

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1993

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## ENROLLED

SENATE BILL NO. 573

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

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PASSED April 8, 1993

In Effect July 1, 1993 Passage

**E N R O L L E D**

**Senate Bill No. 573**

(Originating in the Committee on Finance)

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[Passed April 8, 1993; to take effect July 1, 1993.]

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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 consolidated medical services fund; division of general services; division of health; division of human services; information services and communications; division of personnel; division of purchasing; West Virginia hospital finance authority; alcohol beverage control administration; attorney general; board of directors of the state college system; board of education; board of trustees of the university of West Virginia; department of education; division of public safety; tax division; division of banking; division of corrections; division of culture and history; division of forestry; division of highways; division of motor vehicles; governor's office; public service commission; railroad maintenance authority; state fire commission; state treas-**

**urer; supreme court of appeals; West Virginia development office; West Virginia state senate; West Virginia state board of examiners for licensed practical nurses; and workers' compensation fund, 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 claim  
10 in the amount specified below, and directs the auditor  
11 to issue warrants for the payment thereof out of any  
12 fund appropriated and available for the purpose.

13 (a) *Claims against the Consolidated Medical Services*  
14 *Fund:*

15 (TO BE PAID FROM GENERAL REVENUE FUND)

- 16 (1) Doak, Cuppett & Poling .....\$ 15,167.99
- 17 (2) Tri Cities Health Service
- 18 Corporation
- 19 d/b/a H.C.A. River Park
- 20 Hospital .....\$ 53,158.41

21 (b) *Claim against the Division of General Services:*

22 (TO BE PAID FROM GENERAL REVENUE FUND)

- 23 (1) Paul D. Marshall & Assoc., Inc. ....\$ 210.00

24 (c) *Claims against the Division of Health:*

25 (TO BE PAID FROM GENERAL REVENUE FUND)

- 26 (1) Board of Trustees of the
- 27 University of WV on behalf
- 28 of WVU.....\$ 18,750.00

|    |   |    |            |
|----|---|----|------------|
| 29 | (TO BE PAID FROM SPECIAL REVENUE ACCOUNT NO. 8500-18)       |    |            |
| 30 | (2) Appalachian Welding Supply                              |    |            |
| 31 | Co., Inc. ....  | \$ | 370.80     |
| 32 | (3) A. A. Goodarzi, M.D. ....                               | \$ | 1,530.00   |
| 33 | (4) William R. Hutton ....                                  | \$ | 500.00     |
| 34 | (5) IVAC Corporation ....                                   | \$ | 1,447.71   |
| 35 | (6) Welding, Incorporated ....                              | \$ | 4,000.00   |
| 36 | (TO BE PAID FROM SPECIAL REVENUE ACCOUNT NO. 8509-14)       |    |            |
| 37 | (7) Friden Alcatel Leasing .....                            | \$ | 319.20     |
| 38 | (d) <i>Claims against the Division of Human Services:</i>   |    |            |
| 39 | (TO BE PAID FROM SPECIAL REVENUE ACCOUNT NO. 9150-01)       |    |            |
| 40 | (1) Janet Y. Richmond .....                                 | \$ | 290.95     |
| 41 | (TO BE PAID FROM SPECIAL REVENUE ACCOUNT NO. 9155-10)       |    |            |
| 42 | (2) Pressley Ridge School .....                             | \$ | 156,297.00 |
| 43 | (e) <i>Claim against Information Services and</i>           |    |            |
| 44 | <i>Communications:</i>                                      |    |            |
| 45 | (TO BE PAID FROM SPECIAL REVENUE ACCOUNT NO. 8151)          |    |            |
| 46 | (1) Computer Associates                                     |    |            |
| 47 | International, Inc. ....                                    | \$ | 24,254.09  |
| 48 | (f) <i>Claim against the Division of Personnel:</i>         |    |            |
| 49 | (TO BE PAID FROM SPECIAL REVENUE ACCOUNT NO. 8402-14)       |    |            |
| 50 | (1) Cornell University .....                                | \$ | 475.00     |
| 51 | (g) <i>Claims against the Division of Purchasing:</i>       |    |            |
| 52 | (TO BE PAID FROM SPECIAL REVENUE ACCOUNT NO. 8140)          |    |            |
| 53 | (1) General Truck Sales Corporation ...                     | \$ | 185.28     |
| 54 | (2) Manpower Temporary Services ...                         | \$ | 900.85     |
| 55 | (3) Security America, Inc. ....                             | \$ | 82.68      |
| 56 | (h) <i>Claim against the West Virginia Hospital Finance</i> |    |            |
| 57 | <i>Authority:</i>   |    |            |

58 (TO BE PAID FROM SPECIAL REVENUE ACCOUNT NO. 8330)  
 59 (1) Bowles Rice McDavid  
 60 Graff & Love .....\$ 597.91

61 (i) *Claims against the Alcohol Beverage Control*  
 62 *Administration:*

63 (TO BE PAID FROM SPECIAL REVENUE FUND)  
 64 (1) Zane L. Metz, Sr. ....\$ 29.45  
 65 (2) Robin D. Newhouse.....\$ 152.24

66 (j) *Claim against the Attorney General:*

67 (TO BE PAID FROM GENERAL REVENUE FUND)  
 68 (1) Xerox Corporation.....\$ 1,409.92

69 (k) *Claims against the Board of Directors of the*  
 70 *State College System:*

71 (TO BE PAID FROM SPECIAL REVENUE FUND)  
 72 (1) Nancy A. Maihoff .....\$ 385.57  
 73 (2) Sodaro's Electronic Sales, Inc. ....\$ 1,302.02  
 74 (3) Ben Spielman .....\$ 150.00

75 (l) *Claim against the Board of Education:*

76 (TO BE PAID FROM GENERAL REVENUE FUND)  
 77 (1) The Board of Education of the  
 78 County of McDowell, et al. ....\$ 461,163.32

79 *Provided, That \$461,163.32 shall be paid during the*  
 80 *time period beginning the first day of July, one*  
 81 *thousand nine hundred ninety-three, and ending the*  
 82 *last day of June, one thousand nine hundred ninety-*  
 83 *four: Provided, however, That \$461,163.32 shall be paid*  
 84 *during the time period beginning the first day of July,*  
 85 *one thousand nine hundred ninety-four, and ending*  
 86 *no later than the last day of June, one thousand nine*  
 87 *hundred ninety-five.*

88 (m) *Claims against the Board of Trustees of the*  
 89 *University of West Virginia:*

|     |  |               |
|-----|--|---------------|
| 90  | (TO BE PAID FROM SPECIAL REVENUE FUND)                   |               |
| 91  | (1) C & L Construction Company .....                     | \$ 33,654.02  |
| 92  | (2) Capitol Business Interiors Division                  |               |
| 93  | of Capitol Business                                      |               |
| 94  | Equipment, Inc. ....                                     | \$ 4,300.00   |
| 95  | (3) Scott Catherwood.....                                | \$ 305.00     |
| 96  | (4) Cathy A. Ciesielski.....                             | \$ 157.50     |
| 97  | (5) Ruth M. Smith.....                                   | \$ 75.00      |
| 98  | (6) Buhong Zheng.....                                    | \$ 799.50     |
| 99  | (n) <i>Claim against the Department of Education:</i>    |               |
| 100 | (TO BE PAID FROM GENERAL REVENUE FUND)                   |               |
| 101 | (1) Ralph Hugh Johnson, Jr.....                          | \$ 203.00     |
| 102 | (o) <i>Claims against the Division of Public Safety:</i> |               |
| 103 | (TO BE PAID FROM GENERAL REVENUE FUND)                   |               |
| 104 | (1) Melinda B. Assi .....                                | \$ 5,000.00   |
| 105 | (2) Keystone Helicopter Corporation...                   | \$ 95,000.00  |
| 106 | (p) <i>Claims against the Tax Division:</i>              |               |
| 107 | (TO BE PAID FROM GENERAL REVENUE FUND)                   |               |
| 108 | (1) Memorex Telex Corporation .....                      | \$ 864.24     |
| 109 | (2) Motorola Inc., Computer Group                        |               |
| 110 | Field Service Division .....                             | \$ 504.00     |
| 111 | (q) <i>Claim against the Division of Banking:</i>        |               |
| 112 | (TO BE PAID FROM SPECIAL REVENUE FUND)                   |               |
| 113 | from Account No. 8395                                    |               |
| 114 | (1) National Travel Service, Inc. ....                   | \$ 324.00     |
| 115 | (r) <i>Claims against the Division of Corrections:</i>   |               |
| 116 | (TO BE PAID FROM GENERAL REVENUE FUND)                   |               |
| 117 | (1) AT & T Communications .....                          | \$ 442.67     |
| 118 | (2) AT & T Corporation.....                              | \$ 293.63     |
| 119 | (3) Barbour County Commission .....                      | \$ 85,385.00  |
| 120 | (4) Cabell County Commission .....                       | \$ 160,000.00 |

|     |  |               |
|-----|--|---------------|
| 121 | (5) Calhoun County Commission .....    | \$ 7,376.00   |
| 122 | (6) Clay County Commission .....       | \$ 8,396.57   |
| 123 | (7) Doddridge County Commission ...    | \$ 40,043.53  |
| 124 | (8) Fayette County Commission .....    | \$ 80,000.00  |
| 125 | (9) Gilmer County Commission .....     | \$ 14,709.18  |
| 126 | (10) Greenbrier County Commission      | \$ 68,331.27  |
| 127 | (11) Harrison County Commission .....  | \$ 46,160.00  |
| 128 | (12) Jackson County Commission .....   | \$ 21,549.88  |
| 129 | (13) Kanawha County Commission ...     | \$ 600,000.00 |
| 130 | (14) Lewis County Commission .....     | \$ 56,739.94  |
| 131 | (15) Lincoln County Commission .....   | \$ 20,919.61  |
| 132 | (16) Marion County Commission .....    | \$ 96,844.42  |
| 133 | (17) McDowell County Commission ...    | \$ 85,477.66  |
| 134 | (18) Mercer County Commission .....    | \$ 123,208.34 |
| 135 | (19) Monongalia County Commission      | \$ 66,281.79  |
| 136 | (20) Monroe County Commission .....    | \$ 59,241.19  |
| 137 | (21) Nicholas County Commission .....  | \$ 54,519.74  |
| 138 | (22) Raleigh County Commission .....   | \$ 95,000.00  |
| 139 | (23) Roane County Commission .....     | \$ 12,900.00  |
| 140 | (24) Upshur County Commission .....    | \$ 15,365.60  |
| 141 | (25) Wood County Commission .....      | \$ 133,862.81 |
| 142 | (26) Wyoming County Commission ...     | \$ 6,725.00   |
| 143 | (27) Clarksburg Cardiology             |               |
| 144 | Consultants, Inc. ....                 | \$ 1,134.00   |
| 145 | (28) Clint R. Lawson, Sr. ....         | \$ 1,500.00   |
| 146 | (29) Jacob C. Miller .....             | \$ 30,512.79  |
| 147 | (30) WV Regional Jail and Correctional |               |
| 148 | Facility Authority .....               | \$ 419,456.00 |

149 (s) *Claims against the Division of Culture and*  
 150 *History:*

151 (TO BE PAID FROM GENERAL REVENUE FUND)

|     |                             |           |
|-----|-----------------------------|-----------|
| 152 | (1) City of Wheeling .....  | \$ 509.94 |
| 153 | (2) Xerox Corporation ..... | \$ 360.00 |

154 (t) *Claim against the Division of Forestry:*

155 (TO BE PAID FROM GENERAL REVENUE FUND)

|     |                        |             |
|-----|------------------------|-------------|
| 156 | (1) Mark A. Metz ..... | \$ 1,245.68 |
|-----|------------------------|-------------|

157 (u) *Claims against the Division of Highways:*

158

## (TO BE PAID FROM STATE ROAD FUND)

|     |                                     |                 |
|-----|-------------------------------------|-----------------|
| 159 | (1) Danny L. and Sandra K. Ashworth | \$ 1,542.28     |
| 160 | (2) Edward Michael Boyle            | \$ 1,131.06     |
| 161 | (3) John Carper                     | \$ 51.94        |
| 162 | (4) City of Grafton                 | \$ 161.07       |
| 163 | (5) Danny Ray Cook                  | \$ 188.12       |
| 164 | (6) Kerry P. Dillard and            |                 |
| 165 | Susan R. Dillard                    | \$ 250.00       |
| 166 | (7) Roy L. Drake, Jr.               | \$ 534.83       |
| 167 | (8) Katherine Jean Dunn             | \$ 882.51       |
| 168 | (9) John Edwards                    | \$ 3,140.67     |
| 169 | (10) Wade and Gladys Marie          |                 |
| 170 | Ferrebee                            | \$ 500.00       |
| 171 | (11) Herbert L. Flinn               | \$ 750.00       |
| 172 | (12) Connie Given                   | \$ 106.00       |
| 173 | (13) Leonard Golden                 | \$ 192.00       |
| 174 | (14) Isabel N. Gordon               | \$ 250.88       |
| 175 | (15) H. Steven Grass                | \$ 124.80       |
| 176 | (16) Elmo Greer & Sons, Inc.        | \$ 1,214,088.68 |
| 177 | (17) William L. Harding             | \$ 1,063.86     |
| 178 | (18) Bernard D. Henline             | \$ 576.00       |
| 179 | (19) Ernest A. Johnson              | \$ 4,003.10     |
| 180 | (20) Angela D. Kirk                 | \$ 82.77        |
| 181 | (21) Cynthia J. Mahafkey            | \$ 1,251.76     |
| 182 | (22) Lloyd J. Moore                 | \$ 500.00       |
| 183 | (23) Joseph F. Myers                | \$ 95.35        |
| 184 | (24) Letha E. Reynolds              | \$ 300.00       |
| 185 | (25) Deborah J. Robinson            | \$ 1,200.00     |
| 186 | (26) David Scott                    | \$ 500.00       |
| 187 | (27) Larry D. and Evelyn L. Shriver | \$ 100.00       |
| 188 | (28) Phyllis Shupe                  | \$ 500.00       |
| 189 | (29) John W. Singleton, Jr.         | \$ 100.00       |
| 190 | (30) James E. Symns                 | \$ 402.00       |
| 191 | (31) Vecellio & Grogan, Inc.        | \$ 172,130.32   |
| 192 | (32) David J. Wilburn, M.D.         | \$ 544.30       |
| 193 | (33) Larry A. Wilson and Mildred P. |                 |
| 194 | Wilson                              | \$ 20,100.00    |

195 (v) *Claims against the Division of Motor Vehicles:*

196

## (TO BE PAID FROM STATE ROAD FUND)

197 (1) Potomac Highlands Guild \$ 7,650.00



198       (2) Prestera Mental Health Center . . . \$ 10,050.00

199       (w) *Claim against the Governor's Office:*

200                (TO BE PAID FROM GENERAL REVENUE FUND)

201       (1) Nicholas County Commission . . . \$ 11,855.77

202       (x) *Claims against the Public Service Commission:*

203                (TO BE PAID FROM SPECIAL REVENUE FUND)

204       (1) GAI Consultants, Inc. . . . . \$ 12,359.33

205       (2) Charles R. Roberts, Jr. . . . . \$ 520.80

206       (3) West Publishing Company . . . . . \$ 326.55

207       (y) *Claim against the Railroad Maintenance*  
208 *Authority:*

209                (TO BE PAID FROM SPECIAL REVENUE ACCOUNT NO. 8344-06)

210       (1) The Potomac Edison Company . . . \$ 1,349.27

211       (z) *Claim against the State Fire Commission:*

212                (TO BE PAID FROM SPECIAL REVENUE FUND)

213       (1) Lumberport Volunteer Fire  
214                Department . . . . . \$ 6,630.44

215       (aa) *Claim against the State Treasurer:*

216                (TO BE PAID FROM GENERAL REVENUE FUND)

217       (1) Moore Business Forms . . . . . \$ 971.71

218       (bb) *Claims against the Supreme Court of Appeals:*

219                (TO BE PAID FROM GENERAL REVENUE FUND)

220       (1) Logan-Mingo Area Mental  
221                Health, Inc. . . . . \$ 485.00

222       (2) Logan County Commission . . . . . \$ 61,328.61

223       (cc) *Claims against the West Virginia Development*  
224 *Office:*

225                (TO BE PAID FROM GENERAL REVENUE FUND)

|     |     |                               |    |        |
|-----|-----|-------------------------------|----|--------|
| 226 | (1) | AT & T Corporation .....      | \$ | 578.90 |
| 227 | (2) | Lowe's Home Centers, Inc..... | \$ | 377.62 |

228 (dd) *Claims against the West Virginia State Senate:*

229 (TO BE PAID FROM GENERAL REVENUE FUND)

|     |     |                                |    |          |
|-----|-----|--------------------------------|----|----------|
| 230 | (1) | Sally L. Chestnut .....        | \$ | 300.00   |
| 231 | (2) | Jarrett Printing Company ..... | \$ | 7,920.00 |

232 (ee) *Claims against the West Virginia State Board of*  
233 *Examiners for Licensed Practical Nurses:*

234 (TO BE PAID FROM SPECIAL REVENUE FUND)

|     |     |                           |    |        |
|-----|-----|---------------------------|----|--------|
| 235 | (1) | Elsie S. Patterson .....  | \$ | 612.00 |
| 236 | (2) | Jacquelyn L. Titcher..... | \$ | 396.00 |

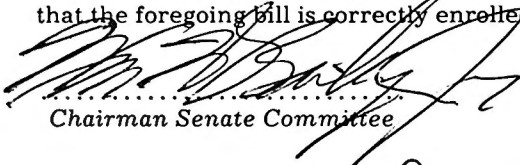
237 (ff) *Claims against the Workers' Compensation*  
238 *Fund:*

239 (TO BE PAID FROM WORKERS' COMPENSATION FUND)

|     |     |                                    |    |          |
|-----|-----|------------------------------------|----|----------|
| 240 | (1) | Contract Business Interiors        |    |          |
| 241 |     | Co., Inc. ....                     | \$ | 232.00   |
| 242 | (2) | McGhee & Company, Inc. ....        | \$ | 355.20   |
| 243 | (3) | Unijax. ....                       | \$ | 34.92    |
| 244 |     | Morris Square Associates, LTD. ... | \$ | 3,344.47 |

245 The Legislature finds that the above moral obliga-  
246 tions and the appropriations made in satisfaction  
247 thereof shall be the full compensation for all claim-  
248 ants, and that prior to the payments to any claimant  
249 provided for in this bill, the court of claims shall  
250 receive a release from said claimant releasing any and  
251 all claims for moral obligations arising from the  
252 matters considered by the Legislature in the finding of  
253 the moral obligations and the making of the appropri-  
254 ations for said claimant. The court of claims shall  
255 deliver all releases obtained from claimants to the  
256 department against which the claim was allowed.

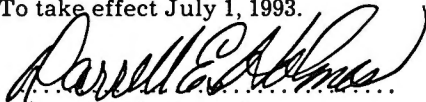
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
.....  
Chairman Senate Committee

  
..... Ernest C. Moore  
Chairman House Committee

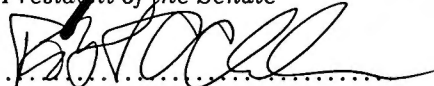
Originated in the Senate.

To take effect July 1, 1993.

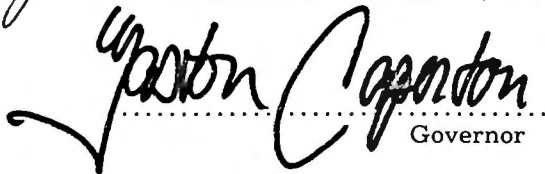
  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

The within *is* approved..... this the *19th*.....  
day of *April*....., 1993.

  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/16/43

Time 9:34am

*Dr*