

Department of Planning and Budget

2019 Fiscal Impact Statement

1. Bill Number: SB1421ER

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron: Obenshain

3. Committee: Courts of Justice

4. Title: Eminent domain; entry upon private property; calculation of just compensation; damages.

5. Summary: Makes various changes to provisions related to entry upon private property in an eminent domain proceeding, including (i) requiring that the number of persons for whom permission to inspect the premises is sought be included in a request for permission to inspect private property for the purposes of a project wherein the power of eminent domain may be exercised; (ii) requiring the notice of intent to enter the property to include all of the information contained in the request for permission to inspect the property; (iii) requiring the court to award fees for at least three expert witnesses if the petitioner damages the property during its entry; (iv) removing the requirement that the damage must be done maliciously, willfully, or recklessly for the owner to be reimbursed for his costs; and (v) removing the option that the owner may be reimbursed for his costs if the court awards the owner actual damages in an amount 30 percent or more greater than the petitioner's final written offer made no later than 30 days after the filing of an answer in circuit court or the return date in general district court.

The bill also provides the method by which just compensation for the taking of property in an eminent domain proceeding is calculated. The bill provides that the body determining just compensation shall ascertain the value of the property to be taken and the damages, if any, that may accrue to the residue beyond the specific enhancement in value, if any. The bill further outlines the considerations that may be used to determine the market value of the property before the taking and the residue after the taking.

Finally, the bill allows a person to recover damages resulting from reformation, alteration, revision, amendment, or invalidation of a certificate in an eminent domain proceeding. The bill provides that an owner may recover costs incurred if the taking of land in an eminent domain proceeding is abandoned, in full or in part.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Final. See item 8.

8. Fiscal Implications: According to the Virginia Department of Transportation, this legislation has no fiscal impact to the agency.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Transportation.

10. Technical Amendment Necessary: No.

11. Other Comments: None.