WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED
SENATE BILL NO. 91
(By Mr. __________)

PASSED __________________________ 1969

In Effect... Ninety days from... Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-17-69
ENROLLED
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
of highway construction and may be paid from the state road fund, subject to the provisions of this section. The state road commissioner shall make the payments authorized by this section to reduce hardships to persons so dislocated. In addition, the commissioner shall render advisory assistance to persons affected and shall call upon and coordinate the services of such other agencies of state and local government as may be capable of rendering such assistance to reduce hardships to persons affected and to reduce delays in highway construction. In rendering such advisory assistance, the commissioner may accumulate and maintain lists of various kinds of properties available to which persons affected may be relocated, and acquire and file such other information and take such other action as may be necessary to render such advisory assistance. With respect to persons dislocated by federal-aid highway projects, the commissioner shall provide a relocation assistance program which will comply with and implement the federal laws and regulations relating to relocation assistance to displaced persons.
Any individual, family, business concern (including the operation of a farm) or nonprofit organization to be displaced by a highway construction project shall be compensated consistent with the provisions and limitations of this section for reasonable and necessary costs to be incurred in consequence of being so displaced. When a family is displaced, no additional payments shall be made to individuals who are members of such family; but, if two or more displaced families occupy the same dwelling or comprise a single household, each family within such dwelling or household may receive relocation costs as provided in this section. Payments under this section are subject to the following limitations and to any rules and regulations made by the commissioner as herein authorized:

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

(a) Payments shall not exceed two hundred dollars in the case of a family or an individual; or three thousand dollars in the case of a business concern (including the operation of a farm) or nonprofit organization.
(b) In the case of a business concern (including the operation of a farm) and in the case of a nonprofit organization, the allowable expense for transportation under this section shall not exceed the reasonable and necessary cost of moving fifty miles from the point from which such business or organization is being displaced and no expenses shall be allowed if a substantial portion of such business or organization is to be relocated outside the state.

(2) With respect to federal-aid highway projects, the commissioner shall have authority to make such payments for relocation costs, replacement housing costs, and expenses incidental to the transfer of property as are authorized by the federal laws and regulations relating to relocation payments to displaced persons.

The commissioner shall establish by rules and regulations a procedure for the payment of relocation costs within the limits of and consistent with the policies of this section. Such rules and regulations may authorize lump sum payments to individuals or families, in lieu of their
respective provable costs, based upon the size of the
dwelling being vacated or the number of persons being
affected or any other reasonable basis. The commissioner
may authorize the obligations of or payment of relocation
costs in advance of expenditure for relocation by any per-
son, firm or organization eligible to receive such pay-
ment where such advance obligation or payment would
speed the clearance of highway construction sites or re-
duce hardships.

Nothing contained in this section or in the federal laws
and regulations relating to relocation assistance and pay-
ments to displaced persons shall be construed as creat-
ing in any condemnation proceedings brought under the
power of eminent domain, any element of damages not
in existence on the date of enactment of this section or of
the federal laws and regulations relating to relocation
assistance and payments to displaced persons.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James Temple
Chairman Senate Committee

Clayton C. Caudle
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Perry
Clerk of the Senate

C.R. Blankenship
Clerk of the House of Delegates

Harry E. Jackson
President of the Senate

Jen F. Burns
Speaker House of Delegates

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

Mell Washour, Jr.
Governor