

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 3046

BY DELEGATES DOYLE, LAVENDER-BOWE, CAMPBELL AND

S. BROWN

[Introduced February 12, 2019; Referred
to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §54-2-22, relating to compensation paid to landowners when interest in
 3 property taken by eminent domain is for a nongovernmental entity.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. BOARD OF PUBLIC WORKS.

§54-2-22. Compensation to be paid by nongovernment entities.

1 Notwithstanding any provision in this code to the contrary, any taking of any interest in
 2 property under the eminent domain provisions of this code by a nongovernment entity that results
 3 in an award of just compensation, that compensation shall be increased to 200 percent of the fair
 4 market value: *Provided*, That should a government entity gain title to any interest in property by
 5 either eminent domain or the threat of eminent domain and within 10 years of gaining title that
 6 interest is transferred to a nongovernment entity, the government and nongovernment entities
 7 shall be jointly and severally liable to compensate the original owner of that interest at 200 percent
 8 of the fair market value at the time of the transfer from the government entity to the
 9 nongovernment entity.

NOTE: The purpose of this bill is to increase any award of just compensation to a property owner by to 200 percent of the fair market value eminent domain takings by nongovernment entities. The bill also provides for the compensation to landowners in the amount of 200 percent of the fair market value 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 a heading or the present law and underscoring indicates new language that would be added.