

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951

ENROLLED

SENATE BILL NO. 280

(By Mr. Love)

PASSED March 10, 1951

In Effect July 1, 1951 Passage



280

ENROLLED

Senate Bill No. 280

(By MR. LOVE)

[Passed March 10, 1951; in effect July 1, 1951.]

AN ACT finding and declaring a certain claim against the state to be a moral obligation of the state and making an appropriation for the payment thereof.

WHEREAS, On the sixth of August, one thousand nine hundred forty-nine, George R. Nuckolls, a member of the national guard of the State of West Virginia, on active duty at an authorized encampment of the national guard, was in the performance of his official duties in the service of the state, operating a vehicle which collided with a vehicle owned and driven by a resident of the State of Kentucky on U. S. Route No. 460, three miles east of West Liberty, Kentucky in the State of Kentucky; and

WHEREAS, Witnesses to the accident from the State of West

Virginia made affidavit and were prepared to testify that the said George R. Nuckolls was in no sense negligent but that there was negligence by the other party, although this was contradicted by witnesses from the State of Kentucky; and

WHEREAS, In a settlement of the suit against the said George R. Nuckolls brought in the State of Kentucky by the other party for damages to his vehicle and injuries to other persons riding in his vehicle at the time of the accident, it became necessary for the said George R. Nuckolls to expend from his personal funds the sum of two hundred fifty dollars, five hundred dollars being paid by the National Guard Bureau to which amount it was limited by law, said settlement amounting to a total of seven hundred fifty dollars and being for the property damage claim; and

WHEREAS, The said George R. Nuckolls was acting for and on behalf of the state as one of the state's agents at the time of the accident; and

WHEREAS, The said George R. Nuckolls paid the above mentioned amount which would have been the liability and obligation of the State of West Virginia but for its constitutional immunity from suit. Therefore

Be it enacted by the Legislature of West Virginia:

Section 1. *Appropriation for George R. Nuckolls.*—It
2 appearing from a statement of the revenues and appropri-
3 ations for the fiscal year one thousand nine hundred forty-
4 nine-one thousand nine hundred fifty, that there remains
5 in the treasury, current expenses fund, adjutant general,
6 revenue in excess of the amount hereby appropriated,
7 there is hereby appropriated from the treasury, current
8 expenses fund, adjutant general, the sum of two hundred
9 fifty dollars to George R. Nuckolls to reimburse him for
10 the aforesaid expenditure.

Sec. 2. *Finding that a Moral Obligation Exists.*—It is
2 hereby declared to be the finding of the legislature, based
3 upon its conclusion of facts, that this appropriation is for
4 the payment of a moral obligation of the State of West
5 Virginia.

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

Robert C. Byrd
Chairman Senate Committee

James Orr, Loop
Chairman House Committee

Originated in the Senate.

Takes effect

July 1, 1951

passage.

Thomas H. Moyer
Clerk of the Senate

J. R. Bliff
Clerk of the House of Delegates

Langford Hunter
President of the Senate

W. E. Van
Speaker House of Delegates

The within

Approved

this the

16th

day of

MARCH

, 1951.

Okey L. Pattison
Governor.



FILED IN THE OFFICE OF THE SECRETARY OF STATE

of West Virginia

MAR 16 1951

D. PITT O'BRIEN,

SECRETARY OF STATE