

SB 426

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998



ENROLLED

SENATE BILL NO. 426

(By Senator LOVE, ET AL)



PASSED March 11, 1998

In Effect From Passage

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WEST VIRGINIA LEGISLATURE

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Senate Bill No. 426

(BY SENATORS LOVE, HELMICK, SHARPE,
SPOUSE AND MCKENZIE)

[Passed March 11, 1998; 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; board of directors of the state college system; board of respiratory care; board of trustees of the university system of West Virginia; bureau of senior services; department of administration; department of tax and revenue; division of corrections; division of culture and history; division of environmental protection; division of forestry;

division of health; division of highways; division of human services; division of labor; division of motor vehicles; division of natural resources; division of rehabilitation services; education and state employees grievance board; governor's office; human rights commission; public service commission; regional jail and correctional facility authority; state rail authority; state of West Virginia; 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 and
2 recommendations reported to it by the court of claims
3 concerning various claims against the state and agencies
4 thereof, and in respect to each of the following claims the
5 Legislature adopts those findings of fact as its own, and in
6 respect of certain claims herein, the Legislature has
7 independently made findings of fact and determinations
8 of award and hereby declares it to be the moral obligation
9 of the state to pay each such claim in the amount specified
10 below, and directs the auditor to issue warrants for the
11 payment thereof out of any fund appropriated and avail-
12 able for the purpose.

13 (a) *Claims against the Alcohol Beverage Control Adminis-*
14 *tration:*

15 (TO BE PAID FROM SPECIAL REVENUE FUND)

16 (1) Global Petroleum Corporation \$ 3,955.29

17 (b) *Claim against the Board of Directors of the State*
18 *College System:*

19 (TO BE PAID FROM SPECIAL REVENUE FUND)

20 (1) George L. Heider, Inc., t/a Sportsmans \$ 2,930.04

21 (c) *Claim against the Board of Respiratory Care:*

22 (TO BE PAID FROM SPECIAL REVENUE FUND)

23	(1) Anna Parkman	\$	1,171.85
24	(d) <i>Claim against the Board of Trustees of the University</i>		
25	<i>System of WV:</i>		
26	(TO BE PAID FROM SPECIAL REVENUE FUND)		
27	(1) Matthew W. Wilson	\$	740.00
28	(e) <i>Claim against the Bureau of Senior Services:</i>		
29	(TO BE PAID FROM GENERAL REVENUE FUND)		
30	(1) WV Graduate College	\$	228.00
31	(f) <i>Claims against the Department of Administration:</i>		
32	(TO BE PAID FROM SPECIAL REVENUE FUND —		
33	ACCOUNT NO. 2031)		
34	(1) Archives Security, Inc.	\$	179.31
35	(TO BE PAID FROM SPECIAL REVENUE FUND —		
36	ACCOUNT NO. 2241)		
37	(2) Archives Security, Inc.	\$	63.72
38	(TO BE PAID FROM SPECIAL REVENUE FUND —		
39	ACCOUNT NO. 2320)		
40	(3) Bell Atlantic-West Virginia, Inc.	\$	2,865.62
41	(TO BE PAID FROM SPECIAL REVENUE FUND —		
42	ACCOUNT NO. 2241)		
43	(4) Tyler Mountain Water Company, Inc. \$	289.70	
44	(5) West Virginia Association of		
45	Rehabilitation Facilities	\$	303,595.91
46	(g) <i>Claim against the Department of Tax and Revenue:</i>		
47	(TO BE PAID FROM GENERAL REVENUE FUND)		
48	(1) American Decal & Manufacturing		
49	Company	\$	22,657.50
50	(h) <i>Claims against the Division of Corrections:</i>		

51	(TO BE PAID FROM GENERAL REVENUE FUND)	
52	(1) Barbara S. Bohrer	\$ 100,000.00
53	(2) Lane S. Bohrer	\$ 25,496.33
54	(3) Charleston Cash Register Company ..	\$ 315.00
55	(4) Marion County Commission	\$ 44,700.00
56	(5) Janice B. Morgan	\$ 700.00
57	(6) Regional Jail and Correctional	
58	Facility Authority	\$ 543,900.80
59	(i) <i>Claim against the Division of Culture and History:</i>	
60	(TO BE PAID FROM GENERAL REVENUE FUND)	
61	(1) E & M Products, Inc.	\$ 120.00
62	(j) <i>Claim against the Division of Environmental Protec-</i>	
63	<i>tion:</i>	
64	(TO BE PAID FROM SPECIAL REVENUE FUND)	
65	(1) Division of Natural Resources	\$ 1,064.49
66	(k) <i>Claim against the Division of Forestry:</i>	
67	(TO BE PAID FROM GENERAL REVENUE FUND)	
68	(1) Division of Natural Resources	\$ 1,900.80
69	(l) <i>Claim against the Division of Health:</i>	
70	(TO BE PAID FROM GENERAL REVENUE FUND)	
71	(1) Owen Healthcare, Inc.	\$ 25,298.42
72	(m) <i>Claims against the Division of Highways:</i>	
73	(TO BE PAID FROM STATE ROAD FUND)	
74	(1) Cornice and Charlene Adkins	\$ 100.00
75	(2) Richard W. Armstrong, Jr.	\$ 451.29
76	(3) Loretta L. Baldwin	\$ 194.03
77	(4) Michael F. Bennett	\$ 438.30
78	(5) Larry Blevins	\$ 250.00
79	(6) Linda Bolyard	\$ 319.36
80	(7) Jason Shawn Bowers	\$ 123.00

81	(8) Roy E. Brewster	\$ 94.05
82	(9) Timothy and Darla Brown	\$ 425.00
83	(10) Bucky's Limited Auto Body, Inc.	\$ 600.00
84	(11) Jackie and Connie Coleman	\$ 250.00
85	(12) Carolyn Ann Cook	\$ 101.74
86	(13) Oscar J. Corbin	\$ 100.00
87	(14) Beverly Black Davis	\$ 104.97
88	(15) James Dillow	\$ 3,300.00
89	(16) Marie A. Dodd	\$ 405.63
90	(17) Kenneth Alvah East	\$ 1,722.29
91	(18) Anson J. Fanary	\$ 73.14
92	(19) Charles Fitzwater	\$ 180.25
93	(20) Ruby S. Foltz	\$ 163.24
94	(21) Tina Fulks	\$ 140.54
95	(22) Dorraine Gibson	\$ 158.50
96	(23) Andrew and Laura Gilman	\$ 250.00
97	(24) Paula Givens	\$ 701.12
98	(25) Harold M. and Sherry Gosnell	\$ 410.67
99	(26) David and Marsha Gresham	\$ 250.00
100	(27) Michael A. Holben	\$ 115.00
101	(28) Richard L. James	\$ 100.00
102	(29) Kenneth Wayne Lacy, II	\$ 452.06
103	(30) Kimberly Lewis	\$ 541.54
104	(31) Terry L. Mano	\$ 226.31
105	(32) John W. Marshall and Jessica A. Haden	\$ 1,612.00
106	(33) Linda McCord	\$ 250.00
107	(34) Gilbert R. McDaniel	\$ 100.00
108	(35) John F. Mele, Jr.	\$ 268.58
109	(36) Stormie D. Meloy	\$ 720.00
110	(37) Jennifer Myers	\$ 26,590.25
111	(38) North Hill Coal Company	\$ 408.78
112	(39) Linda O'Connor	\$ 158.71
113	(40) Robert Palumbo	\$ 351.79
114	(41) Leonard Wayne Riggs	\$ 200.00
115	(42) Tina Roberts	\$ 655.56
116	(43) John and Glenda Robinson	\$ 250.00
117	(44) Goldie Rogers	\$ 100.00
118	(45) Cathy B. Rorrer	\$ 102.81

119	(46) Bradley A. and Earl D. Sandy	\$	106.00
120	(47) Lonnie M. Skeens	\$	452.61
121	(48) Linda L. Stanley	\$	89.31
122	(49) David S. Stevens	\$	377.77
123	(50) Arthur M. and Carol L. Stewart	\$	500.00
124	(51) Teddy and Linda Stull	\$	100.00
125	(52) Linda Syslo	\$	69.94
126	(53) Helen E. Tolley	\$	26.18
127	(54) Shirley Trent	\$	141.92
128	(55) Steven S. Voytek	\$	204.42
129	(56) Dawn Widmeyer	\$	114.36
130	(57) Rose Marie Wirtz	\$	132.48
131	(n) <i>Claims against Division of Human Services:</i>		
132	(TO BE PAID FROM GENERAL REVENUE FUND)		
133	(1) Burke Funeral Home	\$	325.00
134	(2) Frey Home for Funerals, Inc.	\$	400.00
135	(3) Lambert-Tatman Funeral Home	\$	400.00
136	(4) Robert M. Vincent Funeral Home	\$	400.00
137	(5) Shanklin Funeral Home, Inc.	\$	400.00
138	(o) <i>Claims against the Division of Labor:</i>		
139	(TO BE PAID FROM GENERAL REVENUE FUND)		
140	(1) Archives Security, Inc.	\$	176.53
141	(2) Bell Atlantic-West Virginia, Inc.	\$	696.72
142	(3) WV American Water Company	\$	108.69
143	(p) <i>Claims against Division of Motor Vehicles:</i>		
144	(TO BE PAID FROM STATE ROAD FUND)		
145	(1) Patricia Goeddel	\$	599.75
146	(2) James and Jane Hepner	\$	975.00
147	(q) <i>Claims against the Division of Natural Resources:</i>		
148	(TO BE PAID FROM GENERAL REVENUE FUND)		
149	(1) Jim Canada	\$	400.00
150	(2) Rebecca and David Jones	\$	1,992.80

151 (r) *Claims against the Division of Rehabilitation Services:*

152 (TO BE PAID FROM FEDERAL REVENUE FUND)

153 (1) M. Amrik Chattha, M.D. \$ 150.00

154 (2) West Virginia Association of
155 Rehabilitation Facilities \$ 19,197.41156 (s) *Claim against the Education and State Employees*
157 *Grievance Board:*

158 (TO BE PAID FROM GENERAL REVENUE FUND)

159 (1) Officemax, Inc. \$ 155.83

160 (t) *Claim against the Governor's Office:*

161 (TO BE PAID FROM GENERAL REVENUE FUND)

162 (1) Kroger Company \$ 124.12

163 (u) *Claim against the Human Rights Commission:*

164 (TO BE PAID FROM GENERAL REVENUE FUND)

165 (1) Tel-Tex Communications, Inc. \$ 779.00

166 (v) *Claims against the Public Service Commission:*

167 (TO BE PAID FROM SPECIAL REVENUE FUND)

168 (1) Division of Highways \$ 159.91

169 (2) Elco Mechanical Contractors \$ 464.24

170 (3) Goodyear Tire and Rubber
171 Company, Inc. \$ 253.72

172 (4) U.S. Dairy Company \$ 102.02

173 (w) *Claims against the Regional Jail and Correctional*
174 *Facility Authority:*

175 (TO BE PAID FROM SPECIAL REVENUE FUND)

176 (1) Leroy Buzzard \$ 210.00

177 (2) Kenhill Construction Company, Inc. . . \$ 489,519.39

178 (x) *Claim against the State Rail Authority:*

179	(TO BE PAID FROM GENERAL REVENUE FUND)	
180	(1) Charles E. Williams, Jr.	\$ 425.00
181	(y) <i>Claim against the State of West Virginia:</i>	
182	(TO BE PAID FROM GENERAL REVENUE FUND)	
183	(1) AT & T	\$ 179,892.93
184	(z) <i>Claims against the Supreme Court of Appeals:</i>	
185	(TO BE PAID FROM GENERAL REVENUE FUND)	
186	(1) James M. Casey	\$ 341.00
187	(2) Randolph County Commission	\$ 1,463.31
188	(3) Spectrum Reporting Services	\$ 2,675.48
189	(4) Patricia Williams, M.D.	\$ 1,319.00
190	(5) Shirley Adkins	\$ 514.06
191	(6) William D. Anderson	\$ 100.00
192	(7) Ernest F. Backus	\$ 1,743.75
193	(8) Marjorie L. Baker	\$ 514.06
194	(9) Linda L. Bixby	\$ 514.06
195	(10) Teresa Bruno	\$ 522.32
196	(11) David M. Buzzard	\$ 1,506.05
197	(12) Philip G. Conley	\$ 1,536.30
198	(13) John L. Daniels	\$ 4,500.00
199	(14) Marian A. Darby	\$ 3,304.43
200	(15) J.V. DeMarco	\$ 1,506.05
201	(16) Kimberly J. Roach Farmer	\$ 1,538.06
202	(17) Norman D. Ferrari	\$ 1,530.25
203	(18) Judith P. Goontz	\$ 1,506.05
204	(19) Lorie L. Green	\$ 524.39
205	(20) Jeanette Grimes	\$ 514.06
206	(21) Sonja L. Johns Hackney	\$ 514.06
207	(22) Anita Hager	\$ 1,104.43
208	(23) Tammy J. Halsey	\$ 1,538.06
209	(24) Edward Harless, Jr.	\$ 4,500.00
210	(25) Sue Hedstrom	\$ 595.21
211	(26) Edward S. Hicks	\$ 1,743.75
212	(27) Beverly C. Booth Justice	\$ 514.06

213	(28) Mark A. Kerwood	\$	1,506.05
214	(29) Teresa E. King	\$	1,278.76
215	(30) Wilma L. Kocher	\$	514.06
216	(31) Shirley Laxton	\$	223.80
217	(32) Ruth D. Lemon	\$	1,104.43
218	(33) Robert Lightner	\$	1,282.30
219	(34) Louis E. Longanacre	\$	1,743.75
220	(35) Mary E. Loucas	\$	1,045.03
221	(36) Mickey M. Mallas	\$	1,530.25
222	(37) Franchesia McClung	\$	595.21
223	(38) Helen McCormick	\$	1,506.05
224	(39) Tamela D. Bailey McCurdy	\$	1,538.06
225	(40) Mary S. McCutcheon	\$	524.39
226	(41) D.L. McKnight as Executor of the		
227	Estate of Nina L. McKnight	\$	595.21
228	(42) Barbara Minor	\$	514.06
229	(43) John D. Morton	\$	1,536.30
230	(44) John Moses	\$	1,506.05
231	(45) Pamela Newsome	\$	514.06
232	(46) Walter Nogay	\$	1,530.25
233	(47) Agnes D. Riffel	\$	1,126.61
234	(48) Deloris Sidebottom	\$	514.06
235	(49) Jerry P. Turner	\$	595.21
236	(50) Bill Webb	\$	1,506.05
237	(51) Tamera Webster	\$	522.32
238	(52) Connie White	\$	1,538.06
239	(53) Mary F. Wiedebusch	\$	1,104.43
240	(54) Doris Zagula	\$	522.32

241 The Legislature finds that the above moral obligations
242 and the appropriations made in satisfaction thereof shall
243 be the full compensation for all claimants, and that prior
244 to the payments to any claimant provided for in this bill,
245 the court of claims shall receive a release from said
246 claimant releasing any and all claims for moral obliga-
247 tions arising from the matters considered by the Legisla-
248 ture in the finding of the moral obligations and the
249 making of the appropriations for said claimant. The court

250 of claims shall deliver all releases obtained from claimants
251 to the department against which the claim was allowed.

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

Randy Schoonover
.....
Chairman Senate Committee

Nick Antasia
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Russell Williams
.....
Clerk of the Senate

Begonia M. Gray
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Frank Keener
.....
Speaker House of Delegates

The within *approved* this the *2/50*
day of *March*, 1998.

Earl R. Anderson
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/18/98

Time 3:26 pm