The jury commissioners shall select as condemnation commissioners persons who are (i) residents of the county or city in which the property to be condemned, or the greater portion thereof, is situated and (ii) disinterested freeholders of property within the jurisdiction. No person shall be eligible as a commissioner when he, or any person for him, solicits or requests a member of the jury commission to place his name on a list of condemnation commissioners. The provisions of §§ 8.01-345, 8.01-346, 8.01-347, 8.01-356, and 8.01-358 relating to procedures for preparing this list from which commissioners will be chosen, penalties for failure to appear and voir dire examination shall apply to condemnation commissioners mutatis mutandis.

§ 33.1-238. Action of commissioners; report.

The commissioners shall meet on the lands of such proprietors and tenants as may be named in the order of the board of supervisors or other governing body at a certain place and day therein also specified, of which notice shall be given by the sheriff to such proprietors and tenants or their agents, except only that it need not be given to one present at the time of making the order. Any one or more of the commissioners attending on the land as aforesaid may adjourn, from time to time, till the business shall be finished. The commissioners, in the discharge of their duties, shall comply in all respects with the provisions of Chapter 1.1 (§ 25-46.1 et seq.) of Title 25 so far as applicable. They shall forthwith make return of their report ~~and the certificate~~ required by § ~~25-46.20~~ 25-46.21 to the board of supervisors or other governing body and, unless good cause be shown against the report, it shall be confirmed. If, however, good cause be shown against the report or the commissioners report their disagreement, or fail to report within a reasonable time, the board of supervisors or other governing body, as often as it seems proper, may appoint other commissioners for the purpose of ascertaining the compensation and damages as aforesaid. When any report is confirmed, the board of supervisors or other governing body shall establish or alter the road or bridge with or without gates, as to it may seem proper, and provide for the payment of the compensation and damages allowed.

2. That § 25-46.20 of the Code of Virginia is repealed.**3. That the fourth enactment of Chapter 520 of the 1991 Acts of Assembly, as amended, is repealed.**

[4. That this act shall not become effective until July 1, 1998.]

ENGROSSED

HB2838E