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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1991

ENROLLED

SENATE BILL NO. 625
(Originating in the Committee
(~~By Senator~~ on Finance)

PASSED March 7, **1991**

In Effect July 1, 1991 ~~Passage~~

ENROLLED

Senate Bill No. 625

(Originating in the Committee on Finance)

[Passed March 7, 1991; to take effect July 1, 1991.]

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 adjutant general; alcohol beverage control administration; attorney general; board of education; board of trustees of the university of West Virginia; commission on aging; department of administration; department of health and human resources; department of public safety; department of tax and revenue; department of veterans affairs; division of corrections; division of culture and history; division of forestry; division of highways; division of motor vehicles; division of tourism and parks; ethics commission; farm management commission; governor's office of community and industrial development; human rights commission; public employees insurance agency; railroad maintenance authority; real estate commission; state trea-**

surer; supreme court of appeals; and West Virginia public defender services; workers' compensation fund, to be moral obligations of the state and directing payment thereof.

The Legislature has considered the findings of fact and recommendations reported to it by the court of claims concerning various claims against the state and agencies thereof, and in respect to each of the following claims the Legislature adopts those findings of fact as its own, and in respect of certain claims herein, the Legislature has independently made findings of fact and determinations of award and hereby declares it to be the moral obligation of the state to pay each such claim in the amount specified below, and directs the auditor to issue warrants for the payment thereof out of any fund appropriated and available for the purpose.

(a) *Claims against the Adjutant General:*

(TO BE PAID FROM GENERAL REVENUE FUND)

(1)	Appalachian Power Company .....$	1,971.62
(2)	Enviro-San, Inc .....$	33.00
(3)	West Virginia Power Gas Service $	3,171.71

(b) *Claims against the Alcohol Beverage Control Administration:*

(TO BE PAID FROM SPECIAL REVENUE FUND)

(1)	Greenbrier County Public Service District No. 2.....$	235.17
(2)	J. Don McClung.....$	76.80
(3)	Ryder Truck Rental, Inc .....$	1,607.17

(c) *Claims against the Attorney General:*

(TO BE PAID FROM GENERAL REVENUE FUND)

(1)	American Telephone and Telegraph Company .....$	1,378.77
(2)	Federal Express Corporation .....$	39.00
(3)	Government Institutes, Inc .....$	52.50
(4)	National Association of Attorneys General .....$	225.00
(5)	National Business Institute, Inc ...$	420.00

(6) Barbara Steinke .....$ 381.75
(7) Viking Way Limited Partnership $ 74.59
(8) Xerox Corporation .....$ 2,864.47

(d) *Claims against the Board of Education:*

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) The Board of Education of the
County of McDowell et al .....$ 461,163.32

That $461,163.32 shall be paid during the time period beginning the first day of July, one thousand nine hundred ninety-one, and ending the last day of June, one thousand nine hundred ninety-two; that $461,163.32 shall be paid during the time period beginning the first day of July, one thousand nine hundred ninety-two, and ending the last day of June, one thousand nine hundred ninety-three; that $461,163.32 shall be paid during the time period beginning the first day of July, one thousand nine hundred ninety-three, and ending the last day of June, one thousand nine hundred ninety-four; that $461,163.32 shall be paid during the time period beginning the first day of July, one thousand nine hundred ninety-four, and ending the last day of June, one thousand nine hundred ninety-five: *Provided,* That the Board of Education of the County of McDowell shall be paid the full amount provided for in this bill no later than the last day of June, one thousand nine hundred ninety-five.

(2) The Board of Education of the
County of Grant .....$ 336,049.05

That $336,049.05 shall be paid during the time period beginning the first day of July, one thousand nine hundred ninety-one, and ending the last day of June, one thousand nine hundred ninety-two: *Provided,* That the Board of Education of the County of Grant shall be paid the full amount provided for in this bill no later than the last day of June, one thousand nine hundred ninety-two.

(3) The Board of Education of the
County of Ritchie .....$ 198,318.00

That $198,318.00 shall be paid during the time period

beginning the first day of July, one thousand nine hundred ninety-one, and ending the last day of June, one thousand nine hundred ninety-two: *Provided,* That the Board of Education of the County of Ritchie shall be paid the full amount provided for in this bill no later than the last day of June, one thousand nine hundred ninety-two.

(e) *Claims against the Board of Trustees of the University of West Virginia:*

(TO BE PAID FROM SPECIAL REVENUE FUND)

(1)	Larry James Williams.....$	844.23
(2)	Xerox Corporation.....$	6,001.45

(f) *Claim against the Commission on Aging:*

(TO BE PAID FROM GENERAL REVENUE FUND)

(1)	Robert C. Bianchinotti .....$	576.00

(g) *Claim against the Department of Administration:*

(TO BE PAID FROM GENERAL REVENUE FUND)

(1)	William F. Moore .....$	32.78

(h) *Claims against the Department of Health and Human Resources:*

(TO BE PAID FROM GENERAL REVENUE FUND)

(1)	Area Psychiatric and Psychotherapy Group .....$	2,205.00
(2)	The Douglas Mortuary .....$	325.00
(3)	Greenbrier Medical Arts Pharmacy .....$	290.62
(4)	Hamilton Business Systems .....$	375.00
(5)	HCA River Park Hospital, formerly known as HCA Huntington Hospital .....$	2,979.00
(6)	Manpower Temporary Services ...$	105.40
(7)	Res-Care, Inc .....$	182,299.45
(8)	Saint Albans Psychiatric Hospital .....$	18,560.00
(9)	Allan Saoud, D.O. .....$	450.00
(10)	Scott Funeral Home, Inc .....$	800.00

(11) Mary Swim .....$ 10,000.00
(12) Xerox Corporation .....$ 7,639.76

(i) *Claims against the Department of Public Safety:*

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) Kanawha Valley Radiologists.....$ 42.00
(2) Richard Wayne Kocher .....$ 25,000.00
(3) Orthopaedic Associates, Inc .....$ 74.00
(4) Charles Winkler, Sr .....$ 35,000.00

(j) *Claim against the Department of Tax and Revenue:*

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) F.W. Dodge .....$ 354.77

(k) *Claim against the Department of Veterans Affairs:*

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) AT&T .....$ 125.81

(l) *Claims against the Division of Corrections:*

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) Michael W. Blatt, M.D .....$ 865.00
(2) Builders Service and
Supply Company .....$ 542.46
(3) Cabell Huntington
Surgery Center .....$ 676.00
(4) County Commission of
Barbour County .....$ 2,850.00
(5) County Commission of
Cabell County .....$ 25,470.00
(6) County Commission of
Fayette County .....$ 35,184.17
(7) County Commission of
Gilmer County .....$ 2,415.00
(8) County Commission of
Greenbrier County .....$ 34,286.86
(9) County Commission of
Logan County.....$ 23,505.00
(10) County Commission of
Marion County .....$ 27,594.06
(11) County Commission of

		Marshall County	$ 1,669.97
	(12)	County Commission of McDowell County	$ 25,407.90
	(13)	County Commission of Mercer County	$ 46,605.00
	(14)	County Commission of Mineral County	$ 44,751.46
	(15)	County Commission of Mingo County	$ 15,290.00
	(16)	County Commission of Morgan County	$ 8,160.00
	(17)	County Commission of Nicholas County	$ 13,880.89
	(18)	County Commission of Pendleton County	$ 1,530.00
	(19)	County Commission of Putnam County	$ 5,295.00
	(20)	County Commission of Raleigh County	$ 31,597.62
	(21)	County Commission of Randolph County	$ 10,050.00
	(22)	County Commission of Roane County	$ 19,232.44
	(23)	County Commission of Wirt County	$ 1,407.29
	(24)	Nephrology Associates, Inc	$ 1,378.00
	(25)	Pinewood Medical Corporation	$ 212.00
	(26)	Princeton Community Hospital	$ 250.78
	(27)	Radiology, Inc	$ 27.00
	(28)	West Virginia University Hospital	$ 1,325.00
	(29)	James D. Weinstein	$ 150.00
	(30)	Wheeling Clinic	$ 410.75

(m) *Claims against the Division of Culture and History:*

(TO BE PAID FROM GENERAL REVENUE FUND)

(1)	Alpine Festival, Inc	$ 4,282.83
(2)	Charleston Cash Register Co., Inc	$ 1,688.00
(3)	Xerox Corporation	$ 310.00

(n) *Claims against the Division of Forestry:*

(TO BE PAID FROM GENERAL REVENUE FUND)

(1)	Robert E. Smith	$	483.04
(2)	Juergen Wildman	$	718.00
(3)	John L. Anderson	$	102.52
(4)	Phillip T. Carnell	$	481.85
(5)	James P. Owens	$	33.62
(6)	Joseph S. Jelich	$	354.91
(7)	Michael McWhorter	$	586.33
(8)	James P. Schaffner	$	3,192.37
(9)	Arthur J. Yagel, III	$	1,334.99
(10)	Charles E. Bowling	$	397.19
(11)	George P. Clarkson	$	400.98
(12)	Lawrence E. Cook	$	1,352.16
(13)	Robert S. Dameron	$	1,865.53
(14)	Walter L. Lester	$	596.27
(15)	Kevin I. Arnold	$	1,053.65
(16)	Howard M. Dempsey	$	361.44
(17)	James L. Dickerson	$	713.39
(18)	Tex Fields	$	950.59
(19)	Robert L. Hannah	$	522.27
(20)	John F. Looney	$	345.15
(21)	Craig M. Minton	$	649.43
(22)	Alan G. Sowards	$	662.15
(23)	Richard H. Strickland	$	1,246.34
(24)	Thomas E. Withrow	$	237.99
(25)	Edward D. Walker	$	1,307.24
(26)	Bernard R. Boggs	$	468.04
(27)	Marla Clifton	$	139.79
(28)	Thomas Halki	$	52.02
(29)	David Warner	$	652.72
(30)	Scott Eggerud	$	1,669.52
(31)	Stephen Forry	$	433.22
(32)	Jane Ohi	$	1,280.82
(33)	Earl Reaves, Jr	$	1,358.81
(34)	Joseph Taylor	$	996.24
(35)	Billy Sirk	$	42.36
(36)	John M. Gibson	$	526.06
(37)	Earl Bibb	$	214.04
(38)	Joseph Lilly	$	157.27
(39)	Avary McMillian	$	414.46
(40)	Woodrow Smith	$	449.59
(41)	Division of Forestry	$	4,073.27

227 (o) *Claims against the Division of Highways:*

228 (TO BE PAID FROM STATE ROAD FUND)

229	(1)	Paul H. Anderson	$ 1,666.67
230	(2)	Joe O. Baldwin and	
231		Elaine Baldwin	$ 200.00
232	(3)	Edith R. Bence	$ 1,666.67
233	(4)	Mary Berkley	$ 11,153.40
234	(5)	Craig Callison	$ 500.00
235	(6)	Trudy L. Corr	$ 341.78
236	(7)	Esther Deal	$ 1,400.00
237	(8)	Angela M. DeMary	$ 88.99
238	(9)	Berniece E. Fatony	$ 6,425.00
239	(10)	Kimberly D. Golden	$ 170.97
240	(11)	Neva D. Graziani	$ 231.28
241	(12)	David T. Holcomb, Jr	$ 800.00
242	(13)	Rodney Shawn Johnson	$ 3,000.00
243	(14)	L. G. DeFelice, Inc	$ 142,513.88
244	(15)	Connie Michael	$ 220.39
245	(16)	Mathilda Mae Miller	$ 1,666.66
246	(17)	Virgil O'Neal	$ 98.57
247	(18)	Junior J. Orsburn	$ 10,312.11
248	(19)	Margaret Orsburn	$ 1,000.00
249	(20)	Blanche Osborne and	
250		Arthur Osborne	$ 818.00
251	(21)	Wanita Sommerville	$ 100.00
252	(22)	Tri-State Asphalt Corporation	$ 10,030.45
253	(23)	Sheri Waggoner	$ 500.00
254	(24)	Westbrook Construction, Inc	$ 613,245.92
255	(25)	Bonnie H. Woody	$ 151.62
256	(26)	Chiquita Rose Yanero	$ 116.32
257	(27)	Betty J. Zator	$ 2,250.00

258 (p) *Claims against the Division of Tourism and Parks:*

259 (TO BE PAID FROM GENERAL REVENUE FUND)

260	(1)	Avis/Checker Leasing, Inc	$ 1,234.78
261	(2)	Hamilton Business Systems	$ 23.72
262	(3)	Cecil E. Lacy	$ 300.00

263 (q) *Claim against the Ethics Commission:*

264 (TO BE PAID FROM GENERAL REVENUE FUND)

(1) Lyne Ranson.....$ 2,037.50

(r) *Claims against the Farm Management Commission:*

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) Associated Fabricators, Inc .....$ 81.18
(2) Beckley Veterinary Hospital .....$ 265.50
(3) MGM/Farm City, Inc .....$ 330.36

(s) *Claim against the Governor's Office of Community and Industrial Development:*

(TO BE PAID FROM FEDERAL FUNDS)

from Account No. 7755-40

(1) Xerox Corporation.....$ 3,558.03

(t) *Claim against the Human Rights Commission:*

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) Bickley, Jacobs and Barkus,
Attorneys at Law .....$ 1,200.00

(u) *Claims against the Public Employees Insurance Agency:*

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) Donald A. Lewis .....$ 1,105.00
(2) Dewell D. White .....$ 12,060.00

(v) *Claim against the Railroad Maintenance Authority:*

(TO BE PAID FROM SPECIAL REVENUE FUND)

from Account No. 8344

(1) The Potomac Edison Company ....$ 480.17

(w) *Claim against the Real Estate Commission:*

(TO BE PAID FROM SPECIAL REVENUE FUND)

(1) Hamilton Business Systems .....$ 75.00

(x) *Claims against the State Treasurer:*

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) Ricoh Corporation .....$ 863.62
(2) H. John Rogers .....$ 1,194.00

(y) *Claims against the Supreme Court of Appeals:*

(TO BE PAID FROM GENERAL REVENUE FUND)

(1)	Gary E. Keller, Sheriff of Tyler County ..... $	11,003.65
(2)	Roche Biomedical Laboratories, Inc ..... $	4,938.00
(3)	Strategic Ventures, Inc ..... $	6,582.00

(z) *Claim against the West Virginia Public Defender Services:*

(TO BE PAID FROM GENERAL REVENUE FUND)

(1)	Earl F. Young ..... $	1,000.00

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

(TO BE PAID FROM WORKERS' COMPENSATION FUND)

(1)	American Telephone and Telegraph Company ..... $	46.98
(2)	Phyllis Haynes Edens, CCR, Inc ... $	43.20
(3)	Donna Sue Warman ..... $	62.50
(4)	Xerox Corporation ..... $	1,115.42

The Legislature finds that the above moral obligations and the appropriations made in satisfaction thereof shall be the full compensation for all claimants, and that prior to the payments to any claimant provided for in this bill, the court of claims shall receive a release from said claimant releasing any and all claims for moral obligations arising from the matters considered by the Legislature in the finding of the moral obligations and the making of the appropriations for said claimant. The court of claims shall deliver all releases obtained from claimants to the department against which the claim was allowed.

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

Homer Heck
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1991.

Darrell E. Adkins
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Keith Burdette
President of the Senate

Robert C. Chambers
Speaker House of Delegates

The within is approved this the 22nd day of March, 1991.

Gaston Caperton
Governor

PRESENTED TO THE
GOVERNOR
Date 3/20/91
Time 4:40pm