WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

---

ENROLLED

Committee Substitute for

SENATE BILL NO. 517

(By Senator Whitlow, et al.)

---

PASSED March 11, 1994

In Effect from Passage
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
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:

(TO BE PAID FROM SPECIAL REVENUE FUND)

(1) Chesapeake and Potomac Telephone Company of WV .................. $ 5,199.16

(2) Exxon Company USA ................. $ 29.00

(b) Claims against the Attorney General:

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) Larry M. Bonham ..................... $ 125.00

(2) The Michie Company ................ $ 149.64

(3) Xerox Corporation ................... $ 1,269.60

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

(TO BE PAID FROM SPECIAL REVENUE FUND)

(1) Terrill W. Wood .................... $ 106.50
(d) Claim against the Board of Coal Mine Safety and Technical Review Committee:

(TO BE PAID FROM SPECIAL REVENUE FUND)

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

(e) Claim against the Board of Education:

(TO BE PAID FROM GENERAL REVENUE FUND)

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

Provided, 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, however, 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.

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

(TO BE PAID FROM SPECIAL REVENUE FUND)

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

(g) Claims against the Bureau of Employment Programs:

(TO BE PAID FROM SPECIAL REVENUE FUND)

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

(TO BE PAID FROM WORKERS' COMPENSATION FUND)

(2) Medical Claims Review

Services, Inc. .........................$ 6,422.65

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

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

(h) Claims against the Consolidated Medical Services Fund:

(TO BE PAID FROM GENERAL REVENUE FUND)
(1) R. Dean Coddington, M.D. ............. $ 1,170.00
(2) Helen Keller National Center ............. $ 9,800.00
(3) Kidspeace National Centers
for Kids in Crisis ..................... $ 6,990.00
(4) Psychiatric Institute of WV, Inc. ............. $ 11,794.28
(5) Saint Albans Psychiatric
Hospital, Inc. ..................... $ 13,372.97
(6) St. Marys Hospital ..................... $ 74,611.27
(7) University Health Associates ............. $ 249.00

(i) Claims against the Department of Administration:

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) Chesapeake and Potomac Telephone
Company of WV ..................... $ 656.88
(2) Tyler Mountain Water
Company, Inc. ..................... $ 215.45

(j) Claims against the Department of Education:

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) Donna E. Kimbrew ..................... $ 293.00
(2) Mary Anne Mullenax ..................... $ 293.00
(3) Carol J. White ..................... $ 293.00
(4) Salena M. Williams ..................... $ 50.00

(k) Claim against the Department of Tax and
Revenue:

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) IBM Corporation ..................... $ 1,012.00

(l) Claims against the Division of Corrections:

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) Steven W. Adkins ..................... $ 150.00
(2) John A. Bacon ..................... $ 409.80
(3) Barbour County Commission ..................... $ 23,325.00
(4) Boone County Commission ..................... $ 74,025.00
(5) Braxton County Commission ..................... $ 11,220.38
(6) Cabell County Commission ..................... $ 168,150.00
(7) Doddridge County Commission ..................... $ 1,050.00
(8) Fayette County Commission ..................... $ 34,391.38
(9) Gilmer County Commission ..................... $ 5,726.96
(10) Grant County Commission ............... $ 9,407.54
(11) Greenbrier County Commission ......... $ 22,986.24
(12) Hancock County Commission ............ $ 21,908.51
(13) Harrison County Commission ............ $ 36,050.00
(14) Steven D. Hawley ........................ $ 200.00
(15) Jackson County Commission ............. $ 20,200.00
(16) Kanawha County Commission .......... $ 386,729.00
(17) Lewis County Commission ............... $ 10,901.18
(18) Logan County Commission ............... $ 40,000.00
(19) Marion County Commission .............. $ 30,449.58
(20) Marshall County Commission .......... $ 21,536.76
(21) Mason County Commission ............... $ 12,095.00
(22) McDowell County Commission ........... $ 50,435.00
(23) Mercer County Commission .............. $ 91,925.00
(24) Mingo County Commission ............... $ 39,974.23
(25) Monongalia County Commission ........ $ 62,775.00
(26) Monroe County Commission .............. $ 9,490.77
(27) Nicholas County Commission ............ $ 24,608.00
(28) Ohio County Commission ................. $ 30,400.00
(29) Pleasants County Commission .......... $ 6,850.00
(30) Richard L. Porter ....................... $ 1,163.08
(31) Preston County Circuit Clerk ........... $ 69.39
(32) Putnam County Commission .............. $ 63,339.06
(33) Raleigh County Commission ............. $ 32,161.78
(34) Regional Jail and Correctional Facility Authority ......................... $ 579,335.69
(35) Ritchie County Commission ............ $ 5,127.00
(36) Roane County Commission ............... $ 10,200.00
(37) Taylor County Commission .............. $ 73,325.00
(38) Tyler County Commission ............... $ 14,850.00
(39) Upshur County Commission ............. $ 25,953.95
(40) Wayne County Commission ............... $ 5,072.45
(41) Wetzel County Commission .............. $ 3,425.00
(42) Wirt County Commission ................. $ 2,200.00
(43) Wood County Commission ............... $ 58,925.00

(m) Claims against the Division of Environmental Protection:

(TO BE PAID FROM SPECIAL REVENUE FUND)

(1) IBM Corporation ........................ $ 507.07
(2) Manpower Temporary Services ............ $ 4,967.55
(3) Milburn Colliery Company ............... $ 84.51
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>138</td>
<td>(4) WVU Extention Continuing Education &amp; Professional Development</td>
<td>$4,022.00</td>
</tr>
<tr>
<td>140</td>
<td>(n) Claims against the Division of Health:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(TO BE PAID FROM SPECIAL REVENUE FUND)</td>
<td></td>
</tr>
<tr>
<td>142</td>
<td>(1) Datascope Corporation</td>
<td>$1,296.99</td>
</tr>
<tr>
<td>143</td>
<td>(2) Mary Hodges</td>
<td>$400.00</td>
</tr>
<tr>
<td>144</td>
<td>(o) Claims against the Division of Highways:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(TO BE PAID FROM STATE ROAD FUND)</td>
<td></td>
</tr>
<tr>
<td>146</td>
<td>(1) Judy Bailey</td>
<td>$5,784.95</td>
</tr>
<tr>
<td>147</td>
<td>(2) Roger Balser</td>
<td>$81.51</td>
</tr>
<tr>
<td>148</td>
<td>(3) Ron Bower</td>
<td>$200.00</td>
</tr>
<tr>
<td>149</td>
<td>(4) David Lee and Patricia I. Brewer</td>
<td>$4,450.00</td>
</tr>
<tr>
<td>150</td>
<td>(5) James A. and Sandra J. Cayton</td>
<td>$236.33</td>
</tr>
<tr>
<td>151</td>
<td>(6) John Randolph and John T. Cheetham</td>
<td>$2,019.58</td>
</tr>
<tr>
<td>153</td>
<td>(7) Jan Adrian Creasey</td>
<td>$20.09</td>
</tr>
<tr>
<td>154</td>
<td>(8) Gayle Dingess</td>
<td>$100.00</td>
</tr>
<tr>
<td>155</td>
<td>(9) Gary Earp</td>
<td>$494.23</td>
</tr>
<tr>
<td>156</td>
<td>(10) Linda Kay Eddy</td>
<td>$221.72</td>
</tr>
<tr>
<td>157</td>
<td>(11) Rosa Belle Gainer</td>
<td>$427.90</td>
</tr>
<tr>
<td>158</td>
<td>(12) John P. Grimmett, II</td>
<td>$500.00</td>
</tr>
<tr>
<td>159</td>
<td>(13) Russell Hammack</td>
<td>$63.55</td>
</tr>
<tr>
<td>160</td>
<td>(14) Hampshire Distributor, Inc.</td>
<td>$95.40</td>
</tr>
<tr>
<td>161</td>
<td>(15) Timothy Hudnall</td>
<td>$89.99</td>
</tr>
<tr>
<td>162</td>
<td>(16) Ralph J. Lucas</td>
<td>$720.00</td>
</tr>
<tr>
<td>163</td>
<td>(17) William J. Lucas</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>164</td>
<td>(18) Pauline Lucion</td>
<td>$5,943.04</td>
</tr>
<tr>
<td>165</td>
<td>(19) Virgil N. Martin, Jr.</td>
<td>$50.83</td>
</tr>
<tr>
<td>166</td>
<td>(20) Molly A. McCallister</td>
<td>$1,501.73</td>
</tr>
<tr>
<td>167</td>
<td>(21) Frank McGuire</td>
<td>$202.69</td>
</tr>
<tr>
<td>168</td>
<td>(22) Sandra and Charles Miller</td>
<td>$14,996.84</td>
</tr>
<tr>
<td>169</td>
<td>(23) Donald K. Navarro</td>
<td>$250.00</td>
</tr>
<tr>
<td>170</td>
<td>(24) Cassandra Prater</td>
<td>$16,750.00</td>
</tr>
<tr>
<td>171</td>
<td>(25) Roscoe Prater and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cassandra Prater</td>
<td>$11,549.12</td>
</tr>
<tr>
<td>173</td>
<td>(26) Edward E. Presley</td>
<td>$871.32</td>
</tr>
<tr>
<td>174</td>
<td>(27) James Allen Sams, Sr. and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Shayne Rene Sams as guardians</td>
<td></td>
</tr>
<tr>
<td></td>
<td>for Andrea Gayle Sams</td>
<td>$4,000.00</td>
</tr>
</tbody>
</table>


(28) James Allen Sams, Sr. and Shayne Rene Sams as guardians for James Allen Sams, Jr. $ 4,000.00
(29) James Allen Sams, Sr., and Shayne Rene Sams $ 3,029.81
(30) Morag Janet Schanz $ 1,117.94
(31) Louise Johnson Griffin Simmons $ 250.00
(32) Bonnie J. Starkey $ 2,142.45
(33) Richard L. Thompson $ 311.18
(34) Thomas Treadway $ 81.00
(35) Matthew A. Tullius $ 500.00

(p) Claims against the Division of Human Services:

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) Kanawha County Commission $ 18,896.00
(2) Marion County Commission $ 718.11
(3) Putnam County Commission $ 14,850.00

(q) Claim against the Division of Natural Resources:

(TO BE PAID FROM SPECIAL REVENUE FUND)

(1) Gibbons and Kawash $ 18,025.00

(r) Claims against the Division of Public Safety:

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) Baxter & Company, Inc. $ 485.20
(2) Helicopter Flite Services, Inc. $ 2,850.69
(3) IBM Corporation $ 1,018.64
(4) James K. Schubert $ 300.00

(s) Claim against the Lottery Commission:

(TO BE PAID FROM SPECIAL REVENUE FUND)

From Account No. 7200

(1) Fahlgren, Inc. $ 200,000.00

(t) Claim against the Office of the Chief Medical Examiner:

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) Morgantown Removals, Inc. $ 1,566.00

(u) Claims against the Railroad Maintenance
Authority:

212  

213 (TO BE PAID FROM GENERAL REVENUE FUND)

214 (1) MARC Train Service .................. $ 10,000.00

215  

216 (TO BE PAID FROM SPECIAL REVENUE FUND)

217 From Account No. 8344-06

218  

219 (2) Ronald W. Combs .................... $ 635.00

220  

221 Claim against the State Treasurer:

222  

223 (TO BE PAID FROM GENERAL REVENUE FUND)

224 (1) Exxon Company, USA ................. $ 166.61

225  

226 (w) Claims against the Supreme Court of Appeals:

227  

228 (TO BE PAID FROM GENERAL REVENUE FUND)

229 (1) Carl Berkley ......................... $ 1,500.00

230 (2) Process-Strategies Institute......... $ 375.00

231 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.

Chairman Senate Committee

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 .......... this the .......... day of .........., 1994.

Governor