

Department of Planning and Budget 2009 Fiscal Impact Statement

1. Bill Number: SB1471

House of Origin	<u> X </u>	Introduced	<u> </u>	Substitute	<u> </u>	Engrossed
Second House	<u> </u>	In Committee	<u> </u>	Substitute	<u> </u>	Enrolled

2. Patron: Saslaw

3. Committee: Courts of Justice

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

5. Summary: Allows the Governor, 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 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. There could be a fiscal impact if the Commonwealth disclaims its interest and the party using the property decides to cease current operations and sell the property or use it for some other purpose. The Commonwealth would lose the value of the land.

9. Specific Agency or Political Subdivisions Affected: Office of Attorney General and court system. Localities could be potential beneficiaries, although the current statute does not limit the right to use state property to political subdivisions. Department of General Services could be impacted as the building official for state lands.

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: 22/2/2009 amk

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cc: Secretary of Administration