

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

ENROLLED

Committee Substitute
for

HOUSE BILL No. 1085

Originating in the Committee
(By) Mr. on Judiciary

PASSED March 13 1971

In Effect from Passage



FILED IN THE OFFICE
JOHN D. COOPER, JR., IV
SECRETARY OF STATE
THIS DATE 4-2-71

1085-1
Veto

ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 1085

(Originating in the Committee on the Judiciary)

[Passed March 13, 1971; in effect from passage.]

AN ACT to amend article three, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section six, relating to recoveries in multi-district or anti-trust litigation by the attorney general on behalf of the state, its political subdivisions or its citizens.

Be it enacted by the Legislature of West Virginia:

That article three, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section six, to read as follows:

ARTICLE 3. ATTORNEY GENERAL.

§5-3-6. Multi-district or antitrust litigation.

1 In multi-district or antitrust litigation on behalf of
2 the state of West Virginia, its political subdivisions or
3 its citizens, in which the attorney general has acted as
4 counsel, the recovery shall be paid over to the state of
5 West Virginia and five percent thereof placed in a separate
6 account which shall be expended solely for the purpose
7 of prosecuting and maintaining multi-district or anti-
8 trust litigation: *Provided*, That the total amount of all
9 funds accumulated in said separate account pursuant to
10 the provisions of this section shall not at any time exceed
11 the amount of fifty thousand dollars, and such shall be a
12 revolving fund account, the excess of all of which shall
13 automatically revert to the general revenue fund: And
14 *provided further*, That the funds in such separate ac-
15 count shall not in any event be used for the employment
16 of counsel who are not regularly employed staff members
17 of the attorney general's office except that in any litiga-
18 tion where states or political subdivisions other than the
19 state of West Virginia or its political subdivisions are

20 joined as parties along with the state of West Virginia or
21 its political subdivisions, other counsel may be paid from
22 such separate account. Recovery shall mean a judgment
23 or court approved settlement.

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

Russell H. Bess
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard H. Rogers
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

E. Hans McBoone
President of the Senate

Lewis N. McManus
Speaker House of Delegates

The within disapproved this the 1st
day of April, 1971.

Archie Shaw Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/22/71

Time 12 noon

RECEIVED

APR 2 11 49 PM '71

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA