

No. 1373

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 1373.

(By ~~Mr.~~ Del. Starcher & Del. Faircloth)

— ● —

Passed March 5, 1984

In Effect July 1, 1984 Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1373

(By DELEGATE STARCHER and DELEGATE FAIRCLOTH)

(Originating in the House Committee on Finance)

[Passed March 5, 1984; in effect July 1, 1984.]

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:

CLAIMS AGAINST THE STATE.

§1. Finding and declaring certain claims against the alcohol beverage control commissioner; attorney general; Blennerhassett historical park commission; board of regents; department of agriculture; department of corrections; department of finance and administration; department of health; department of highways; department of human services; department of motor vehicles; department of natural resources; department of public safety; division of vocational rehabilitation; human rights commission; public employees insurance board; public legal services; secretary of state; state auditor; state tax department; supreme court of appeals; and West Virginia radiologic technology board of examiners, to be moral obligations of the state and directing payment thereof.

1 The Legislature has considered the findings of fact and

2 recommendations reported to it by the court of claims con-
 3 cerning various claims against the state and agencies thereof,
 4 and in respect to each of the following claims the Legislature
 5 adopts those findings of fact as its own, and hereby declares
 6 it to be the moral obligation of the state to pay each such
 7 claim in the amount specified below, and directs the auditor
 8 to issue warrants for the payment thereof out of any fund
 9 appropriated and available for the purpose.

10 (a) *Claim against the Alcohol Beverage Control*
 11 *Commissioner:*

12 (TO BE PAID FROM SPECIAL REVENUE FUND)

13 (1) Pauline G. Malcomb \$ 3,000.00

14 (b) *Claim against the Attorney General:*

15 (TO BE PAID FROM GENERAL REVENUE FUND)

16 (1) Phyllis Jean Cole, Clerk of the Circuit
 17 Court of Kanawha County \$ 15.00

18 (c) *Claim against the Blennerhassett Historical*
 19 *Park Commission:*

20 (TO BE PAID FROM SPECIAL REVENUE FUND)

21 (1) Kanawha River Docking and
 22 Marine, Inc. \$ 983.40

23 (d) *Claims against the Board of Regents:*

24 (TO BE PAID FROM GENERAL REVENUE FUND)

25 (1) Bailey, Incorporated \$ 131.01
 26 (2) Donald F. Udell \$ 102.00

27 (TO BE PAID FROM SPECIAL REVENUE FUND)

28 (1) Appalachian Engineers, Inc. \$ 9,434.53
 29 from Acct. No. 8600
 30 (2) Bethany L. Browning \$ 75.72
 31 from Acct. No. 9280-00
 32 (3) Judith Ann Hall \$ 469.41
 33 from Acct. No. 9280-00
 34 (4) Fannie Lee Malone \$ 656.00
 35 from Acct. No. 9280-00

36	(5)	Andrew S. McGalla	\$	610.00
37		from Acct. No. 9280-01		
38	(6)	Nora A. Miller	\$	225.00
39		from Acct. No. 9280-00		
40	(7)	New River Building Company	\$	40,779.08
41		from Acct. No. 8835		
42	(8)	S. S. Logan Packing Company	\$	819.86
43		from Acct. No. 8628		
44	(9)	Edward Sowell	\$	456.00
45		from Acct. No. 8610-40		
46	(10)	Elaine B. Stemple	\$	150.00
47		from Acct. No. 9280-00		
48	(11)	Bobbie E. Stevens	\$	467.04
49		from Acct. No. 8610-40		
50	(12)	Whitten Corporation	\$	18,627.20
51		from Acct. No. 8860-79		

52 (e) *Claim against the Department of*
 53 *Agriculture:*

54 (TO BE PAID FROM GENERAL REVENUE FUND)

55	(1)	Goodyear Tire and Rubber Company		
56		(The)	\$	174.54

57 (f) *Claims against the Department of*
 58 *Corrections:*

59 (TO BE PAID FROM GENERAL REVENUE FUND)

60	(1)	Zeik Auvil	\$	519.00
61	(2)	C. W. Lewis, Inc.	\$	410.20

62 (g) *Claims against the Department of*
 63 *Finance and Administration:*

64 (TO BE PAID FROM GENERAL REVENUE FUND)

65	(1)	Avery Label, Div. of Avery		
66		International	\$	100.00
67	(2)	Consolidated Rail Corporation	\$	1,950.00
68	(3)	Johnson Controls, Inc.	\$	6,676.63
69	(4)	Sperry Univac	\$	3,057.00

70 (h) *Claims against the Department of Health:*

71 (TO BE PAID FROM GENERAL REVENUE FUND)

72	(1)	A. H. Robins Company	\$	208.68
73	(2)	Beckman Instruments, Inc.	\$	198.50
74	(3)	Aaron D. Cottle	\$	45.00
75	(4)	Goodwin Drug Company	\$	47.39
76	(5)	Holzer Medical Center	\$	99.00
77	(6)	Kramer's Photo Supply, Inc.	\$	31.79
78	(7)	Randy Paul Lowe	\$	15.00
79	(8)	Michie Company (The)	\$	163.31
80	(9)	Miller's Implement, Inc.	\$	92.65
81	(10)	Francis L. Parker	\$	8,000.00
82	(11)	Roane General Hospital	\$	1,020.03
83	(12)	Lillian Rose	\$	10.50
84	(13)	Edwin O. Walker	\$	30.00
85	(14)	Pearl Patsy Webb	\$	36.00
86	(15)	West Virginia Telephone Company	\$	274.64

87 (i) *Claims against the Department of Highways:*

88 (TO BE PAID FROM STATE ROAD FUND)

89	(1)	Terry Ahalt	\$	172.46
90	(2)	Wayne K. Baker, d/b/a Baker Coal		
91		Company	\$	9,000.00
92	(3)	James Burcham and Patricia		
93		J. Burcham	\$	1,605.33
94	(4)	Armeda Jean Bush	\$	1,050.00
95	(5)	Butler Corporation	\$	752.00
96	(6)	Stella Cecil, Admin. of the Estate of		
97		O'Dell M. Cecil, deceased	\$	137,328.25
98	(7)	City of Shinnston	\$	801.50
99	(8)	Betty Cook	\$	18,910.00
100	(9)	Larry R. Dexter & Sharon K. Dexter	\$	375.61
101	(10)	Dial-Page	\$	250.00
102	(11)	Foster & Creighton Company and		
103		Vecellio & Grogan, Inc.	\$	2,499.74
104	(12)	Millard A. Harmon	\$	14,805.79
105	(13)	U. G. Harrison and Edna Harrison	\$	8,800.00
106	(14)	Lois V. Haynes and E. Robert Haynes ..	\$	50,000.00

107	(15)	High Voltage Systems, Inc.	\$ 59,415.88
108	(16)	George B. Hissom	\$ 106.91
109	(17)	Clyde Holloway, as next friend of	
110		Kay Lee Holloway	\$ 1,252.57
111	(18)	Interstate Equipment Sales, Inc.	\$ 10,100.00
112	(19)	James C. Dawes Company, Inc.	\$ 912.00
113	(20)	James E. Jones and Ruth Jones	\$ 5,000.00
114	(21)	Mr. and Mrs. David Leadman	\$ 1,500.00
115	(22)	Norman Lewis	\$ 3,000.00
116	(23)	Logan Corporation	\$ 1,089.50
117	(24)	Mabscott Supply Company	\$ 529.00
118	(25)	Fred Marcum	\$ 275.92
119	(26)	Robert Marcum and Loretta Marcum ..	\$ 10,799.00
120	(27)	Elsie Mast	\$ 20,700.62
121	(28)	Elsie Mast and Willis Mast, d/b/a	
122		Willis Mast Livestock Trucking	\$ 1,000.00
123	(29)	Elliott E. Maynard, III	\$ 4,953.00
124	(30)	Lillian Akers Meade, Admin. of the	
125		Estate of Gary Wayne Akers, deceased	\$ 44,050.34
126	(31)	Lillian Akers Meade, as guardian	
127		for and on behalf of Christopher	
128		Lewis Akers	\$ 38,061.33
129	(32)	Lillian Akers Meade, as guardian	
130		for and on behalf of Steven	
131		Wayne Akers	\$ 38,061.33
132	(33)	Paul E. Miller and	
133		Marguerite Miller	\$ 39,000.00
134	(34)	William G. Poling and	
135		Delores J. Poling	\$ 500.00
136	(35)	Brenda Ann Poole and	
137		Michael Ray Poole	\$ 125.50
138	(36)	Shelly & Sands, Inc.	\$ 50,665.56
139	(37)	Melvin Sickles	\$ 444.00
140	(38)	Sandra Stiltner	\$ 453.11
141	(39)	Charles D. Stout and Joyce L. Stout	\$ 1,000.00
142	(40)	Harold C. Swiger	\$ 292.01
143	(41)	Vecellio & Grogan, Inc.	\$ 14,842.20
144	(42)	Wayne Concrete Company	\$ 13,477.88
145	(43)	John J. Wright	\$ 1,350.00
146	(44)	Peter Yerkovich, Jr.	\$ 84.62

147 (j) *Claim against the Department of Human Services:*

148 (TO BE PAID FROM GENERAL REVENUE FUND)

149 (1) John Casey Peters \$ 2,040.03

150 (k) *Claims against the Department of*
151 *Motor Vehicles:*

152 (TO BE PAID FROM STATE ROAD FUND)

153 (1) Moore Business Forms, Inc. \$ 763.92

154 (2) Pendleton County Bank \$ 274.67

155 (3) 3M Company \$ 3,828.00

156 (l) *Claim against the Department of*
157 *Natural Resources:*

158 (TO BE PAID FROM GENERAL REVENUE FUND)

159 (1) Lawhead Press, Inc. (The) \$ 561.05

160 (m) *Claims against the Department of*
161 *Public Safety:*

162 (TO BE PAID FROM GENERAL REVENUE FUND)

163 (1) Appalachian Power Company \$ 136.16

164 (2) Eagle Coal and Dock Company, Inc. .. \$ 5,950.00

165 (3) Greenbrier Valley Soil
166 Conservation District \$ 338.10

167 (4) Hanover Shoe, Inc. (The) \$ 1,511.40

168 (5) Machinery & Systems Division,
169 a Division of Carrier Corp. \$ 833.00

170 (6) Pagano Industries, Inc. \$ 1,560.00

171 (7) Thompson's of Morgantown, Inc. \$ 295.32

172 (n) *Claim against the Division of*
173 *Vocational Rehabilitation:*

174 (TO BE PAID FROM SPECIAL REVENUE FUND)

175 (1) Roentgen Diagnostics, Inc. \$ 75.00

176 (o) *Claim against the Human Rights Commission:*

177 (TO BE PAID FROM GENERAL REVENUE FUND)

178 (1) Janet T. Surface \$ 46.09

179 (p) *Claim against Public Employees*
 180 *Insurance Board:*
 181 (TO BE PAID FROM GENERAL REVENUE FUND)
 182 (1) Vera B. Ramsey \$ 332.76
 183 (q) *Claim against Public Legal Services:*
 184 (TO BE PAID FROM GENERAL REVENUE FUND)
 185 (1) John R. Lukens \$ 441.15
 186 (r) *Claims against the Secretary of State:*
 187 (TO BE PAID FROM GENERAL REVENUE FUND)
 188 (1) Moore Business Forms, Inc. \$ 774.55
 189 (2) Simplex Time Recorder Co. \$ 505.76
 190 (s) *Claim against the State Auditor:*
 191 (TO BE PAID FROM GENERAL REVENUE FUND)
 192 (1) Department of Employment Security .. \$168,881.28
 193 (t) *Claim against the State Tax Department:*
 194 (TO BE PAID FROM GENERAL REVENUE FUND)
 195 (1) Standard Publishing \$ 1,304.00
 196 (u) *Claims against the Supreme*
 197 *Court of Appeals:*
 198 (TO BE PAID FROM GENERAL REVENUE FUND)
 199 (1) Judy W. Chontos \$ 56.80
 200 (2) Lawyers Co-Operative Publishing
 201 Company \$ 6,865.65
 202 (v) *Claim against the West Virginia*
 203 *Radiologic Technology Board*
 204 *of Examiners:*
 205 (TO BE PAID FROM SPECIAL REVENUE FUND)
 206 (1) Elvin D. Slater \$ 109.20
 207 The Legislature finds that the above moral obligations and
 208 the appropriations made in satisfaction thereof shall be the

209 full compensation for all claimants, and that prior to the pay-
210 ments to any claimant provided for in this bill, the court of
211 claims shall receive a release from said claimant releasing any
212 and all claims for moral obligations arising from the mat-
213 ters considered by the Legislature in the finding of the moral
214 obligations and the making of the appropriations for said
215 claimant. The court of claims shall deliver all releases ob-
216 tained from claimants to the department against which the
217 claim was allowed.

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

James L. Davis
Chairman Senate Committee

Arnold Gress
Chairman House Committee

Originating in the House.

Takes effect July 1, 1984.

Todd C. Winters
Clerk of the Senate

Donald L. Legg
Clerk of the House of Delegates

Robert R. McLean
President of the Senate

Walter M. Lee, Jr.
Speaker House of Delegates

The within is approved this the 19
day of March, 1984.

John S. Shaw
Governor

PROCEIVED

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OFFICE
SECY. OF STATE