

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2104

BY DELEGATE DOYLE

[Introduced February 10, 2021; 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 25 percent for eminent domain takings by nongovernment entities. The bill also provides for a 25 percent increase in compensation for takings by government entities that are transferred to nongovernment entities within 10 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.