WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1992

ENROLLED

SENATE BILL NO. 594
(Originating in the Committee on Finance)

PASSED March 6, 1992
In Effect July 1, 1992
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 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 Alcohol Beverage Control Administration:**

<table>
<thead>
<tr>
<th>Claim</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q. D. Wood</td>
<td>$96.80</td>
</tr>
<tr>
<td>American Telephone and Telegraph Company</td>
<td>$116.80</td>
</tr>
<tr>
<td>Mark Sellaro</td>
<td>$112.98</td>
</tr>
<tr>
<td>Ferrellgas, Inc.</td>
<td>$162.52</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Claim</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Telephone and Telegraph Company</td>
<td>$16.48</td>
</tr>
<tr>
<td>The Michie Company</td>
<td>$27.15</td>
</tr>
<tr>
<td>West Publishing Company</td>
<td>$446.00</td>
</tr>
<tr>
<td>Xerox Corporation</td>
<td>$1,616.06</td>
</tr>
<tr>
<td>National Business Institute</td>
<td>$196.00</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Claim</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Casto Technical Services</td>
<td>$16,401.00</td>
</tr>
</tbody>
</table>
(d) Claim 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-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: 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.

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

(TO BE PAID FROM SPECIAL REVENUE FUND)

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

(f) Claims against the Department of Administration:

(TO BE PAID FROM GENERAL REVENUE FUND)

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

(g) Claim against the Department of Education:

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) Terry Ashworth ............... $ 165.00
(h) Claims against the Department of Health and
    Human Resources:

    (TO BE PAID FROM GENERAL REVENUE FUND)

    (1) Allen Funeral Home ........ $  400.00
    (2) Altmeyer Funeral Homes, Inc. .......... $  400.00
    (3) Braley & Thompson, Inc .......... $ 12,475.20
    (4) Community Council of Kanawha Valley, Inc .......... $ 1,282.66
    (5) Davis-Weaver Funeral Home, Inc .......... $  400.00
    (6) Hastings Funeral Home, Inc .......... $  325.00
    (7) Kepner Funeral Homes, Inc .......... $  325.00
    (8) Franklin W. Quillin, Jr., DDS PC .......... $ 2,004.00
    (9) Raleigh Speech & Hearing Center, Inc .......... $  723.00
    (10) Schaeffer Funeral Home .......... $  400.00
    (11) Cheryl S. Vineyard .......... $  418.66
    (12) We Care Ambulance Service, Inc .......... $ 21,609.50
    (13) Xerox Corporation .......... $  851.73
    (14) Viking Way Limited Partnership .......... $  99.50

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

    (TO BE PAID FROM GENERAL REVENUE FUND)

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

(j) Claims against the Department of Public Safety:

    (TO BE PAID FROM GENERAL REVENUE FUND)

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

(k) Claims against the Department of Tax and Revenue:
(TO BE PAID FROM GENERAL REVENUE FUND)

1. The Chesapeake and Potomac Telephone Company of West Virginia ....................... $ 13,037.52

2. Division of Corrections/Prison Industries ....................... $ 50,000.00

(1) Claims against the Division of Banking:

(TO BE PAID FROM SPECIAL REVENUE FUND)

(from Account No. 8395)

1. Federal Deposit Insurance Corporation ....................... $ 2,494.28

2. Department of Administration ....................... $ 510.00

(m) Claims against the Division of Corrections:

(TO BE PAID FROM GENERAL REVENUE FUND)

1. American Telephone and Telegraph Company ....................... $ 695.55

2. Cabell County Commission ....................... $ 25,635.00

3. Calhoun County Commission ....................... $ 17,050.00

4. Allen J. Cody ....................... $ 144.00

5. Harrison County Commission ....................... $ 24,930.00

6. Highbn Pharmacy, Inc ....................... $ 4,073.79

7. Jackson County Commission ....................... $ 7,380.00

8. John Marshall Medical Services, d/b/a University Surgeons ....................... $ 1,400.00

9. Lewis County Commission ....................... $ 14,250.00

10. Marion County Commission ....................... $ 20,554.00

11. Mason County Commission ....................... $ 16,641.00

12. Mercer County Commission ....................... $ 39,050.00

13. The Michie Company ....................... $ 36.06

14. Mingo County Commission ....................... $ 2,101.51

15. Monongalia County Commission ....................... $ 16,512.84

16. Ohio County Commission ....................... $ 37,309.00
143  (17) Pendleton County Commission ................ $ 2,200.00
144  (18) Putnam County Commission ................ $ 2,775.00
145  (19) Radiology, Inc. Commission ................ $ 447.00
146  (20) Roane County Commission ................ $ 2,872.35
147  (21) Valley Comprehensive Community Mental Health
148  Center, Inc. ................ $ 213.75
149  (22) Wayne County Commission ................ $ 17,225.00
150  (23) West Virginia Regional Jail and Correctional Facility
151  Authority ................ $ 37,000.00
152  (24) Wood County Commission ................ $ 229,523.00
153  (n) Claims against the Division of Culture and History
154  (TO BE PAID FROM GENERAL REVENUE FUND)
155  (1) Scott Lumber Company ................ $ 1,545.00
156  (2) Xerox Corporation ................ $ 1,021.19
157  (3) E & M Products, Inc ................ $ 36.00
158  (o) Claims against the Division of Environmental Protection:
159  (TO BE PAID FROM SPECIAL REVENUE FUND)
160  (1) American Office Systems, Inc. ................ $ 237.00
161  (2) Gene Stalnaker, Inc. ................ $ 13,070.00
162  (3) R. L. Wharton, LTD ................ $ 13,770.00
163  (4) Wade Davis ................ $ 500.00
164  (p) Claims against the Division of Highways:
165  (TO BE PAID FROM STATE ROAD FUND)
166  (1) Lora Barker ................ $ 1,516.12
167  (2) Norman Bonner ................ $ 5,900.00
168  (3) Calven F. Comer, Sr., and Josephine Comer ................ $ 250.00
169  (4) Wade Davis ................ $ 500.00
<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Wallace D. Dempsey</td>
<td>$450.00</td>
</tr>
<tr>
<td>6</td>
<td>Avanell R. Hinkle</td>
<td>$58,701.00</td>
</tr>
<tr>
<td>7</td>
<td>Holloway Construction Company</td>
<td>$1,941,506.38</td>
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<tr>
<td>8</td>
<td>Nicholas Ramirez</td>
<td>$500.00</td>
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<tr>
<td>9</td>
<td>Ruby Redman</td>
<td>$1,505.00</td>
</tr>
<tr>
<td>10</td>
<td>Paul R. Wilson</td>
<td>$215.28</td>
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<td>11</td>
<td>Carol Lewis Bosley</td>
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<td>12</td>
<td>Elden Gene Davidson</td>
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<td>13</td>
<td>Domonick Delgrande</td>
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<td>14</td>
<td>Robert W. Fisher</td>
<td>$97.99</td>
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<tr>
<td>15</td>
<td>Jack Gregory and Shirley Gregory</td>
<td>$50.13</td>
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<tr>
<td>16</td>
<td>Lora G. Porter</td>
<td>$123.83</td>
</tr>
<tr>
<td>17</td>
<td>Shirley A. Rinker</td>
<td>$56.13</td>
</tr>
</tbody>
</table>

(q) **Claim against the Division of Motor Vehicles:**  
(TO BE PAID FROM STATE ROAD FUND)  
(1) American Decal & Mfg. Co. $5,388.75

(r) **Claim against the Division of Personnel:**  
(TO BE PAID FROM GENERAL REVENUE FUND)  
(1) Xerox Corporation $288.45

(s) **Claims against the Educational Broadcasting Authority:**  
(TO BE PAID FROM GENERAL REVENUE FUND)  
(1) Walter C. Blower $2,633.85  
(2) Karl F. Hill $2,019.15

(t) **Claim against the Governor's Office of Community and Industrial Development:**  
(TO BE PAID FROM FEDERAL FUNDS)  
(from Account No. 9290-15)  
(1) The Michie Company $713.44

(u) **Claims against the Regional Jail and Correctional Facility Authority:**
Enr. S. B. No. 594] 8

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) Claim against the Secretary of State:
217 (TO BE PAID FROM GENERAL REVENUE FUND)
218 (1) Xerox Corporation .......... $ 645.00
219 (w) Claim against the State Auditor’s Office:
220 (TO BE PAID FROM GENERAL REVENUE)
221 (1) American Telephone and
222 Telegraph Company .......... $ 29.03
223 (x) Claim against the State Fire Marshal:
224 (TO BE PAID FROM GENERAL REVENUE FUND)
225 (1) American Telephone and
226 Telegraph Company .......... $ 40.19
227 (y) Claims against the State Treasurer:
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) Claim against the Supreme Court of Appeals:
232 (TO BE PAID FROM GENERAL REVENUE FUND)
233 (1) University of West Virginia
234 College of Graduate Studies .... $ 10,117.46
235 (aa) Claim against the West Virginia Employees
236 Grievance Board:
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) Claims against the Workers’ Compensation
242 Fund:
(TO BE PAID FROM WORKERS' COMPENSATION FUND)

(1) American Telephone and Telegraph Company ........ $ 97.91
(2) Phyllis Haynes Edens, CCR, Inc. .................... $ 399.57
(3) Richard Thompson ................ $ 877.57
(4) Xerox Corporation ............ $ 626.71

(cc) Claim Against the Railroad Maintenance Authority:

(TO BE PAID FROM SPECIAL REVENUE FUND)

(from Account No. 8344-06)

(1) Charles Herriott............ $ 113.37

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.

Homerleck
Chairman Senate Committee

ErnestChapman
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1992.

FrankenRiddick
Clerk of the Senate

DonaldEllenoff
Clerk of the House of Delegates

PeterBunatee
President of the Senate

RobertBarnett
Speaker House of Delegates

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

WinstonCaperton
Governor