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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1970

ENROLLED

SENATE BILL NO. 90

(By Mr. Jackson, Mr. President,
and Mr. Amey)

PASSED Feb. 12, 1970

In Effect July 1, 1970 ~~Passage~~

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 2-18-70

90

ENROLLED

Senate Bill No. 90

(By MR. JACKSON, MR. PRESIDENT, and MR. CARRIGAN)

[Passed February 12, 1970; in effect July 1, 1970.]

AN ACT to amend and reenact sections eight, twenty-one, twenty-three and twenty-five, article two, chapter fourteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the court of claims, the number of judges of the court of claims constituting a quorum for the hearing of claims before the court or the transaction of any business of the court, the compensation of the judges and the maximum number of days each judge may serve in any fiscal year; providing that the periods of limitations as to claims before the court shall be the same as would be applicable under the provisions of the code of West Virginia and that such periods of

limitation cannot be waived or extended; relating to the inclusion of awards in the budget; and relating to the reports of the court, the filing thereof with the clerks of both houses of the Legislature, the governor and the attorney general and the publication of such reports.

Be it enacted by the Legislature of West Virginia:

That sections eight, twenty-one, twenty-three and twenty-five, article two, chapter fourteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

§14-2-8. Compensation of judges; expenses.

1 Each judge of the court shall receive seventy-five
2 dollars for each day actually served, and actual ex-
3 penses incurred in the performance of his duties. The
4 number of days served by each judge shall not ex-
5 ceed one hundred fifty in any fiscal year, except by
6 authority of the joint committee on government and
7 finance. Requisitions for compensation and expenses shall
8 be accompanied by sworn and itemized statements,
9 which shall be filed with the auditor and preserved
10 as public records. For the purpose of this section, time

11 served shall include time spent in the hearing of claims,
12 in the consideration of the record, in the preparation
13 of opinions, and in necessary travel.

§14-2-21. Periods of limitation made applicable.

1 The court shall not take jurisdiction of any claim,
2 whether accruing before or after the effective date of this
3 article (July one, one thousand nine hundred sixty-seven),
4 unless notice of such claim be filed with the clerk within
5 such period of limitation as would be applicable under the
6 pertinent provisions of the code of West Virginia, one
7 thousand nine hundred thirty-one, as amended, if the
8 claim were against a private person, firm or corporation
9 and the constitutional immunity of the state from suit
10 were not involved and such period of limitation may not
11 be waived or extended. The foregoing provision shall not
12 be held to limit or restrict the right of any person, firm or
13 corporation who or which had a claim against the state
14 or any state agency, pending before the attorney general
15 on the effective date of this article (July one, one thousand
16 nine hundred sixty-seven), from presenting such claim to
17 the court of claims, nor shall it limit or restrict the right

18 to file such a claim which was, on the effective date of this
19 article (July one, one thousand nine hundred sixty-seven),
20 pending in any court of record as a legal claim and which,
21 after such date was or may be adjudicated in such court to
22 be invalid as a claim against the state because of the con-
23 stitutional immunity of the state from suit.

§14-2-23. Inclusion of awards in budget.

1 The clerk shall certify to the department of finance and
2 administration, on or before the twentieth day of Novem-
3 ber of each year, a list of all awards recommended by the
4 court to the Legislature for appropriation. The clerk may
5 certify supplementary lists to the governor to include sub-
6 sequent awards made by the court. The governor shall
7 include all awards so certified in his proposed budget bill
8 transmitted to the Legislature.

§14-2-25. Reports of the court.

1 The clerk shall be the official reporter of the court. He
2 shall collect and edit the approved claims, awards and
3 statements, shall prepare them for submission to the Leg-
4 islature in the form of an annual report and shall prepare
5 them for publication.

6 Claims and awards shall be separately classified as fol-
7 lows:

8 1. Approved claims and awards not satisfied but refer-
9 red to the Legislature for final consideration and ap-
10 propriation.

11 2. Approved claims and awards satisfied by payments
12 out of regular appropriations.

13 3. Approved claims and awards satisfied by payment out
14 of a special appropriation made by the Legislature to pay
15 claims arising during the fiscal year.

16 4. Claims rejected by the court with the reasons there-
17 for.

18 5. Advisory determinations made at the request of the
19 governor or the head of a state agency.

20 The court may include any other information or recom-
21 mendations pertaining to the performance of its duties.

22 The court shall transmit its annual report to the presid-
23 ing officer of each house of the Legislature, and a copy
24 shall be made available to any member of the Legislature
25 upon request therefor. The reports of the court shall be
26 published biennially by the clerk as a public document.

27 The biennial report shall be filed with the clerk of each
28 house of the Legislature, the governor and the attorney
29 general.

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

William T. Kemp
Chairman Senate Committee

Clayton L. Davidson
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1970.

Harmon Hughes
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Leah J. Gallen
President of the Senate

Mar. F. Buiskey
Speaker House of Delegates

The within *approved* this the *17th*
day of *February*, 1970.

Arch A. Moore Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 2/17/70

Time 2:15 p.m.