

SB 517

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

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## ENROLLED

Committee Substitute for  
**SENATE BILL NO.** 517

(By Senator Whitlow, et al)

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**PASSED** March 11, 1994  
**In Effect** from **Passage**

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

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 517**

(SENATORS WHITLOW, BLATNIK, SHARPE  
AND TOMBLIN, *original sponsors*)

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[Passed March 11, 1994; in effect from passage.]

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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 alcohol beverage control administration; attorney general; board of barbers and cosmetologists; board of coal mine safety and technical review committee; board of education; board of trustees of the university system of West Virginia; bureau of employment programs; consolidated medical services fund; department of administration; department of education; department of tax and revenue; division of corrections; division of environmental**

**protection; division of health; division of highways; division of human services; division of natural resources; division of public safety; lottery commission; office of the chief medical examiner; railroad maintenance authority; state treasurer; and supreme court of appeals, 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) Chesapeake and Potomac  
17 Telephone Company  
18 of WV .....\$ 5,199.16  
19 (2) Exxon Company USA .....\$ 29.00

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

21 (TO BE PAID FROM GENERAL REVENUE FUND)

22 (1) Larry M. Bonham .....\$ 125.00  
23 (2) The Michie Company .....\$ 149.64  
24 (3) Xerox Corporation .....\$ 1,269.60

25 (c) *Claim against the Board of Barbers and*  
26 *Cosmetologists:*

27 (TO BE PAID FROM SPECIAL REVENUE FUND)

28 (1) Terrill W. Wood .....\$ 106.50

29 (d) *Claim against the Board of Coal Mine Safety and*  
30 *Technical Review Committee:*

31 (TO BE PAID FROM SPECIAL REVENUE FUND)

32 (1) MPL Corporation .....\$ 1,519.25

33 (e) *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.....\$ 461,163.32

37 *Provided, That \$461,163.32 shall be paid during the*  
38 *time period beginning the first day of July, one*  
39 *thousand nine hundred ninety-four, and ending the*  
40 *last day of June, one thousand nine hundred ninety-*  
41 *five: Provided, however, That the board of education*  
42 *of the county of McDowell shall be paid the full*  
43 *amount provided for in this bill no later than the last*  
44 *day of June, one thousand nine hundred ninety-five.*

45 (f) *Claim against the Board of Trustees of the*  
46 *University System of West Virginia:*

47 (TO BE PAID FROM SPECIAL REVENUE FUND)

48 (1) Jared Taylor .....\$ 59.63

49 (g) *Claims against the Bureau of Employment*  
50 *Programs:*

51 (TO BE PAID FROM SPECIAL REVENUE FUND)

52 (1) Larry C. McNair .....\$ 1,030.16

53 (TO BE PAID FROM WORKERS' COMPENSATION FUND)

54 (2) Medical Claims Review  
55 Services, Inc. ....\$ 6,422.65

56 (3) Mary L. Tyburski .....\$ 250.00

57 (4) William C. Morgan, Jr., M.D., Inc. ....\$ 450.00

58 (h) *Claims against the Consolidated Medical Services*  
59 *Fund:*

60 (TO BE PAID FROM GENERAL REVENUE FUND)

61	(1) R. Dean Coddington, M.D. ....	\$ 1,170.00
62	(2) Helen Keller National Center.....	\$ 9,800.00
63	(3) Kidspeace National Centers	
64	for Kids in Crisis .....	\$ 6,990.00
65	(4) Psychiatric Institute of WV, Inc. ....	\$ 11,794.28
66	(5) Saint Albans Psychiatric	
67	Hospital, Inc. ....	\$ 13,372.97
68	(6) St. Marys Hospital.....	\$ 74,611.27
69	(7) University Health Associates .....	\$ 249.00
70	(i) <i>Claims against the Department of Administration:</i>	
71	(TO BE PAID FROM GENERAL REVENUE FUND)	
72	(1) Chesapeake and Potomac Telephone	
73	Company of WV .....	\$ 656.88
74	(2) Tyler Mountain Water	
75	Company, Inc. ....	\$ 215.45
76	(j) <i>Claims against the Department of Education:</i>	
77	(TO BE PAID FROM GENERAL REVENUE FUND)	
78	(1) Donna E. Kimbrew .....	\$ 293.00
79	(2) Mary Anne Mullenax.....	\$ 293.00
80	(3) Carol J. White .....	\$ 293.00
81	(4) Salena M. Williams .....	\$ 50.00
82	(k) <i>Claim against the Department of Tax and</i>	
83	<i>Revenue:</i>	
84	(TO BE PAID FROM GENERAL REVENUE FUND)	
85	(1) IBM Corporation .....	\$ 1,012.00
86	(l) <i>Claims against the Division of Corrections:</i>	
87	(TO BE PAID FROM GENERAL REVENUE FUND)	
88	(1) Steven W. Adkins .....	\$ 150.00
89	(2) John A. Bacon .....	\$ 409.80
90	(3) Barbour County Commission .....	\$ 23,325.00
91	(4) Boone County Commission .....	\$ 74,025.00
92	(5) Braxton County Commission .....	\$ 11,220.38
93	(6) Cabell County Commission .....	\$ 168,150.00
94	(7) Doddridge County Commission .....	\$ 1,050.00
95	(8) Fayette County Commission .....	\$ 34,391.38
96	(9) Gilmer County Commission .....	\$ 5,726.96

97	(10) Grant County Commission .....	\$ 9,407.54
98	(11) Greenbrier County Commission .....	\$ 22,986.24
99	(12) Hancock County Commission .....	\$ 21,908.51
100	(13) Harrison County Commission .....	\$ 36,050.00
101	(14) Steven D. Hawley .....	\$ 200.00
102	(15) Jackson County Commission .....	\$ 20,200.00
103	(16) Kanawha County Commission .....	\$ 386,729.00
104	(17) Lewis County Commission .....	\$ 10,901.18
105	(18) Logan County Commission .....	\$ 40,000.00
106	(19) Marion County Commission .....	\$ 30,449.58
107	(20) Marshall County Commission .....	\$ 21,536.76
108	(21) Mason County Commission .....	\$ 12,095.00
109	(22) McDowell County Commission .....	\$ 50,435.00
110	(23) Mercer County Commission .....	\$ 91,925.00
111	(24) Mingo County Commission .....	\$ 39,974.23
112	(25) Monongalia County Commission .....	\$ 62,775.00
113	(26) Monroe County Commission .....	\$ 9,490.77
114	(27) Nicholas County Commission .....	\$ 24,608.00
115	(28) Ohio County Commission .....	\$ 30,400.00
116	(29) Pleasants County Commission .....	\$ 6,850.00
117	(30) Richard L. Porter .....	\$ 1,163.08
118	(31) Preston County Circuit Clerk .....	\$ 69.39
119	(32) Putnam County Commission .....	\$ 63,339.06
120	(33) Raleigh County Commission .....	\$ 32,161.78
121	(34) Regional Jail and Correctional	
122	Facility Authority .....	\$ 579,335.69
123	(35) Ritchie County Commission .....	\$ 5,127.00
124	(36) Roane County Commission .....	\$ 10,200.00
125	(37) Taylor County Commission .....	\$ 73,325.00
126	(38) Tyler County Commission .....	\$ 14,850.00
127	(39) Upshur County Commission .....	\$ 25,953.95
128	(40) Wayne County Commission .....	\$ 5,072.45
129	(41) Wetzel County Commission .....	\$ 3,425.00
130	(42) Wirt County Commission .....	\$ 2,200.00
131	(43) Wood County Commission .....	\$ 58,925.00

132 (m) *Claims against the Division of Environmental*  
133 *Protection:*

134 (TO BE PAID FROM SPECIAL REVENUE FUND)

135	(1) IBM Corporation .....	\$ 507.07
136	(2) Manpower Temporary Services .....	\$ 4,967.55
137	(3) Milburn Colliery Company .....	\$ 84.51

138	(4) WVU Extention Continuing Education	
139	& Professional Development .....	\$ 4,022.00
140	(n) <i>Claims against the Division of Health:</i>	
141	(TO BE PAID FROM SPECIAL REVENUE FUND)	
142	(1) Datascope Corporation .....	\$ 1,296.99
143	(2) Mary Hodges .....	\$ 400.00
144	(o) <i>Claims against the Division of Highways:</i>	
145	(TO BE PAID FROM STATE ROAD FUND)	
146	(1) Judy Bailey .....	\$ 5,784.95
147	(2) Roger Balser .....	\$ 81.51
148	(3) Ron Bower .....	\$ 200.00
149	(4) David Lee and Patricia I. Brewer .....	\$ 4,450.00
150	(5) James A. and Sandra J. Cayton .....	\$ 236.33
151	(6) John Randolph and	
152	John T. Cheetham .....	\$ 2,019.58
153	(7) Jan Adrian Creasey .....	\$ 20.09
154	(8) Gayle Dingess .....	\$ 100.00
155	(9) Gary Earp .....	\$ 494.23
156	(10) Linda Kay Eddy .....	\$ 221.72
157	(11) Rosa Belle Gainer .....	\$ 427.90
158	(12) John P. Grimmitt, II .....	\$ 500.00
159	(13) Russell Hammack .....	\$ 63.55
160	(14) Hampshire Distributor, Inc. ....	\$ 95.40
161	(15) Timothy Hudnall .....	\$ 89.99
162	(16) Ralph J. Lucas .....	\$ 720.00
163	(17) William J. Lucas .....	\$ 4,000.00
164	(18) Pauline Lucion .....	\$ 5,943.04
165	(19) Virgil N. Martin, Jr. ....	\$ 50.83
166	(20) Molly A. McCallister .....	\$ 1,501.73
167	(21) Frank McGuire .....	\$ 202.69
168	(22) Sandra and Charles Miller .....	\$ 14,996.84
169	(23) Donald K. Navarro .....	\$ 250.00
170	(24) Cassandra Prater .....	\$ 16,750.00
171	(25) Roscoe Prater and	
172	Cassandra Prater .....	\$ 11,549.12
173	(26) Edward E. Presley .....	\$ 871.32
174	(27) James Allen Sams, Sr. and	
175	Shayne Rene Sams as guardians	
176	for Andrea Gayle Sams .....	\$ 4,000.00

177	(28) James Allen Sams, Sr. and		
178	Shayne Rene Sams as guardians		
179	for James Allen Sams, Jr. ....	\$	4,000.00
180	(29) James Allen Sams, Sr., and		
181	Shayne Rene Sams .....	\$	3,029.81
182	(30) Morag Janet Schanz .....	\$	1,117.94
183	(31) Louise Johnson Griffin Simmons ....	\$	250.00
184	(32) Bonnie J. Starkey .....	\$	2,142.45
185	(33) Richard L. Thompson .....	\$	311.18
186	(34) Thomas Treadway .....	\$	81.00
187	(35) Matthew A. Tullius .....	\$	500.00
188	(p) <i>Claims against the Division of Human Services:</i>		
189	(TO BE PAID FROM GENERAL REVENUE FUND)		
190	(1) Kanawha County Commission .....	\$	18,896.00
191	(2) Marion County Commission .....	\$	718.11
192	(3) Putnam County Commission .....	\$	14,850.00
193	(q) <i>Claim against the Division of Natural Resources:</i>		
194	(TO BE PAID FROM SPECIAL REVENUE FUND)		
195	(1) Gibbons and Kawash .....	\$	18,025.00
196	(r) <i>Claims against the Division of Public Safety:</i>		
197	(TO BE PAID FROM GENERAL REVENUE FUND)		
198	(1) Baxter & Company, Inc. ....	\$	485.20
199	(2) Helicopter Flite Services, Inc. ....	\$	2,850.69
200	(3) IBM Corporation .....	\$	1,018.64
201	(4) James K. Schubert .....	\$	300.00
202	(s) <i>Claim against the Lottery Commission:</i>		
203	(TO BE PAID FROM SPECIAL REVENUE FUND)		
204	From Account No. 7200		
205	(1) Fahlgren, Inc. ....	\$	200,000.00
206	(t) <i>Claim against the Office of the Chief Medical</i>		
207	<i>Examiner:</i>		
208	(TO BE PAID FROM GENERAL REVENUE FUND)		
209	(1) Morgantown Removals, Inc. ....	\$	1,566.00
210	(u) <i>Claims against the Railroad Maintenance</i>		



211 *Authority:*

212 (TO BE PAID FROM GENERAL REVENUE FUND)

213 (1) MARC Train Service .....\$ 10,000.00

214 (TO BE PAID FROM SPECIAL REVENUE FUND)

215 From Account No. 8344-06

216 (2) Ronald W. Combs .....\$ 635.00

217 (v) *Claim against the State Treasurer:*

218 (TO BE PAID FROM GENERAL REVENUE FUND)

219 (1) Exxon Company, USA .....\$ 166.61

220 (w) *Claims against the Supreme Court of Appeals:*

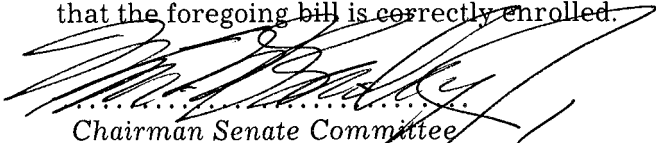
221 (TO BE PAID FROM GENERAL REVENUE FUND)

222 (1) Carl Berkley .....\$ 1,500.00

223 (2) Process-Strategies Institute.....\$ 375.00

224 The Legislature finds that the above moral obliga-  
225 tions and the appropriations made in satisfaction  
226 thereof shall be the full compensation for all claim-  
227 ants, and that prior to the payments to any claimant  
228 provided for in this bill, the court of claims shall  
229 receive a release from said claimant releasing any and  
230 all claims for moral obligations arising from the  
231 matters considered by the Legislature in the finding of  
232 the moral obligations and the making of the appropri-  
233 ations for said claimant. The court of claims shall  
234 deliver all releases obtained from claimants to the  
235 department against which the claim was allowed.

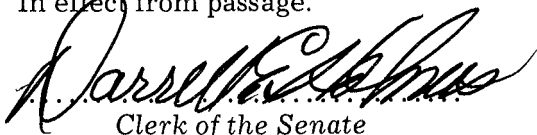
The Joint Committee on Enrolled Bills hereby certifies  
that the foregoing bill is correctly enrolled.

  
.....  
Chairman Senate Committee

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


Originated in the Senate.

In effect from passage.

  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

The within *is approved* this the *25th*  
*March*  
day of ....., 1994.

  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/16/94

Time 2:45 PM