1 H. B. 2823 2 3 (By Delegates Doyle, Michael, Ashley, Fleischauer, Hartman, Shaver 4 and T. Campbell) 5 6 7 [Introduced January 24, 2011; referred to the 8 Committee on the Judiciary then Finance.] 9 10 A BILL to amend the Code of West Virginia, 1931, as amended, by 11 adding thereto a new section, designated §54-2-22, relating to 12 increasing any award of just compensation to a property owner 13 by twenty-five percent for eminent domain takings by 14 nongovernment entities; and providing for a similar twenty-15 five percent increase in compensation for takings by 16 government entities that are transferred to nongovernment 17 entities within ten years of the original taking. 18 Be it enacted by the Legislature of West Virginia: 19 That the Code of West Virginia, 1931, as amended, be amended 20 by adding thereto a new section, designated 54-2-22, to read as 21 follows: 22 ARTICLE 2. PROCEDURE. 23 §54-2-22. Compensation to be paid by nongovernment entities.

24 <u>Notwithstanding any provision in this code to the contrary,</u>
25 <u>any taking of any interest in property under the eminent domain</u>

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1 provisions of this code by a nongovernment entity that results in 2 an award of just compensation, that compensation shall be increased 3 by twenty-five percent: Provided, That should a government entity 4 gain title to any interest in property by either eminent domain or 5 the threat of eminent domain and within ten years of gaining title 6 that interest is transferred to a nongovernment entity, the 7 government and nongovernment entities shall be jointly and 8 severable liable to compensate the original owner of that interest 9 an additional twenty-five percent of the fair market value of the 10 property at the time of the transfer from the government entity to

11 the nongovernment entity.

NOTE: The purpose of this bill is to increase any award of just compensation to a property owner by twenty-five percent for eminent domain takings by nongovernment entities. The bill also provides for a twenty-five percent increase in compensation for takings by government entities that are transferred to nongovernment entities within ten years of the original taking.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

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