

WEST VIRGINIA LEGISLATURE

FIRST EXTRAORDINARY SESSION, 1971

ENROLLED

SENATE BILL NO. 1

(By Mr. McCourt, Mr. President,
and Mr. Canyon)

PASSED April 28 1971

In Effect for Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 4-30-71

ENROLLED

Senate Bill No. 1

(By MR. McCOURT, Mr. President, and MR. CARRIGAN)

[Passed April 28, 1971; in effect from passage.]

AN ACT to amend and reenact section twenty, article two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to relocation assistance to and replacement housing costs for persons dislocated by highway construction.

Be it enacted by the Legislature of West Virginia:

That section twenty, article two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§17-2A-20. Relocation assistance to and replacement housing costs for persons dislocated by highway construction.

1 The payment of relocation costs and replacement hous-
2 ing costs to persons dislocated by highway construction
3 is hereby declared to be a cost of highway construction
4 and may be paid from the state road fund, subject to the
5 provisions of this section. The commissioner of highways
6 shall make the payments authorized by this section to
7 reduce hardships to persons so dislocated. In addition, the
8 commissioner shall render advisory assistance to persons
9 affected and shall call upon and coordinate the services
10 of such other agencies of state and local government as
11 may be capable of rendering such assistance to reduce
12 hardships to persons affected and to reduce delays in
13 highway construction. In rendering such advisory as-
14 sistance, the commissioner may accumulate and maintain
15 lists of various kinds of properties available to which per-
16 sons affected may be relocated, and acquire and file such
17 other information and take such other action as may be
18 necessary to render such advisory assistance. With re-

19 spect to persons dislocated by federal-aid highway
20 projects, the commissioner shall provide a relocation as-
21 sistance program which will comply with and implement
22 the federal laws and regulations relating to relocation
23 assistance to displaced persons.

24 Any individual, family, business concern (including the
25 operation of a farm) or nonprofit organization to be dis-
26 placed by a highway construction project shall be com-
27 pensated consistent with the provisions and limitations of
28 this section for reasonable and necessary costs to be in-
29 curred in consequence of being so displaced. When a
30 family is displaced, no additional payments shall be made
31 to individuals who are members of such family; but, if
32 two or more displaced families occupy the same dwelling
33 or comprise a single household, each family within such
34 dwelling or household may receive relocation costs as
35 provided in this section. Payments under this section
36 are subject to the following limitations and to any rules
37 and regulations made by the commissioner as herein
38 authorized:

39 (1) With respect to state highway projects not on the
40 federal-aid highway system:

41 (a) Payments shall not exceed two hundred dollars in
42 the case of a family or an individual, or three thousand
43 dollars in the case of a business concern (including the
44 operation of a farm) or nonprofit organization.

45 (b) In the case of a business concern (including the
46 operation of a farm) and in the case of a nonprofit
47 organization, the allowable expense for transportation
48 under this section shall not exceed the reasonable and
49 necessary cost of moving fifty miles from the point from
50 which such business or organization is being displaced
51 and no expenses shall be allowed if a substantial portion
52 of such business or organization is to be relocated outside
53 the state.

54 (2) With respect to federal-aid highway projects, the
55 commissioner shall have authority to make such payments
56 for relocation costs, replacement housing costs, including
57 the increased interest costs which the displaced person
58 is required to pay for financing the acquisition of a com-
59 parable replacement dwelling, and reasonable expenses
60 incurred by such displaced person for evidence of title,
61 recording fees, and other closing costs incident to the

62 purchase of the replacement dwelling, and expenses inci-
63 dental to the transfer of property as are authorized by
64 the federal laws and regulations relating to relocation
65 payments to displaced persons.

66 The commissioner shall establish by rules and regula-
67 tions a procedure for the payment of relocation costs
68 within the limits of and consistent with the policies of
69 this section. Such rules and regulations may authorize
70 lump sum payments to individuals or families, in lieu of
71 their respective provable costs, based upon the size of
72 the dwelling being vacated or the number of persons
73 being affected or any other reasonable basis. The com-
74 missioner may authorize the obligations of or payment of
75 relocation costs in advance of expenditure for relocation
76 by any person, firm or organization eligible to receive
77 such payment where such advance obligation or payment
78 would speed the clearance of highway construction sites
79 or reduce hardships.

80 With respect to federal-aid highway projects, the com-
81 missioner shall also have authority to comply with the
82 federal laws and regulations relating to providing re-
83 placement housing.

84 Nothing contained in this section or in the federal laws
85 and regulations relating to relocation assistance and pay-
86 ments to displaced persons shall be construed as creating
87 in any condemnation proceedings brought under the
88 power of eminent domain, any element of damages not
89 in existence on the effective date of this section or of the
90 federal laws and regulations relating to relocation assist-
91 ance and payments to displaced persons.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederic L. Bruce
Chairman Senate Committee

Phyllis Ruetledge
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Francis Keyes
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Richard Cant
President of the Senate

Lewis K. Williams
Speaker House of Delegates

The within *approved* this the *29th*
day of *April*, 1971.

W. A. S. S. S. Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 4/29/71

Time 12:30 p.m.