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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

— ● —

# ENROLLED

HOUSE BILL No. 2426

(By ~~Mr.~~ Del. Seawist + Helmick)

— ● —

Passed April 4, 1989

In Effect Ninety Days From Passage

**ENROLLED**  
**H. B. 2426**

(By DELEGATES SEACRIST AND HELMICK)

[Passed April 4, 1989; in effect ~~ninety~~ <sup>90</sup> days from passage.] *2/20/89*

AN ACT finding and declaring a certain claim against the state and its agency to be a moral obligation of the state and directing the auditor to issue a warrant for the payment thereof.

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

**CLAIM AGAINST THE STATE.**

**§1. Finding and declaring a certain claim against the department of education to be a moral obligation 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 services  
3 rendered by a certain claimant herein and has consid-  
4 ered this claim against the state agency thereof, which  
5 has arisen due to an over-expenditure of the departmen-  
6 tal appropriations by officers of such state spending  
7 unit, such claim having been previously considered by  
8 the court of claims which also found that the state has  
9 received the benefit of the services rendered by the  
10 claimant, but was denied by the court of claims on the  
11 purely statutory grounds that to allow such claim would  
12 be condoning illegal acts contrary to the laws of the  
13 state. The Legislature pursuant to its findings of fact  
14 and also by the adoption of the findings of fact by the  
15 court of claims as its own, and, while not condoning such  
16 illegal acts, hereby declares it to be the moral obligation

17 of the state to pay this claim in the amount specified  
18 below, and directs the auditor to issue a warrant upon  
19 receipt of a properly executed requisition supported by  
20 an itemized invoice, statement or other satisfactory  
21 document as required by section ten, article three,  
22 chapter twelve of the code of West Virginia, one  
23 thousand nine hundred thirty-one, as amended, for the  
24 payment thereof out of any fund appropriated and  
25 available for the purpose.

26 *Claim against the Department of Education:*

27 (TO BE PAID FROM GENERAL REVENUE FUND)

28 Lester R. Lucas, Jr. .... \$ 4,911.47

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

*Frederick L. Parker*  
Chairman Senate Committee

*Bernard V. Kelly*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Joseph C. Nichols*  
Clerk of the Senate

*Donald J. Hogg*  
Clerk of the House of Delegates

*For a Turner*  
President of the Senate

*Robert White*  
Speaker of the House of Delegates

The within *is* approved this the *24<sup>th</sup>*  
day of *April* 1989.

*Gaston Caperton*  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/1/89

Time 11:41