

No. 615

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989



ENROLLED

SENATE BILL NO. 615

*(Originating in the Committee
By Senate on Finance)*



PASSED April 8, 1989

In Effect from Passage

ENROLLED
Senate Bill No. 615

(ORIGINATING IN THE COMMITTEE ON FINANCE.)

[Passed April 8, 1989; in effect from passage.]

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 payment 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; nonintoxicating beer commission; department of corrections; department of culture and history; department of education; educational broadcasting authority; department of finance and administration; governor's office; department of health; department of health - office of the chief medical examiner; department of highways; human rights commission; department of human services; department of motor vehicles; department of natural resources; board of probation and parole; public employees insurance agency; department of public safety; public service commission; board of

regents; state board of rehabilitation; secretary of state; state tax department; treasurer's office; water resources board; and workers' compensation fund, to be moral obligations of the state and directing payment thereof; and finding and declaring a claim against the state for unjust arrest and imprisonment to be a moral obligation of the state and directing payment thereof.

1 The Legislature has considered the findings of fact
2 and recommendations reported to it by the court of
3 claims concerning various claims against the state and
4 agencies thereof, and in respect to each of the follow-
5 ing claims the Legislature adopts those findings of fact
6 as its own, and in respect of certain claims herein, the
7 Legislature has independently made findings of fact
8 and determinations of award and hereby declares it to
9 be the moral obligation of the state to pay each such
10 claim in the amount specified below, and directs the
11 auditor to issue warrants for the payment thereof out
12 of any fund appropriated and available for the purpose.

13 (a) *Claims against the Alcohol Beverage Control*
14 *Commissioner:*

15 (TO BE PAID FROM SPECIAL REVENUE FUND)

16	(1)	The City of Charleston	\$	292.65
17	(2)	Riley's Department Store, Inc	\$	235.22

18 (b) *Claims against the Attorney General:*

19 (TO BE PAID FROM GENERAL REVENUE FUND)

20	(1)	Paul T. Camilletti	\$	5,600.50
21	(2)	Career Track, Inc	\$	85.00
22	(3)	West Publishing Company	\$	7,282.69

23 (c) *Claims against the Nonintoxicating Beer*
24 *Commission:*

25 (TO BE PAID FROM GENERAL REVENUE FUND)

26	(1)	AT & T Communications, Inc.	\$	3.22
27	(2)	Atomic Distributing Company	\$	53.46

28 (d) *Claims against the Department of Corrections:*

29 (TO BE PAID FROM GENERAL REVENUE FUND)

30	(1)	AT & T Communications, Inc.	\$	174.48
31	(2)	Sanford Clegg, III	\$	4,691.20
32	(3)	Davis Memorial Hospital	\$	560.45
33	(4)	John XXIII, Pastoral Center	\$	298.00
34	(5)	Levin Auto Parts, Inc.....	\$	752.79
35	(6)	National Laboratories	\$	946.09
36	(7)	Samuel K. Roberts	\$	260.00
37	(8)	Lee E. Smith, M.D. and Robert M.		
38		Jones, M.D., P.C.	\$	2,045.00
39	(9)	Thoracic and Cardiovascular		
40		Surgery, Inc.	\$	764.79
41	(10)	Tincher Dental Laboratory	\$	216.77
42	(11)	Wheeling Clinic	\$	2,025.00
43	(12)	Williams Generics, Inc.	\$	588.19
44	(13)	Xerox Corporation	\$	699.35
45	(14)	Youth Services System, Inc.....	\$	290.22

46 (e) *Claim against the Department of Culture and*
 47 *History:*

48 (TO BE PAID FROM GENERAL REVENUE FUND)

49	(1)	AT & T Communications, Inc.	\$	324.06
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50 (f) *Claims against the Department of Education:*

51 (TO BE PAID FROM GENERAL REVENUE FUND)

52	(1)	Bell Atlanticom Systems, Inc.....	\$	3,141.12
53	(2)	Sherry Lynne Perkey	\$	199.00
54	(3)	Mary Pheasant	\$	204.00
55	(4)	Stephanie R. Short	\$	210.00
56	(5)	Lucy Snyder	\$	2,032.00
57	(6)	Rodney C. Stansberry	\$	504.00

58 (g) *Claims against the Educational Broadcasting*
 59 *Authority:*

60 (TO BE PAID FROM GENERAL REVENUE FUND)

61	(1)	Myra Lowery	\$	700.00
62	(2)	Wesco Equipment, Inc.	\$	6,973.50

63 (h) *Claim against the Department of Finance and*
 64 *Administration:*

65		(TO BE PAID FROM GENERAL REVENUE FUND)	
66	(1)	Xerox Corporation	\$ 5,050.57
67	(i)	<i>Claims against the Governor's Office:</i>	
68		(TO BE PAID FROM GENERAL REVENUE FUND)	
69	(1)	John P. Bailey	\$ 2,036.25
70	(2)	Frederick E. Gardner	\$ 1,532.50
71	(3)	Robert W. Kagler	\$ 5,615.00
72	(4)	Michael E. Kelly	\$ 7,599.50
73	(5)	Jeffrey V. Kessler	\$ \$ 12,390.00
74	(6)	J. Thomas Madden	\$ 5,229.20
75	(7)	Michael W. McGuane	\$ 6,065.00
76	(8)	Town of Harrisville	\$ 40,500.00
77	(j)	<i>Claims against the Department of Health:</i>	
78		(TO BE PAID FROM GENERAL REVENUE FUND)	
79	(1)	David M. Baker	\$ 996.45
80	(2)	Patricia Butcher	\$ 39.65
81	(3)	Walter Allen Clark, II	\$ 30.55
82	(4)	Beulah Cohernour	\$ 447.74
83	(5)	Donald Cohernour	\$ 68.34
84	(6)	Gladys Sluss Cox	\$ 950.61
85	(7)	Erma Hagerman	\$ 19.79
86	(8)	Rebecca Hassan	\$ 663.31
87	(9)	Wendell Hiett	\$ 20.00
88	(10)	Joseph N. Hurley	\$ 58.00
89	(11)	Lee A. Johnson	\$ 1,799.20
90	(12)	Sadie Jones	\$ 13.75
91	(13)	Steve Lambe	\$ 10.00
92	(14)	Sharon Lansdale	\$ 1,465.40
93	(15)	Manpower Temporary Services ...	\$ 731.50
94	(16)	Sunil Mehta	\$ 1,760.10
95	(17)	Chloie Lynn Osborne	\$ 10.00
96	(18)	Otis Elevator Company	\$ 971.84
97	(19)	Warren R. Pistey	\$ 50.00
98	(20)	Potomac Comprehensive	
99		Diagnostic and Guidance	
100		Center, Inc.	\$ 106,354.00
101	(21)	Alana Rose	\$ 1,455.49
102	(22)	Gordon Eric Runyon	\$ 217.96
103	(23)	Marsha Runyon	\$ 286.73

104	(24)	Kellie Saunders.....	\$	86.95
105	(25)	Mildred Sayre	\$	1,555.70
106	(26)	Stonewall Jackson		
107		Memorial Hospital	\$	3,334.58
108	(27)	Genevieve Taylor	\$	2,965.94
109	(28)	Timothy Tolliver	\$	180.95
110	(29)	Xerox Corporation	\$	2,595.80

111 (k) *Claims against the Department of Health - Office*
 112 *of the Chief Medical Examiner:*

113 (TO BE PAID FROM GENERAL REVENUE FUND)

114	(1)	Joe Adams	\$	50.00
115	(2)	James C. Bosley, M.D.	\$	150.00
116	(3)	John J. Keefe, M.D.	\$	150.00
117	(4)	James M. Marsh, M.D.	\$	150.00
118	(5)	J. Keith Pickens, M.D.	\$	250.00

119 (l) *Claims against the Department of Highways:*

120 (TO BE PAID FROM STATE ROAD FUND)

121	(1)	Aetna Casualty & Surety, subrogee		
122		of Dianna Rinehart Jones	\$	301.20
123	(2)	Carol J. Baker	\$	90.00
124	(3)	Barboursville Bridge Company	\$	136,426.00
125	(4)	Alice Hope Bomboy and		
126		David Lynn Bomboy	\$	694.67
127	(5)	Barry M. Doss and Kathy L. Doss	\$	100.00
128	(6)	Diane Earliwine	\$	259.58
129	(7)	William Ray Fitzwater	\$	32,040.00
130	(8)	Helen Hanson and Howard Hanson	\$	2,500.00
131	(9)	Jo Ellen Lagowski	\$	275.00
132	(10)	The Lane Construction		
133		Corporation	\$	517,478.00
134	(11)	Jarvey G. Marcum	\$	7,200.00
135	(12)	Roy Paul Messer	\$	10,000.00
136	(13)	Dave Minch and Barbara Minch ...	\$	100.96
137	(14)	John M. Pratt	\$	258.86
138	(15)	State Farm Mutual Automobile		
139		Insurance Company, as subrogee of		
140		Pamela Reid and Howard Reid	\$	350.30
141	(16)	Peggy Stover	\$	270.60
142	(17)	Jeanette E. Straw	\$	388.66

143	(18)	Lawrence Terrell and		
144		Sarah Terrell.....	\$	9,000.00
145	(19)	Virgie Mae Varney	\$	15,000.00
146	(20)	William Ernest Varney.....	\$	5,000.00
147	(m)	<i>Claims against the Human Rights Commission:</i>		
148		(TO BE PAID FROM GENERAL REVENUE FUND)		
149	(1)	AAA Court Reporting	\$	115.05
150	(2)	Phyllis H. Edens, CCR, Inc.	\$	519.70
151	(3)	Sheriff-Treasurer/Marion County	\$	5.00
152	(4)	Paul R. Stone	\$	1,306.23
153	(n)	<i>Claims against the Department of Human Services:</i>		
154		(TO BE PAID FROM SPECIAL REVENUE FUND)		
155	(1)	Rolando Ugalde Layos	\$	32,000.00
156	(2)	Olympic Center-Preston.....	\$	1,100.00
157	(o)	<i>Claim against the Department of Motor Vehicles:</i>		
158		(TO BE PAID FROM STATE ROAD FUND)		
159	(1)	Harold Casto	\$	400.00
160	(p)	<i>Claim against the Department of Natural Resources:</i>		
161		(TO BE PAID FROM GENERAL REVENUE FUND)		
162	(1)	Motorola C & E, Inc.	\$	1,773.99
163	(q)	<i>Claim against the Board of Probation and Parole:</i>		
164		(TO BE PAID FROM GENERAL REVENUE FUND)		
165	(1)	AT & T Communications, Inc.	\$	2.67
166	(r)	<i>Claim against the Public Employees Insurance</i>		
167		<i>Agency:</i>		
168		(TO BE PAID FROM GENERAL REVENUE FUND)		
169	(1)	West Virginia University		
170		Hospitals, Inc.	\$	15,445.72
171	(s)	<i>Claims against the Department of Public Safety:</i>		
172		(TO BE PAID FROM GENERAL REVENUE FUND)		
173	(1)	Beaver Family Care Associates	\$	97.60
174	(2)	Chesapeake and Potomac		

175	Telephone Company of West		
176	Virginia	\$	200.00
177	(3) St. Francis Hospital	\$	227.20

178 (t) *Claim against the Public Service Commission:*

179 (TO BE PAID FROM SPECIAL REVENUE FUND)

180	(1) R. L. Banks & Associates, Inc.	\$	4,799.00
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181 (u) *Claims against the Board of Regents:*

182 (TO BE PAID FROM GENERAL REVENUE FUND)

183	(1) Casto Technical Services, Inc.	\$	1,604.00
184	(2) Bernard Dickter	\$	92.74
185	(3) Cecil Watson	\$	1,205.55
186	(4) Xerox Corporation	\$	3,553.04

187 (TO BE PAID FROM SPECIAL REVENUE FUND)

188 from Acct. No. 8855

189	(1) Kirby Electric Company	\$	107,835.04
190	(2) Mellon-Stuart Company	\$	638,346.33

191 (v) *Claims against the State Board of Rehabilitation:*

192 (TO BE PAID FROM FEDERAL FUNDS)

193 from Acct. No. 7873

194	(1) C. Lee Dunnavant, Jr.	\$	2,180.00
195	(2) Michael P. King	\$	2,616.50
196	(3) Process-Strategies Institute	\$	899.00

197 (w) *Claims against the Secretary of State:*

198 (TO BE PAID FROM GENERAL REVENUE FUND)

199	(1) Moore Business Forms, Inc.		
200	& Systems Division	\$	1,290.20
201	(2) Xerox Corporation	\$	578.49

202 (x) *Claims against the State Tax Department:*

203 (TO BE PAID FROM GENERAL REVENUE FUND)

204	(1) Bell Atlanticom Systems, Inc.	\$	1,022.94
205	(2) Joe L. Smith, Jr., Inc./BJW		
206	Printers Div.	\$	6,880.00
207	(3) Pentree, Inc.	\$	182,100.00

208 (y) *Claim against the State Treasurer:*

209 (TO BE PAID FROM GENERAL REVENUE FUND)

210 (1) H. John Rogers \$ 2,937.00

211 (z) *Claim against the Water Resources Board:*

212 (TO BE PAID FROM GENERAL REVENUE FUND)

213 (1) AT & T Communications, Inc. \$ 5.20

214 (aa) *Claims against the Workers' Compensation Fund:*

215 (TO BE PAID FROM WORKERS' COMPENSATION FUND)

216 (1) Executone/Mountain State
 217 Communications, Inc. \$ 1,872.30
 218 (2) Xerox Corporation \$ 837.00

219 The Legislature finds the following claim to be a
 220 moral obligation of the State of West Virginia for
 221 unjust arrest and imprisonment or conviction and
 222 imprisonment.

223 (bb) *Claim against the State of West Virginia:*

224 (TO BE PAID FROM GENERAL REVENUE FUND)

225 (1) William C. Edens, Jr. \$ 20,000.00

226 The Legislature finds that the above moral obliga-
 227 tions and the appropriations made in satisfaction
 228 thereof shall be the full compensation for all clai-
 229 mants, and that prior to the payments to any claimant
 230 provided for in this bill, the court of claims shall
 231 receive a release from said claimant releasing any and
 232 all claims for moral obligations arising from the
 233 matters considered by the Legislature in the finding of
 234 the moral obligations and the making of the appropri-
 235 ations for said claimant. The court of claims shall
 236 deliver all releases obtained from claimants to the
 237 department against which the claim was allowed.
 238 *Provided,* That the claim of the Board of Education of
 239 the County of McDowell against the West Virginia
 240 State Board of Education for \$2,305,816.60 shall be
 241 recertified by the clerk of the court of claims to the
 242 Legislature next year.

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

Frederick L. Rosen
.....
Chairman Senate Committee

J. L. Sotter
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Joel C. Miller
.....
Clerk of the Senate

Donald L. Hogg
.....
Clerk of the House of Delegates

Sam R. Tucker
.....
President of the Senate

Bob [Signature]
.....
Speaker House of Delegates

The within *is approved* this the *25th*
day of *April* 198*8*

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/19/89

Time 4:50