

HB 2682

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# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 2682**

(By Delegates Kelley, Beane, Evans,  
Compton and Hall)



Passed March 12, 1999

In Effect from Passage

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WEST VIRGINIA LEGISLATURE  
STATE HOUSE

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FOR

## H. B. 2682

(BY DELEGATES KELLEY, BEANE, EVANS,  
COMPTON AND HALL)

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[Passed March 12, 1999; 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 adjutant general; board of directors of the state college system; board of trustees of the university system of West Virginia; department of agriculture; department of health and human resources; division of corrections; division of environmental protection; division of highways; division of juvenile services; division of labor; division of motor vehicles; division of natural resources; public service commission; regional jail and correctional facility authority; state rail authority; supreme court of appeals; and West Virginia racing commission 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 concern-  
3 ing various claims against the state and agencies thereof, and in  
4 respect to each of the following claims the Legislature adopts  
5 those findings of fact as its own, and in respect of certain claims  
6 herein, the Legislature has independently made findings of fact  
7 and determinations of award and hereby declares it to be the  
8 moral obligation of the state to pay each such claim in the  
9 amount specified below, and directs the auditor to issue  
10 warrants for the payment thereof out of any fund appropriated  
11 and available for the purpose.

12 (a) *Claims against the Adjutant General:*

13 (TO BE PAID FROM GENERAL REVENUE FUND)

- 14 (1) Steven Charles Adkins . . . . . \$510.00  
15 (2) Bernard T. Corley . . . . . \$1,400.00  
16 (3) James B. Ramsey . . . . . \$1,400.00

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

19 (TO BE PAID FROM SPECIAL REVENUE FUND-  
20 ACCOUNT NO. 4423)

- 21 (1) Louis I. Bonasso, dba Colonial Village . . \$14,935.99

22 (c) *Claim against the Board of Trustees of the University*  
23 *System of WV:*

24 (TO BE PAID FROM SPECIAL REVENUE FUND)

- 25 (1) Nick Hunter . . . . . \$200.00

26 (d) *Claim against the Department of Agriculture:*

27 (TO BE PAID FROM GENERAL REVENUE FUND)

- 28 (1) US Department of Agriculture . . . . . \$17,453.78

29 (e) *Claims against the Department of Health and Human*  
30 *Resources:*

31 (TO BE PAID FROM SPECIAL REVENUE FUND)

32	(1) Laboratory Corporation of America	
33	Holdings .....	\$129,900.00
34	(2) Network Six, Inc. ....	\$19,175.00
35	(TO BE PAID FROM GENERAL REVENUE FUND)	
36	(3) Olympic Center - Preston, Inc. ....	\$19,611.50
37	(f) <i>Claims against the Division of Corrections:</i>	
38	(TO BE PAID FROM GENERAL REVENUE FUND)	
39	(1) Alloy Welding Centre Limited .....	\$1,384.80
40	(2) Samuel R. Anstey .....	\$73.84
41	(3) Barbour County Commission .....	\$8,450.00
42	(4) Boll Medical, Inc. ....	\$462.00
43	(5) Boone County Commission .....	\$190.00
44	(6) Cabell County Commission .....	\$123,773.93
45	(7) Cheryl Chandler .....	\$168.00
46	(8) Ronald R. Cloud .....	\$73.45
47	(9) Danny Garrison .....	\$20.00
48	(10) Green Acres Regional Center, Inc. ....	\$539.65
49	(11) Harrison County Commission .....	\$26,400.00
50	(12) Hervis Leasing .....	\$2,685.69
51	(13) Dewaine C. King .....	\$8.48
52	(14) Marion County Commission .....	\$54,629.66
53	(15) Marsico Brothers, Inc. ....	\$234.23
54	(16) Mason County Commission .....	\$2,500.00
55	(17) McDowell County Commission .....	\$65,766.30
56	(18) Mineral County Commission .....	\$5,350.00
57	(19) Modern Equipment Company, Inc. ....	\$76.34
58	(20) Olsten Corporation .....	\$479.04
59	(21) Howard H. Painter .....	\$160.00
60	(22) Pendleton County Commission .....	\$12,750.00
61	(23) Phillips Supply Company .....	\$403.68
62	(24) Michael Wayne Ratliff .....	\$250.00
63	(25) Ritchie County Commission .....	\$14,684.07
64	(26) Roentgen Diagnostics, Inc. ....	\$25.00
65	(27) Taylor County Commission .....	\$30,000.00
66	(28) Tyler County Commission .....	\$3,476.88
67	(29) WV Regional Jail and Correctional	
68	Facility Authority .....	\$1,968,970.00

69	(30) David Welch .....	\$15.00
70	(31) Wood County Commission .....	\$38,275.00
71	(g) <i>Claim against the Division of Environmental Protec-</i>	
72	<i>tion:</i>	
73	(TO BE PAID FROM SPECIAL REVENUE FUND-	
74	ACCOUNT NO. 3326)	
75	(1) CT & E Environmental Services, Inc. ....	\$980.00
76	(h) <i>Claims against the Division of Highways:</i>	
77	(TO BE PAID FROM STATE ROAD FUND)	
78	(1) Michael L. and Cheryl J. Acree .....	\$500.00
79	(2) David Joseph and Linda Jean Bailey ....	\$5,800.00
80	(3) Ernest L. Baughman .....	\$100.00
81	(4) Kenneth R. Bell .....	\$75.00
82	(5) Ricky A. Carr .....	\$137.80
83	(6) Roger G. and Connie G. Chaney .....	\$200.00
84	(7) Scott D. and Connie Davidson .....	\$126.96
85	(8) Sue F. Davis .....	\$7,514.58
86	(9) Daniel A. Dimmick .....	\$40,000.00
87	(10) Tama Dimmick .....	\$10,000.00
88	(11) Carolyn S. Escue .....	\$57.00
89	(12) Christine Fisher .....	\$1,760.25
90	(13) Jerry and Melinda Joe Fletcher .....	\$398.75
91	(14) James Garrison .....	\$300.00
92	(15) Wendy and Donnie Lynn Hardman .....	\$179.85
93	(16) Okey and Wilma Hurlow .....	\$50.88
94	(17) Jeremiah A. Jasper .....	\$52.46
95	(18) Shirley Johnson .....	\$200.00
96	(19) Drayton R. Justus .....	\$137.80
97	(20) Debra A. Kesecker .....	\$99.11
98	(21) Donel J. Kinnard .....	\$645.00
99	(22) Richard M. and Barbara Klug .....	\$250.00
100	(23) Carlo Marcantonio .....	\$1,262.67
101	(24) Elizabeth Matheny .....	\$48.74
102	(25) Arthur and Charlotte Meade .....	\$2,000.00
103	(26) Charles and Crystal Meade .....	\$4,500.00
104	(27) Wendi Morris .....	\$250.00

105	(28) Norma and Lon Ooten . . . . .	\$8,000.00
106	(29) Allen D. Pancake . . . . .	\$500.00
107	(30) Charles F. Parsons . . . . .	\$900.00
108	(31) Deloris Perry . . . . .	\$1,232.48
109	(32) Shirley Perry . . . . .	\$4,630.00
110	(33) Victoria J. and Joel R. Ponedel . . . . .	\$250.00
111	(34) James A. Roberts . . . . .	\$455.50
112	(35) Carolyn E. Rogers . . . . .	\$1,322.00
113	(36) Rose Hill Farms, Inc. . . . .	\$2,850.00
114	(37) Roger K. and Geraldine S. Ross . . . . .	\$500.00
115	(38) Daniel T. Savino . . . . .	\$312.71
116	(39) Sheri L. Sayre . . . . .	\$545.28
117	(40) Juanita Sharp . . . . .	\$3,011.44
118	(41) Judy and Jason Sheppard . . . . .	\$343.23
119	(42) Larry Slate . . . . .	\$250.00
120	(43) Dina Smoot . . . . .	\$67.84
121	(44) Aaron W. Stover . . . . .	\$1,054.01
122	(45) Joseph and Nancy Swihart . . . . .	\$124.60
123	(46) Cindy Terry . . . . .	\$63.58
124	(47) James R. Toothman . . . . .	\$583.44
125	(48) Geraldine Whitman . . . . .	\$3,844.17
126	(49) John G. and Carol L. Wolfe . . . . .	\$188.27
127	(50) Karen Sue Wymer . . . . .	\$100.00
128	(51) Randy E. Yost . . . . .	\$1,000.00
129	(52) David N. Dickens and Jennifer L. Dickens . . . . .	\$282.59
130	(TO BE PAID FROM INDUSTRIAL ACCESS ROAD	
131	FUND-ACCOUNT NO. 9040 0803 1999 099 025)	
132	(53) WV Development Office . . . . .	\$39,601.00
133	(i) <i>Claims against the Division of Juvenile Services:</i>	
134	(TO BE PAID FROM GENERAL REVENUE FUND)	
135	(1) Benwood Medical Clinic . . . . .	\$45.00
136	(2) Bluefield Regional Medical Center . . . . .	\$130.00
137	(3) Camden Clark Memorial Hospital . . . . .	\$921.50
138	(4) City Hospital, Inc. . . . .	\$372.66
139	(5) Fred J. Krieg and Associates . . . . .	\$74.14
140	(6) J.D. Hissem, DDS . . . . .	\$611.25
141	(7) Kanawha Valley Radiologists, Inc. . . . .	\$29.00

142	(8) Martinsburg Internal Medicine	
143	Associates, Inc. . . . .	\$360.00
144	(9) Martinsburg Radiology Associates . . . . .	\$58.00
145	(10) Parkersburg Radiology Services, Inc. . . . .	\$22.00
146	(11) Pitney Bowes . . . . .	\$82.59
147	(12) Superior Medical Equipment . . . . .	\$21.00
148	(13) Brian L. Vanpelt, M.D. . . . .	\$35.00
149	(j) <i>Claims against the Division of Labor:</i>	
150	(TO BE PAID FROM GENERAL REVENUE FUND)	
151	(1) Bell Atlantic-West Virginia, Inc. . . . .	\$3,392.86
152	(2) Charleston Foto 1, Inc. . . . .	\$5.18
153	(k) <i>Claims against the Division of Motor Vehicles:</i>	
154	(TO BE PAID FROM STATE ROAD FUND)	
155	(1) Bernard C. Gantzer . . . . .	\$2,750.00
156	(2) David M. Starkey . . . . .	\$554.07
157	(3) William Waybright dba Franklin Motors . . . . .	\$2,300.00
158	(l) <i>Claim against the Division of Natural Resources:</i>	
159	(TO BE PAID FROM SPECIAL REVENUE FUND-	
160	ACCOUNT NO. 3200)	
161	(1) University of Georgia Research	
162	Foundation, Inc. . . . .	\$2,418.75
163	(m) <i>Claims against the Public Service Commission:</i>	
164	(TO BE PAID FROM SPECIAL REVENUE FUND-	
165	ACCOUNT NO. 8623)	
166	(1) Commonwealth Associates, Inc. . . . .	\$318.85
167	(2) Connie D. DeMuth & Associates . . . . .	\$199.92
168	(3) John Skidmore Development, Inc. . . . .	\$1,487.50
169	(4) Kimball Intern'l, Inc., dba National	
170	Office Furniture . . . . .	\$381.60
171	(5) Parkersburg Sentinel Company . . . . .	\$99.94
172	(TO BE PAID FROM SPECIAL REVENUE FUND-	
173	ACCOUNT NO. 8625)	
174	(6) Goodyear Tire & Rubber Company, Inc. . . . .	\$527.24

175 (n) *Claims against Regional Jail and Correctional Facility*  
176 *Authority:*

177 (TO BE PAID FROM SPECIAL REVENUE FUND)

- 178 (1) Dave Hinkle Electric, Inc. . . . . \$100,000.00
- 179 (2) William Estes Harris, III . . . . . \$50.00
- 180 (3) Earl Saxton . . . . . \$2,000.00

181 (o) *Claims against the State Rail Authority:*

182 (TO BE PAID FROM GENERAL REVENUE FUND)

- 183 (1) Gary W. Cosner, Sr. . . . . \$500.00
- 184 (2) Lindsey Poling . . . . . \$585.00

185 (p) *Claims against the Supreme Court of Appeals:*

186 (TO BE PAID FROM GENERAL REVENUE FUND)

- 187 (1) Sue Hedstrom . . . . . \$595.22
- 188 (2) Lisa F. White . . . . . \$2,401.94

189 (q) *Claim against the WV Racing Commission:*

190 (TO BE PAID FROM SPECIAL REVENUE FUND)

- 191 (1) Bell Atlantic-West Virginia, Inc. . . . . \$405.18

192 The Legislature finds that the above moral obligations and  
193 the appropriations made in satisfaction thereof shall be the full  
194 compensation for all claimants, and that prior to the payments  
195 to any claimant provided for in this bill, the court of claims  
196 shall receive a release from said claimant releasing any and all  
197 claims for moral obligations arising from the matters consid-  
198 ered by the Legislature in the finding of the moral obligations  
199 and the making of the appropriations for said claimant. The  
200 court of claims shall deliver all releases obtained from claim-  
201 ants to the department against which the claim was allowed.



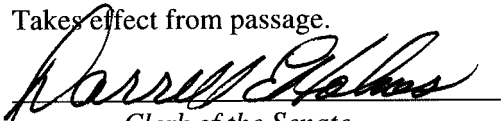
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

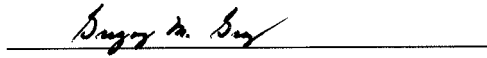
  
Chairman Senate Committee

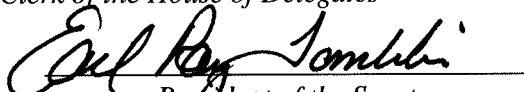
  
Chairman House Committee

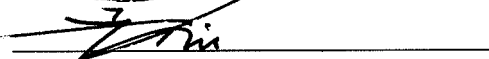
Originating in the House.

Takes effect from passage.

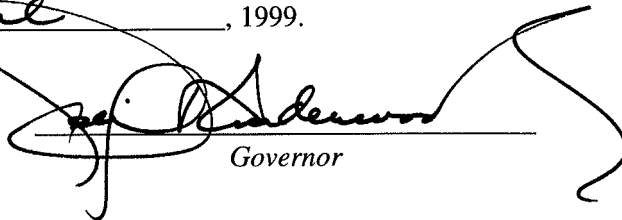
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within approved this the 2nd  
day of April, 1999.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/30/99

Time 3:40 pm