

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 91

(By Mr. Barrett)

PASSED March 7, 1969

In Effect Ninety days from Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 3-17-69

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Senate Bill No. 91

(By MR. BARNETT)

[Passed March 7, 1969; in effect ninety days 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 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. STATE ROAD COMMISSIONER.

§17-2A-20. Relocation assistance to persons dislocated by highway construction.

1 The payment of relocation costs to persons dislocated
2 by highway construction is hereby declared to be a cost

3 of highway construction and may be paid from the state
4 road fund, subject to the provisions of this section. The
5 state road commissioner shall make the payments author-
6 ized by this section to reduce hardships to persons so dis-
7 located. In addition, the commissioner shall render ad-
8 visory assistance to persons affected and shall call upon
9 and coordinate the services of such other agencies of state
10 and local government as may be capable of rendering such
11 assistance to reduce hardships to persons affected and to
12 reduce delays in highway construction. In rendering such
13 advisory assistance, the commissioner may accumulate
14 and maintain lists of various kinds of properties available
15 to which persons affected may be relocated, and acquire
16 and file such other information and take such other
17 action as may be necessary to render such advisory
18 assistance. With respect to persons dislocated by
19 federal-aid highway projects, the commissioner shall
20 provide a relocation assistance program which will
21 comply with and implement the federal laws and regu-
22 lations relating to relocation assistance to displaced
23 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
28 of this section for reasonable and necessary costs to be
29 incurred 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 are
36 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
42 in the case of a family or an individual; or three thous-
43 and dollars in the case of a business concern (including
44 the 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 organi-
47 zation, the allowable expense for transportation under
48 this section shall not exceed the reasonable and neces-
49 sary cost of moving fifty miles from the point from which
50 such business or organization is being displaced and no
51 expenses shall be allowed if a substantial portion of such
52 business or organization is to be relocated outside the
53 state.

54 (2) With respect to federal-aid highway projects, the
55 commissioner shall have authority to make such pay-
56 ments for relocation costs, replacement housing costs,
57 and expenses incidental to the transfer of property
58 as are authorized by the federal laws and regula-
59 tions relating to relocation payments to displaced
60 persons.

61 The commissioner shall establish by rules and regula-
62 tions a procedure for the payment of relocation costs with-
63 in the limits of and consistent with the policies of this
64 section. Such rules and regulations may authorize lump
65 sum payments to individuals or families, in lieu of their

66 respective provable costs, based upon the size of the
67 dwelling being vacated or the number of persons being
68 affected or any other reasonable basis. The commissioner
69 may authorize the obligations of or payment of relocation
70 costs in advance of expenditure for relocation by any per-
71 son, firm or organization eligible to receive such pay-
72 ment where such advance obligation or payment would
73 speed the clearance of highway construction sites or re-
74 duce hardships.

75 Nothing contained in this section or in the federal laws
76 and regulations relating to relocation assistance and pay-
77 ments to displaced persons shall be construed as creat-
78 ing in any condemnation proceedings brought under the
79 power of eminent domain, any element of damages not
80 in existence on the date of enactment of this section or of
81 the federal laws and regulations relating to relocation
82 assistance and payments to displaced persons.

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

William Tompa
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Tye
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Leard G. Jackson
President of the Senate

Earl F. Bunn
Speaker House of Delegates

The within approved this the 17th
day of March, 1969.

Arch A. Shaw, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/13/69

Time 3:15 P.M.