

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-29-82

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982

— ● —

# ENROLLED

*Committee Substitute for*

HOUSE BILL No. 1784

(By Mr. Wooten)

— ● —

Passed March 12, 1982

In Effect - from - Passage



**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**

**H. B. 1784**

**(By MR. WOOTON)**

[Passed March 12, 1982; in effect from passage.]

AN ACT to amend and reenact section eight, article two, chapter fourteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections six, nine and twenty-one, article two-a of said chapter, relating to reparation awards to victims of crimes generally; providing an exception to the limitation on judges of the court of claims as to the number of days served per fiscal year; providing for appropriations for the expenses of the attorney general; providing for an annual report by the court of claims; and removing code language which enabled the attorney general to withdraw amounts from the crime victims reparation fund.

*Be it enacted by the Legislature of West Virginia:*

That section eight, article two, chapter fourteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that sections six and twenty-one, article two-a of said chapter be amended and reenacted, all to read as follows:

**ARTICLE 2. CLAIMS AGAINST THE STATE.**

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

1 Each judge of the court shall receive one hundred fifteen

2 dollars for each day actually served, and actual expenses  
3 incurred in the performance of his duties. The number of days  
4 served by each judge shall not exceed one hundred in any  
5 fiscal year, except by authority of the joint committee on  
6 government and finance: *Provided*, That in computing the  
7 number of days served, days utilized solely for the exercise  
8 of duties assigned to judges and commissioners by the pro-  
9 visions of article two-a of this chapter shall be disregarded.  
10 Requisitions for compensation and expenses shall be accom-  
11 panied by sworn and itemized statements, which shall be filed  
12 with the auditor and preserved as public records. For the  
13 purpose of this section, time served shall include time spent  
14 in the hearing of claims, in the consideration of the record, in  
15 the preparation of opinions, and in necessary travel.

**ARTICLE 2A. REPARATION AWARDS TO VICTIMS OF CRIMES.**

**§14-2A-6. Appointment and compensation of commissioners and judges serving under this article.**

1 (a) The court of claims, with the approval of the presi-  
2 dent of the Senate and the speaker of the House of Delegates,  
3 shall appoint at least three court of claims commissioners to  
4 hear claims for an award of reparations and to approve awards  
5 of reparations pursuant to the provisions of this article. Each  
6 commissioner shall serve at the pleasure of the court of claims  
7 and under the administrative supervision of the clerk of the  
8 court of claims.

9 (b) The court of claims shall fix the compensation of the  
10 court of claims commissioners in an amount not exceeding  
11 the compensation for judges of the court of claims. Com-  
12 pensation of judges and commissioners for services performed  
13 under this article, and actual expenses incurred in the per-  
14 formance of duties as judges and commissioners under this  
15 article shall be paid out of the crime victims reparation fund.

16 (c) The limitation period of one hundred days in section  
17 eight, article two of this chapter pertaining to time served by  
18 the judges of the court of claims shall not apply to the pro-  
19 visions of this article.

**§14-2A-9. Attorney general to represent state.**

1 The attorney general shall represent the interests of the

2 state in all claims coming before the court of claims or a  
3 commissioner. Expenses of the attorney general relating to  
4 carrying out his duties under this article shall be payable from  
5 the crime victims reparation fund as appropriated for such  
6 purpose by the Legislature.

**§14-2A-21. Annual report of court of claims.**

1 The court of claims shall prepare and transmit annually to  
2 the governor and the Legislature a report of the activities of  
3 the court of claims under this article. The report shall in-  
4 clude the number of claims filed, the number of awards made  
5 and the amount of each award, and a statistical summary of  
6 claims and awards made and denied including the average  
7 size of claims and awards; the balance in the crime victims  
8 reparation fund with a listing by source and amount of the  
9 moneys that have been deposited in the fund; the amount  
10 that has been withdrawn from the fund, including separate  
11 listings of the administrative costs incurred by the court of  
12 claims, compensation of judges, commissioners and court per-  
13 sonnel and the amount awarded as attorneys' fees.

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

*R. P. Bayler*  
Chairman Senate Committee

*George E. Whitlow*  
Chairman House Committee

Originating in the House.

Takes effect from passage.

*Jedd C. Willis*  
Clerk of the Senate

*C. Blankenship*  
Clerk of the House of Delegates  
*Walter R. McEwen*  
President of the Senate

*Wm. H. Lee, Jr.*  
Speaker House of Delegates

The within *is approved* this the *29*  
day of *March*, 1982.

*Paul D. Rogers*  
Governor

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SECY. OF STATE