

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 1173

(By Mr. Kincaid & Mr. Buck)



PASSED March 13 1971

In Effect July 1, 1971 Passage



FILED IN THE OFFICE
JOHN B. DOCKEFELDER, IV
SECRETARY OF STATE
THIS DATE 4-2-71

1173

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House Bill No. 1173

(By MR. KINCAID and MR. BUCK)

[Passed March 13, 1971; in effect July 1, 1971.]

AN ACT finding and declaring certain claims against the state and its agencies to be moral obligations of the state, and directing the auditor to issue warrants for the payments thereof.

Be it enacted by the Legislature of West Virginia:

§1. Finding and declaring certain claims against the department of mental health; West Virginia board of regents; and department of public institutions, to be moral obligations of the state, and directing payment thereof.

1 The Legislature has heretofore made findings of fact
2 that the state has received the benefit of the commodities
3 and services rendered by certain claimants herein and has
4 considered claims against the state and agencies thereof
5 which have arisen due to over-expenditures of depart-
6 mental appropriations by officers of certain state spending
7 units, such claims having been previously considered by

8 the court of claims which also found that the state has
9 received the benefit of the commodities and services ren-
10 dered by each claimant, but were denied by the court of
11 claims on the purely statutory grounds that to allow such
12 claims would be condoning illegal acts contrary to the
13 laws of the state. The Legislature, pursuant to its findings
14 of fact and also by the adoption of the findings of fact by
15 the court of claims as its own, and, while not condoning
16 such illegal acts, hereby declares it to be the moral obli-
17 gation of the state to pay each such claim in the amount
18 specified below, and directs the auditor to issue war-
19 rants upon receipt of a properly executed requisition sup-
20 ported by an itemized invoice, statement or other satis-
21 factory document as required by chapter twelve, article
22 three, section ten of the code of West Virginia, one thous-
23 and nine hundred thirty-one, as amended, for the payment
24 thereof out of any fund appropriated and available for the
25 purpose and hereby directs the attorney general to review
26 the bonds executed by all public officials and employees
27 who are in any way responsible for the state spending
28 units which have overspent departmental appropriations,

29 and where it appears feasible, to institute proper legal
30 proceedings to recover for the state sums equal to the
31 claims specified below, and in instances where the at-
32 torney general determines that such legal proceedings
33 are not feasible, to report to the legislative auditor on or
34 before the beginning of the regular legislative session in
35 the year one thousand nine hundred seventy-two the
36 reasons why such legal proceedings are not feasible.

37 (a) Claims against the department of mental health:

| | | |
|----|--|-----------|
| 38 | (1) Airkem Sales and Service | \$ 630.00 |
| 39 | (2) Odorite Service and Supply | |
| 40 | Company | 1,673.40 |
| 41 | (3) McCormick Office Supplies, Inc. | 77.10 |
| 42 | (4) Riverside Paper Company, Inc. | 178.07 |
| 43 | (5) Laird Office Equipment Company | 98.83 |
| 44 | (6) Guthrie-Morris-Campbell Company | 1,813.40 |
| 45 | (7) Southern Chemical Company | 1,217.80 |
| 46 | (8) Tri-State Drug Company | 166.36 |
| 47 | (9) Copco Papers, Inc. | 299.52 |
| 48 | (10) Copco Papers, Inc. | 224.64 |
| 49 | (11) Fry Brother Company | 168.00 |

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| 50 | (12) | Fry Brothers Company | 605.00 |
| 51 | (13) | Union 76-Pure Oil Division | 824.94 |
| 52 | (14) | Vaughan's Termite Control | |
| 53 | | Company | 290.00 |
| 54 | (15) | S. B. Wallace and Company | 120.00 |
| 55 | (16) | Oxford Chemicals | 1,155.75 |
| 56 | (17) | Spencer Business Forms Company, | |
| 57 | | Inc. | 175.03 |
| 58 | (18) | Armour and Company | 865.54 |
| 59 | (19) | Odorite Service & Supply | 112.90 |
| 60 | (20) | Willard C. Starcher, Inc. | 70.20 |
| 61 | (21) | McCormick Office Supply, Inc. | 183.52 |
| 62 | (22) | Goldsmi-Black, Inc. | 269.04 |
| 63 | (23) | Goldsmi-Black, Inc. | 136.60 |
| 64 | (24) | Goldsmi-Black, Inc. | 48.00 |
| 65 | (25) | Mallinckrodt Chemical Works | 673.20 |
| 66 | (26) | Industrious Blind Enterprise | 269.40 |
| 67 | (27) | Appalantic Corporation | 12,252.72 |
| 68 | (28) | Ohio Valley Office Equipment | 500.55 |
| 69 | (29) | Will Ross, Inc. | 126.70 |
| 70 | (30) | Noe Office Equipment | 15.55 |

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| 71 | (31) The Medical Arts Supply Com- | |
| 72 | pany, Inc. | 94.96 |
| 73 | (32) Roche Laboratories | 1,466.80 |
| 74 | (33) Raybestos-Manhattan, Inc.- | |
| 75 | Revolite Division | 390.00 |
| 76 | (34) Accounting Supplies and Systems, | |
| 77 | Inc. | 25.95 |
| 78 | (35) Bell Lines, Inc. | 64.75 |
| 79 | (36) Economic Laboratories | 29.82 |
| 80 | (37) Harry W. Higgins General Store ... | 49.20 |
| 81 | (38) Merck Sharp & Dohme | 26.46 |
| 82 | (39) Shouldis Department Store | 472.86 |
| 83 | (40) DuBois Chemicals | 809.06 |
| 84 | (41) Eaton Laboratories | 85.50 |
| 85 | (42) Sandoz-Wander, Inc. | 146.85 |
| 86 | (43) The Crocker-Fels Company | 182.66 |
| 87 | (44) Acme Cotton Products Company, | |
| 88 | Inc. | 533.12 |
| 89 | (45) William H. Rorer, Inc. | 109.96 |
| 90 | (46) Lederle Laboratories | 264.00 |
| 91 | (47) Scientific Products | 345.89 |

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| 92 | (48) | Martini Packing Company | 745.53 |
| 93 | (49) | Smith, Kline & French Company .. | 261.32 |
| 94 | (50) | A. B. Dick Products Company | 332.15 |
| 95 | (51) | Storck Baking Company | 247.60 |
| 96 | (53) | Karoll's, Inc. | 1,796.48 |
| 97 | (54) | William J. Swearingen | 500.00 |
| 98 | (55) | Charles V. Selby, Jr. | 200.00 |
| 99 | (56) | Granville H. Lance | 500.00 |
| 100 | (57) | K. V. Pathology, Inc. | 1,500.00 |
| 101 | (58) | Mt. Clare Provision Company | 2,116.00 |
| 102 | (59) | Dowling Pool Company | 33.80 |
| 103 | (60) | St. Joseph's Hospital | 13.50 |
| 104 | (61) | St. Joseph's Hospital | 88.70 |
| 105 | (62) | St. Joseph's Hospital | 527.64 |
| 106 | (63) | St. Joseph's Hospital | 9.25 |
| 107 | (64) | St. Joseph's Hospital | 15.00 |
| 108 | (65) | St. Joseph's Hospital | 1,160.38 |
| 109 | (66) | St. Joseph's Hospital | 28.00 |
| 110 | (67) | The Red Head Oil Company | 52.75 |
| 111 | (68) | Picker X-Ray | 347.16 |
| 112 | (69) | Empire Foods, Inc. | 494.70 |

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| 113 | (70) | General Electric Company | 2,594.82 |
| 114 | (71) | Kellogg Sales Company | 547.70 |
| 115 | (72) | James Produce Company | 572.97 |
| 116 | (73) | Fairmont Foods Company | 1,310.34 |
| 117 | (74) | Union Oil Company of California .. | 302.24 |
| 118 | (75) | Standard Brands Sales Company | 1,290.40 |
| 119 | (76) | Ace Exterminators, Inc. | 160.00 |
| 120 | (77) | A. B. Dick Products Company | 211.60 |
| 121 | (78) | Capitol Paper Supply, Inc. | 382.80 |
| 122 | (79) | Genuine Parts Co. of W. Va. | 94.39 |
| 123 | (80) | Noe Office Equipment | 281.68 |
| 124 | (81) | The Universal Supply Co. | 172.14 |
| 125 | (82) | McGlothlin Printing Co. | 546.76 |
| 126 | (b) | Claims against West Virginia board of | |
| 127 | | regents: | |
| 128 | (1) | Appalachian Power Company | 34,979.13 |
| 129 | (2) | Potomac Edison Company of W. Va. | 5,170.24 |
| 130 | (3) | Utilities, Inc. | 4,915.82 |
| 131 | (c) | Claims against the department of public in- | |
| 132 | | stitutions: | |
| 133 | (1) | Crook's Wholesale Food Company | 1,657.90 |

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

Russell J. Ball
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

Takes effect July 1, 1971.

Howard Kuylen
Clerk of the Senate

A. Blankenship
Clerk of the House of Delegates

E. Hans McEwen
President of the Senate

Lewis D. McManus
Speaker House of Delegates

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

Arha. Square Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/22/71

Time 12 noon

RECEIVED

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA