

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974

ENROLLED

SENATE BILL NO. 357

(By Mr. Benson)

PASSED March 6 1974

In Effect ninety days from Passage



FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 3/29/74

VETO - 357

ENROLLED

Senate Bill No. 357

(By MR. BENSON)

[Passed March 6, 1974; in effect ninety days from passage.]

AN ACT to amend and reenact section fourteen, article two, chapter fifty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to eminent domain generally; and eliminating the right of the state or a political subdivision in an eminent domain proceeding to continue such proceeding until after a reasonable time has elapsed for completion of work upon the property in question.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. PROCEDURE.

§54-2-14. Entry by state or its political subdivisions.

1 If the applicant be the state of West Virginia, or any
2 political subdivision thereof, on filing its petition as
3 authorized in this article, and if the court or judge is
4 satisfied that the purpose for which the land or property
5 is sought to be condemned is a public use for which
6 private property may be appropriated on compensating
7 the owner, the court or judge shall, at the request of the
8 applicant, make an order permitting the applicant at
9 once to enter upon, take possession, appropriate and use
10 the land sought to be condemned for the purposes stated

11 in the petition. The revenues applicable to the payment
12 of any damages or compensation to which the owner is
13 entitled, and which shall be awarded or assessed in his
14 favor, shall be deemed sufficient security and to have been
15 pledged for such payment, and no bond or further secur-
16 ity shall be required of the applicant.

17 If the applicant shall enter upon or take possession of
18 property under the authority of this section, and shall do
19 any work thereon and injure such land or property, it
20 shall not be entitled, without the consent of the de-
21 fendant, to abandon the proceedings for the condemna-
22 tion thereof, but such proceedings shall proceed to final
23 award or judgment, and the applicant shall pay to the
24 owner of the land the amount of compensation and dam-
25 ages as finally determined in such proceedings, with in-
26 terest at six percent from the date of the actual entry
27 upon the land so taken.

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

H. Darrel Darby
Chairman Senate Committee

Lawrence M. Christian
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Howard W. Aaron
Clerk of the Senate

A. Blankenship
Clerk of the House of Delegates

W. T. Bratherton Jr.
President of the Senate

Lewis F. McKeown
Speaker House of Delegates

The within disapproved this the 26th
day of March, 1974.

Arch A. Phares Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/11/14

Time 3:50 p.m.