

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1977

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ENROLLED

SENATE BILL NO. 346

Originating in the Committee
(By Mr.) *on the Judiciary*

—•—
PASSED March 11, 1977

In Effect 90 days from Passage
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ENROLLED

Senate Bill No. 346

(Originating in the Committee on the Judiciary)

[Passed March 11, 1977; in effect ninety days from passage.]

AN ACT to amend and reenact sections five and twelve, article two, chapter fourteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the court of claims; providing for the appointment of a deputy clerk of the court of claims; and granting the judges of the court of claims the authority to sit individually.

Be it enacted by the Legislature of West Virginia:

That sections five and twelve, 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:

ARTICLE 2. CLAIMS AGAINST THE STATE.

§14-2-5. Court clerk and other personnel.

1 The court shall have the authority to appoint a clerk
2 and a deputy clerk. The salary of the clerk and the
3 deputy clerk shall be fixed by the joint committee on
4 government and finance, and shall be paid out of the
5 regular appropriation for the court. The clerk shall
6 have custody of all records and proceedings of the court,
7 shall attend meetings and hearings of the court, shall
8 administer oaths and affirmations, and shall issue all
9 official summonses, subpoenas, orders, statements and
10 awards. The deputy clerk shall act in the place and
11 stead of the clerk in the clerk's absence.

12 The joint committee on government and finance may
13 employ other persons whose services shall be necessary

14 to the orderly transaction of the business of the court,
15 and fix their compensation.

§14-2-12. General powers of the court.

1 The court shall, in accordance with this article, con-
2 sider claims which, but for the constitutional immunity
3 of the state from suit, or for some statutory restrictions,
4 inhibitions or limitations, could be maintained in the
5 regular courts of the state. No liability shall be imposed
6 upon the state or any state agency by a determination
7 of the court of claims approving a claim and recom-
8 mending an award, unless the claim is (1) made under
9 an existing appropriation, in accordance with section
10 nineteen of this article, or (2) a claim under a special
11 appropriation, as provided in section twenty of this ar-
12 ticle. The court shall consider claims in accordance with
13 the provisions of this article.

14 Except as is otherwise provided in this article, a claim
15 shall be instituted by the filing of notice with the clerk.
16 In accordance with rules promulgated by the court, each
17 claim shall be considered by the court as a whole, or,
18 by a judge sitting individually, and if, after consideration,
19 the court finds that a claim is just and proper, it shall
20 so determine and shall file with the clerk a brief state-
21 ment of its reasons. A claim so filed shall be an approved
22 claim. The court shall also determine the amount that
23 should be paid to the claimant, and shall itemize this
24 amount as an award, with the reasons therefor, in its
25 statement filed with the clerk. In determining the amount
26 of a claim, interest shall not be allowed unless the claim
27 is based upon a contract which specifically provides for
28 the payment of interest.

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

James L. Davis
Chairman Senate Committee

Clarence B. Christman Jr.
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J. Dillon Jr.
Clerk of the Senate

W. A. Blankenship
Clerk of the House of Delegates

W. T. Butterfield
President of the Senate

Donald L. Kopp
Speaker House of Delegates

The within ~~is~~ *is* approved this the *19*
day of *March*, 1977.

John D. Rhyker
Governor



APPROVED AND SIGNED BY THE GOVERNOR

Date March 19, 1977
Time 9:30 A.M.

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OFFICE OF THE GOVERNOR

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OFFICE
SECY. OF STATE