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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1992

ENROLLED

SENATE BILL NO. 594

Originating in the Committee
(By Senator on Finance)

PASSED March 6, 1992

In Effect July 1, 1992 ~~Passage~~

ENROLLED

Senate Bill No. 594

(Originating in the Committee on Finance.)

[Passed March 6, 1992; to take effect July 1, 1992.]

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 administration; attorney general; board of education; board of directors of the state college system; board of trustees of the university of West Virginia; department of administration; department of education; department of health and human resources; department of public safety; department of tax and revenue; division of banking; division of corrections; division of culture and history; division of environmental protection; division of highways; division of motor vehicles; division of personnel; educational broadcasting authority; governor's office of community and industrial development; regional jail and correctional facility authority; secretary of state; state

auditor's office; state fire marshal; state treasurer; supreme court of appeals; West Virginia education employees grievance board; and workers' compensation fund; and railroad maintenance authority, to be moral obligations 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 *Administration:*

15 (TO BE PAID FROM SPECIAL REVENUE FUND)

16	(1) Q. D. Wood	\$	96.80
17	(2) American Telephone and		
18	Telegraph Company	\$	116.80
19	(3) Mark Sellaro	\$	112.98
20	(4) Ferrellgas, Inc.	\$	162.52

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

22 (TO BE PAID FROM GENERAL REVENUE FUND)

23	(1) American Telephone and		
24	Telegraph Company	\$	16.48
25	(2) The Michie Company	\$	27.15
26	(3) West Publishing Company	\$	446.00
27	(4) Xerox Corporation	\$	1,616.06
28	(5) National Business Institute	\$	196.00

29 (c) *Claim against the Board of Directors of the State*
 30 *College System:*

31 (TO BE PAID FROM SPECIAL REVENUE FUND)

32	(1) Casto Technical Services	\$	16,401.00
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33 (d) *Claim against the Board of Education:*

34 (TO BE PAID FROM GENERAL REVENUE FUND)

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

37 That \$461,163.32 shall be paid during the time period
38 beginning the first day of July, one thousand nine
39 hundred ninety-two, and ending the last day of June,
40 one thousand nine hundred ninety-three; that
41 \$461,163.32 shall be paid during the time period begin-
42 ning the first day of July, one thousand nine hundred
43 ninety-three, and ending the last day of June, one
44 thousand nine hundred ninety-four; that \$461,163.32
45 shall be paid during the time period beginning the
46 first day of July, one thousand nine hundred ninety-
47 four: *Provided*, That the Board of Education of the
48 County of McDowell shall be paid the full amount
49 provided for in this bill no later than the last day of
50 June, one thousand nine hundred ninety-five.

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

53 (TO BE PAID FROM SPECIAL REVENUE FUND)

54	(1) Ann Marie Altizer	\$	1,144.00
55	(2) Xerox Corporation.....	\$	2,489.29
56	(3) Gayle Maurantonio	\$	52.75
57	(4) Miranda Reed	\$	50.00
58	(5) Emily Ann Shelton	\$	65.00
59	(6) Sylvia Torning.....	\$	35.00

60 (f) *Claims against the Department of Administration:*

61 (TO BE PAID FROM GENERAL REVENUE FUND)

62	(1) Carolyn Sue McCoy	\$	108.00
63	(2) The Michie Company	\$	148.15
64	(3) Hamilton Business Systems	\$	44.33
65	(4) Unijax.....	\$	151.80

66 (g) *Claim against the Department of Education:*

67 (TO BE PAID FROM GENERAL REVENUE FUND)

68	(1) Terry Ashworth	\$	165.00
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69 (h) *Claims against the Department of Health and*
70 *Human Resources:*

71 (TO BE PAID FROM GENERAL REVENUE FUND)

72	(1)	Allen Funeral Home	\$	400.00
73	(2)	Altmeyer Funeral		
74		Homes, Inc.	\$	400.00
75	(3)	Braley & Thompson, Inc.	\$	12,475.20
76	(4)	Community Council of		
77		Kanawha Valley, Inc.	\$	1,282.66
78	(5)	Davis-Weaver Funeral		
79		Home, Inc.	\$	400.00
80	(6)	Hastings Funeral Home, Inc.	\$	325.00
81	(7)	Kepner Funeral Homes, Inc.	\$	325.00
82	(8)	Franklin W. Quillin, Jr.,		
83		DDS PC	\$	2,004.00
84	(9)	Raleigh Speech & Hearing		
85		Center, Inc.	\$	723.00
86	(10)	Schaeffer Funeral Home	\$	400.00
87	(11)	Cheryl S. Vineyard	\$	418.66
88	(12)	We Care Ambulance		
89		Service, Inc.	\$	21,609.50
90	(13)	Xerox Corporation	\$	851.73
91	(14)	Viking Way Limited		
92		Partnership	\$	99.50

93 (i) *Claims against the Department of Health and*
94 *Human Resources - Office of the Chief*
95 *Medical Examiner:*

96 (TO BE PAID FROM GENERAL REVENUE FUND)

97	(1)	Nicolet Instrument Corporation ...	\$	1,239.00
98	(2)	Lifeteam EMS Ambulance, Inc. ...	\$	27.00

99 (j) *Claims against the Department of Public Safety:*

100 (TO BE PAID FROM GENERAL REVENUE FUND)

101	(1)	American Telephone and		
102		Telegraph Company	\$	5,046.34
103	(2)	Frank R. Lavender, Jr.	\$	1,876.00

104 (k) *Claims against the Department of Tax and*
105 *Revenue:*

106	(TO BE PAID FROM GENERAL REVENUE FUND)		
107	(1)	The Chesapeake and Potomac	
108		Telephone Company of West	
109		Virginia	\$ 13,037.52
110	(2)	Division of Corrections/	
111		Prison Industries	\$ 50,000.00
112	(l) <i>Claims against the Division of Banking:</i>		
113	(TO BE PAID FROM SPECIAL REVENUE FUND)		
114	(from Account No. 8395)		
115	(1)	Federal Deposit Insurance	
116		Corporation	\$ 2,494.28
117	(2)	Department of	
118		Administration	\$ 510.00
119	(m) <i>Claims against the Division of Corrections:</i>		
120	(TO BE PAID FROM GENERAL REVENUE FUND)		
121	(1)	American Telephone and	
122		Telegraph Company	\$ 695.55
123	(2)	Cabell County Commission	\$ 25,635.00
124	(3)	Calhoun County	
125		Commission	\$ 17,050.00
126	(4)	Allen J. Cody	\$ 144.00
127	(5)	Harrison County	
128		Commission	\$ 24,930.00
129	(6)	Highlawn Pharmacy, Inc.	\$ 4,073.79
130	(7)	Jackson County Commission ...	\$ 7,380.00
131	(8)	John Marshall Medical	
132		Services, d/b/a University	
133		Surgeons	\$ 1,400.00
134	(9)	Lewis County Commission	\$ 14,250.00
135	(10)	Marion County Commission ...	\$ 20,554.00
136	(11)	Mason County Commission	\$ 16,641.00
137	(12)	Mercer County Commission ...	\$ 39,050.00
138	(13)	The Michie Company	\$ 36.06
139	(14)	Mingo County Commission	\$ 2,101.51
140	(15)	Monongalia County	
141		Commission	\$ 16,512.84
142	(16)	Ohio County Commission	\$ 37,309.00

143	(17)	Pendleton County		
144		Commission	\$	2,200.00
145	(18)	Putnam County		
146		Commission	\$	2,775.00
147	(19)	Radiology, Inc.	\$	447.00
148	(20)	Roane County Commission	\$	2,872.35
149	(21)	Valley Comprehensive		
150		Community Mental Health		
151		Center, Inc.	\$	213.75
152	(22)	Wayne County Commission	\$	17,225.00
153	(23)	West Virginia Regional Jail		
154		and Correctional Facility		
155		Authority	\$	37,000.00
156	(24)	Wood County Commission	\$	229,523.00
157	(n)	<i>Claims against the Division of Culture and</i>		
158		<i>History</i>		
159		(TO BE PAID FROM GENERAL REVENUE FUND)		
160	(1)	Scott Lumber Company	\$	1,545.00
161	(2)	Xerox Corporation	\$	1,021.19
162	(3)	E & M Products, Inc.	\$	36.00
163	(o)	<i>Claims against the Division of Environmental</i>		
164		<i>Protection:</i>		
165		(TO BE PAID FROM SPECIAL REVENUE FUND)		
166		(from Account No. 8539)		
167	(1)	American Office		
168		Systems, Inc.	\$	237.00
169		(from Account No. 8538)		
170	(1)	R. L. Wharton, LTD.	\$	13,770.00
171	(2)	Gene Stalnaker, Inc.	\$	13,070.00
172	(p)	<i>Claims against the Division of Highways:</i>		
173		(TO BE PAID FROM STATE ROAD FUND)		
174	(1)	Lora Barker	\$	1,516.12
175	(2)	Norman Bonner	\$	5,900.00
176	(3)	Calven F. Comer, Sr., and		
177		Josephine Comer	\$	250.00
178	(4)	Wade Davis	\$	500.00

179	(5)	Wallace D. Dempsey	\$	450.00
180	(6)	Avanell R. Hinkle	\$	58,701.00
181	(7)	Holloway Construction		
182		Company	\$	1,941,506.38
183	(8)	Nicholas Ramirez	\$	500.00
184	(9)	Ruby Redman	\$	1,505.00
185	(10)	Paul R. Wilson	\$	215.28
186	(11)	Carol Lewis Bosley	\$	72.74
187	(12)	Elden Gene Davidson	\$	48.76
188	(13)	Domonick Delgrande	\$	102.82
189	(14)	Robert W. Fisher	\$	97.99
190	(15)	Jack Gregory and Shirley		
191		Gregory	\$	50.13
192	(16)	Lora G. Porter	\$	123.83
193	(17)	Shirley A. Rinker	\$	56.13
194	(q) <i>Claim against the Division of Motor Vehicles:</i>			
195	(TO BE PAID FROM STATE ROAD FUND)			
196	(1)	American Decal & Mfg. Co.	\$	5,388.75
197	(r) <i>Claim against the Division of Personnel:</i>			
198	(TO BE PAID FROM GENERAL REVENUE FUND)			
199	(1)	Xerox Corporation	\$	288.45
200	(s) <i>Claims against the Educational Broadcasting</i>			
201	<i>Authority:</i>			
202	(TO BE PAID FROM GENERAL REVENUE FUND)			
203	(1)	Walter C. Blower	\$	2,633.85
204	(2)	Karl F. Hill	\$	2,019.15
205	(t) <i>Claim against the Governor's Office of</i>			
206	<i>Community and Industrial Development:</i>			
207	(TO BE PAID FROM FEDERAL FUNDS)			
208	(from Account No. 9290-15)			
209	(1)	The Michie Company	\$	713.44
210	(u) <i>Claims against the Regional Jail and Correctional</i>			
211	<i>Facility Authority:</i>			

212	(TO BE PAID FROM SPECIAL REVENUE FUND)		
213	(1) McKinley Engineering		
214	Company	\$	1,675.60
215	(2) John G. Ward	\$	140.95
216	(v) <i>Claim against the Secretary of State:</i>		
217	(TO BE PAID FROM GENERAL REVENUE FUND)		
218	(1) Xerox Corporation	\$	645.00
219	(w) <i>Claim against the State Auditor's Office:</i>		
220	(TO BE PAID FROM GENERAL REVENUE)		
221	(1) American Telephone and		
222	Telegraph Company	\$	29.03
223	(x) <i>Claim against the State Fire Marshal:</i>		
224	(TO BE PAID FROM GENERAL REVENUE FUND)		
225	(1) American Telephone and		
226	Telegraph Company	\$	40.19
227	(y) <i>Claims against the State Treasurer:</i>		
228	(TO BE PAID FROM GENERAL REVENUE FUND)		
229	(1) Moore Business Forms, Inc.	\$	379.00
230	(2) Exxon Company, U.S.A.	\$	132.70
231	(z) <i>Claim against the Supreme Court of Appeals:</i>		
232	(TO BE PAID FROM GENERAL REVENUE FUND)		
233	(1) University of West Virginia		
234	College of Graduate Studies	\$	10,117.46
235	(aa) <i>Claim against the West Virginia Employees</i>		
236	<i>Grievance Board:</i>		
237	(TO BE PAID FROM GENERAL REVENUE FUND)		
238	(1) The Chesapeake and Potomac		
239	Telephone Company of		
240	West Virginia	\$	246.29
241	(bb) <i>Claims against the Workers' Compensation</i>		
242	<i>Fund:</i>		

243 (TO BE PAID FROM WORKERS' COMPENSATION FUND)

244	(1) American Telephone and		
245	Telegraph Company	\$	97.91
246	(2) Phyllis Haynes Edens,		
247	CCR, Inc.....	\$	399.57
248	(3) Richard Thompson	\$	877.57
249	(4) Xerox Corporation	\$	626.71

250 (cc) *Claim Against the Railroad Maintenance*
 251 *Authority:*

252 (TO BE PAID FROM SPECIAL REVENUE FUND)

253 (from Account No. 8344-06)

254	(1) Charles Herriott.....	\$	113.37
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255 The Legislature finds that the above moral obliga-
 256 tions and the appropriations made in satisfaction
 257 thereof shall be the full compensation for all claim-
 258 ants, and that prior to the payments to any claimant
 259 provided for in this bill, the court of claims shall
 260 receive a release from said claimant releasing any and
 261 all claims for moral obligations arising from the
 262 matters considered by the Legislature in the finding of
 263 the moral obligations and the making of the appropri-
 264 ations for said claimant. The court of claims shall
 265 deliver all releases obtained from claimants to the
 266 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, 1992.

Harold E. Ehlman
.....
Clerk of the Senate

Donald G. Kapp
.....
Clerk of the House of Delegates

Willard B. Anderson
.....
President of the Senate

Robert C. Bell
.....
Speaker House of Delegates

The within *is approved* this the *28th*
day of *March*, 1992.

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/16/92

Time 4:50 pm