

FILED

2005 APR 18 P 5:47

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2981

(By Delegates H. White, Proudfoot, Cann,
Susman, Evans and Hall)



Passed April 5, 2005

In Effect from Passage

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FOR

H. B. 2981

(BY DELEGATES H. WHITE, PROUDFOOT, CANN,
SUSMAN, EVANS AND HALL)

[Passed April 5, 2005; 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 Attorney General; Auditor's Office; Bluefield State College; Bureau of Commerce; Community and Technical College of Shepherd; Department of Administration; Department of Administration/Division of Personnel; Department of Agriculture; Department of Education; Department of Education and the Arts; Department of Health and Human Resources; Department of Military Affairs and Public Safety; Department of Revenue; Department of

Transportation; Division of Corrections; Division of Environmental Protection; Division of Highways; Division of Juvenile Services; Division of Motor Vehicles; Division of Natural Resources; Division of Rehabilitation Services; Governor’s Office; Governor’s Office of Technology; Higher Education Policy Commission; Legislative Services; Marshall University; Public Service Commission; Regional Jail and Correctional Facility Authority; Secretary of State; Southern West Virginia Community and Technical College; Supreme Court of Appeals; West Liberty State College; West Virginia Network; West Virginia Northern Community and Technical College; West Virginia Public Port Authority; West Virginia State University; West Virginia University and Workforce Investment Board 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
4 in 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) *Claim against the Attorney General:*

13 (TO BE PAID FROM GENERAL REVENUE FUND)

14 (1) Verizon West Virginia, Inc. \$31,304.69

15 (b) *Claim against the Auditor’s Office:*

16 (TO BE PAID FROM GENERAL REVENUE FUND)

17 (1) Verizon West Virginia, Inc. \$5,290.31

18 (c) *Claim against Bluefield State College:*

19 (TO BE PAID FROM NON GENERAL REVENUE FUND)

20 (1) Verizon West Virginia, Inc \$15,379.21

21 (d) *Claims against Bureau of Commerce:*

22 (TO BE PAID FROM GENERAL REVENUE FUND)

23 (1) Verizon West Virginia, Inc. \$11,082.95

24 (TO BE PAID FROM NON GENERAL REVENUE FUND)

25 (2) Verizon West Virginia, Inc. \$11,696.86

26 (e) *Claim against the Community and Technical College of*
27 *Shepherd:*

28 (TO BE PAID FROM NON GENERAL REVENUE FUND)

29 (1) Verizon West Virginia, Inc. \$22,438.77

30 (f) *Claims against the Department of Administration:*

31 (TO BE PAID FROM SPECIAL REVENUE FUND)

32 (1) Woodrow Lee, dba Lee Contracting \$13,000.00

33 (2) Virginia Controls, Inc. \$101,544.00

34 (TO BE PAID FROM GENERAL REVENUE FUND)

35 (3) Verizon West Virginia, Inc. \$10,806.15

36 (TO BE PAID FROM NON GENERAL REVENUE FUND)

37 (4) Verizon West Virginia, Inc. \$90.91

38 (g) *Claim against the Department of Administra-*
39 *tion/Division of Personnel:*

40 (TO BE PAID FROM SPECIAL REVENUE FUND)

41 (1) Specialty Technical Publishers \$465.00

42 (h) *Claims against the Department of Agriculture:*

43 (TO BE PAID FROM GENERAL REVENUE FUND)

44 (1) Verizon West Virginia, Inc. \$1,324.01

45 (TO BE PAID FROM NON GENERAL REVENUE FUND)

46 (2) Verizon West Virginia, Inc. \$162.27

47 (i) *Claims against the Department of Education:*

48 (TO BE PAID FROM GENERAL REVENUE FUND)

49 (1) Boys' Village, Inc. \$56,821.80

50 (2) Verizon West Virginia, Inc. \$122.90

51 (TO BE PAID FROM NON GENERAL REVENUE FUND)

52 (3) Verizon West Virginia, Inc. \$17,662.00

53 (j) *Claims against the Department of Education and the*
54 *Arts:*

55 (TO BE PAID FROM GENERAL REVENUE FUND)

56 (1) Verizon West Virginia, Inc. \$1,388.56

57 (TO BE PAID FROM NON GENERAL REVENUE FUND)

58 (2) Verizon West Virginia, Inc. \$23,032.62

59 (k) *Claims against the Department of Health and Human*
60 *Resources:*

61 (TO BE PAID FROM GENERAL REVENUE FUND)

62 (1) Charleston Area Medical Center, Inc. \$2,586.41

63 (2) Davis Memorial Hospital \$161.45

64 (3) Monongalia General Hospital \$38.44

65 (4) Verizon West Virginia, Inc. \$208,732.82

66 (TO BE PAID FROM NON GENERAL REVENUE FUND)

67 (5) Verizon West Virginia, Inc. \$981.79

68 (1) *Claims against the Department of Military Affairs and*
69 *Public Safety:*

70 (TO BE PAID FROM GENERAL REVENUE FUND)

71 (1) Verizon West Virginia, Inc. \$21,193.69

72 (TO BE PAID FROM NON GENERAL REVENUE FUND)

73 (2) Verizon West Virginia, Inc. \$29,066.00

74 (m) *Claims against the Department of Revenue:*

75 (TO BE PAID FROM GENERAL REVENUE FUND)

76 (1) Verizon West Virginia, Inc. \$548.91

77 (TO BE PAID FROM NON GENERAL REVENUE FUND)

78 (2) Verizon West Virginia, Inc. \$15,166.32

79 (n) *Claims against the Department of Transportation:*

80 (TO BE PAID FROM GENERAL REVENUE FUND)

81 (1) Verizon West Virginia, Inc. \$4,899.33

82 (TO BE PAID FROM NON GENERAL REVENUE FUND)

83 (2) Verizon West Virginia, Inc. \$198,725.06

84 (o) *Claims against the Division of Corrections:*

85 (TO BE PAID FROM GENERAL REVENUE FUND)

- 86 (1) Charleston Area Medical Center, Inc. \$89.87
- 87 (2) Richard Lawson \$485.00
- 88 (3) Regional Jail and Correctional
- 89 Facility Authority \$13,320.00
- 90 (4) Lawrence E. Scible \$30.00

91 (p) *Claims against the Division of Environmental Protec-*
92 *tion:*

93 (TO BE PAID FROM GENERAL REVENUE FUND)

- 94 (1) Verizon West Virginia, Inc. \$32,210.47

95 (TO BE PAID FROM NON GENERAL REVENUE FUND)

- 96 (2) Verizon West Virginia, Inc. \$9,760.56

97 (q) *Claims against the Division of Highways:*

98 (TO BE PAID FROM STATE ROAD FUND)

- 99 (1) Janette F. Adams \$200.00
- 100 (2) Thomas A. Adkins and
- 101 Thomas A. Adkins, II \$250.00
- 102 (3) Roger Amos \$2,400.00
- 103 (4) Christina Bernardini \$250.00
- 104 (5) Nancy Blair \$75.21
- 105 (6) Michael J. Bland \$1,002.43
- 106 (7) David Wayne Boggess, Sr. \$500.00
- 107 (8) Boggs Fork Church \$1,100.00
- 108 (9) Allena L. Bragg and Dickie R. Bragg \$257.52
- 109 (10) Jeremy C. and Sharon L. Bragg \$500.00
- 110 (11) Gillis F. and Jacqueline Bryant \$364.53
- 111 (12) Reba Burkett \$250.00

112	(13) Steve Campbell	\$213.02
113	(14) Diane Canterbury	\$250.88
114	(15) Amanda Casto	\$6,700.00
115	(16) Stephen J. and Sally A. Chandler	\$500.00
116	(17) Dannette Constantino	\$100.00
117	(18) Curtis H. Copley	\$6,750.00
118	(19) Howard Copley	\$60,750.00
119	(20) Betsy A. Covington	\$180.00
120	(21) Matthew B. and Danielle M. Cummings . . .	\$291.50
121	(22) John A. Custer	\$5,000.00
122	(23) Debra Sue Day	\$1,123.56
123	(24) Andrea Depta, an infant through her	
124	father and next friend, Gary Depta	\$36,000.00
125	(25) Charles Derringer	\$491.57
126	(26) Michael T. and Chastity Dillon	\$500.00
127	(27) Robin Doty	\$110.66
128	(28) Steve H. Drake	\$225.00
129	(29) Timothy and Loretta Dunham	\$24,000.00
130	(30) Janet M. Emery	\$104.92
131	(31) Kimberly L. Erskine	\$79.45
132	(32) Bobby J. Ewing	\$53.00
133	(33) Wilburn R. and Kimberly R. Farmer	\$1,908.00
134	(34) Lynn A. Fish	\$69.11
135	(35) Doris Jean Forrester	\$998.87
136	(36) Richard A. Galardi, dba	
137	Rich Galardi Ford, Inc.	\$492.54
138	(37) Flossie Golden	\$100.00
139	(38) Calvin D. Goodwin II and	
140	Rachel A. Goodwin	\$4,477.36
141	(39) Kala Ann Gorbey	\$500.00
142	(40) Melissa S. and Paul L. Gregory	\$500.00
143	(41) Cynthia G. and Douglas Griffith	\$500.00
144	(42) Kim Haynes	\$250.00
145	(43) Donald W. Hazlewood	\$494.30
146	(44) Joeann Isabell	\$800.63

147	(45) Becky Jackson and Arthur L. Jackson, Jr. . . .	\$500.00
148	(46) Amanda James	\$500.00
149	(47) Sandra and David Johnston	\$79.50
150	(48) Gregory A. Jordan	\$153.70
151	(49) Gary Kelly	\$730.66
152	(50) Landon A. Kennedy	\$1,785.00
153	(51) Steve Keplinger	\$345.90
154	(52) Jeffrey Lafferty	\$2,100.00
155	(53) Terry W. Lavenski	\$422.85
156	(54) Billy and Bethany Lovejoy	\$500.00
157	(55) Michael S. Macaluso	\$250.00
158	(56) Joseph G. Manoni	\$500.00
159	(57) Diane D. and James R. McClure	\$116.66
160	(58) Shawn A. and Herbert McComsey	\$907.63
161	(59) Heather McCormick	\$31.80
162	(60) Roy Lee McCoy	\$3,940.00
163	(61) Judith A. McNemar	\$500.00
164	(62) Tammy Lynn Mercer	\$160.55
165	(63) Heather M. Michaelson	\$261.20
166	(64) Heather and Thomas Miller	\$500.00
167	(65) Kathy J. Moles	\$250.00
168	(66) Thomas C. Mulligan	\$500.00
169	(67) Debra Nabors, Jonathan Nabors and Sharrion Settle	\$48.18
171	(68) William Kent Nichols	\$308.17
172	(69) Christopher and Susan Norman	\$500.00
173	(70) Ronald W. Ostrosky	\$144.29
174	(71) Norma K. Parker	\$235.93
175	(72) Patricia A. Payne	\$132.50
176	(73) Rosella and William Perry	\$500.00
177	(74) David Grant Pevavar	\$100.00
178	(75) Becky L. Pierson	\$500.00
179	(76) Bobby Reynolds	\$326.00
180	(77) Linda L. Rhodes	\$2,050.00
181	(78) Rudy Rosnick	\$486.28

182	(79) Arthur W. Santowasso	\$250.00
183	(80) Ruth Sears	\$930.68
184	(81) Pamella and David Shields	\$500.00
185	(82) Joey Smith	\$7,000.00
186	(83) Loraine Stout	\$250.00
187	(84) Gary D. Taylor	\$163.77
188	(85) Dawn M. Thomas	\$470.22
189	(86) Mary E. Thomaselli	\$500.00
190	(87) Lora Zane and Roger L. Thomason	\$500.00
191	(88) Tera Thompson	\$101.80
192	(89) Lalisa R. and Don D. Vickers	\$113.11
193	(90) Harold and Lorraine Walters	\$212.96
194	(91) Michael R. and Rose M. Whited	\$150.20
195	(92) Cheryl Whitt	\$220.00
196	(93) Ronnie Lee and Tina Williams	\$3,690.00
197	(94) Jean L. Wright	\$842.69
198	(95) Margaret and George Yanchak	\$229.06

199 (r) *Claim against the Division of Juvenile Services:*

200 (TO BE PAID FROM GENERAL REVENUE FUND)

201	(1) Primecare Medical, Inc.	\$14,516.65
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202 (s) *Claim against the Division of Motor Vehicles:*

203 (TO BE PAID FROM STATE ROAD FUND)

204	(1) Sharp Electronics Corporation	\$7,300.00
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205 (t) *Claims against the Division of Natural Resources:*

206 (TO BE PAID FROM SPECIAL REVENUE FUND)

207	(1) Klein & Hall Attorneys, L.C.	\$4,616.67
208	(2) Ned Viars, dba Cass Diorama, Inc.	\$19,813.65

209 (TO BE PAID FROM NON GENERAL REVENUE FUND)

210	(3) Verizon West Virginia, Inc.	\$162.07
211	(u) <i>Claims against the Division of Rehabilitation Services:</i>	
212	(TO BE PAID FROM SPECIAL REVENUE FUND)	
213	(1) NDC Health Corporation	\$31,633.56
214	(2) R.E. Michel Co., Inc.	\$2,342.12
215	(v) <i>Claims against the Governor's Office:</i>	
216	(TO BE PAID FROM GENERAL REVENUE FUND)	
217	(1) Otis L. Laury	\$4,128.00
218	(2) Verizon West Virginia, Inc.	\$11,207.10
219	(TO BE PAID FROM NON GENERAL REVENUE FUND)	
220	(3) Verizon West Virginia, Inc.	\$289.48
221	(w) <i>Claim against the Governor's Office of Technology:</i>	
222	(TO BE PAID FROM NON GENERAL REVENUE FUND)	
223	(1) Verizon West Virginia, Inc.	\$53.57
224	(x) <i>Claim against the Higher Education Policy Commis-</i>	
225	<i>sion:</i>	
226	(TO BE PAID FROM NON GENERAL REVENUE FUND)	
227	(1) Verizon West Virginia, Inc.	\$6,705.95
228	(y) <i>Claim against Legislative Services:</i>	
229	(TO BE PAID FROM GENERAL REVENUE FUND)	
230	(1) Verizon West Virginia, Inc.	\$515.14
231	(z) <i>Claim against Marshall University:</i>	

232	(TO BE PAID FROM NON GENERAL REVENUE FUND)	
233	(1) Verizon West Virginia, Inc.	\$13.28
234	(aa) <i>Claim against the Public Service Commission:</i>	
235	(TO BE PAID FROM NON GENERAL REVENUE FUND)	
236	(1) Verizon West Virginia, Inc.	\$7.11
237	(bb) <i>Claims against Regional Jail and Correctional Facility</i>	
238	<i>Authority:</i>	
239	(TO BE PAID FROM SPECIAL REVENUE FUND)	
240	(1) James Barnett	\$252.99
241	(2) Larry T. Hardman	\$100.00
242	(3) Larry E. Harmon	\$188.99
243	(4) Joseph A. Mansi	\$500.00
244	(5) Jeffrey A. Nichols	\$307.40
245	(6) Robert D. Smith, Jr.	\$180.00
246	(7) Stephanie P. Sprouse	\$9.40
247	(cc) <i>Claim against the Secretary of State:</i>	
248	(TO BE PAID FROM GENERAL REVENUE FUND)	
249	(1) Verizon West Virginia, Inc.	\$0.92
250	(dd) <i>Claims against Southern West Virginia Community</i>	
251	<i>and Technical College:</i>	
252	(TO BE PAID FROM GENERAL REVENUE FUND)	
253	(1) Verizon West Virginia, Inc.	\$109.49
254	(TO BE PAID FROM NON GENERAL REVENUE FUND)	
255	(2) Verizon West Virginia, Inc.	\$7,460.13

- 256 (ee) *Claim against the Supreme Court of Appeals:*
- 257 (TO BE PAID FROM GENERAL REVENUE FUND)
- 258 (1) Verizon West Virginia, Inc. \$6,627.76
- 259 (ff) *Claim against West Liberty State College:*
- 260 (TO BE PAID FROM NON GENERAL REVENUE FUND)
- 261 (1) Verizon West Virginia, Inc. \$14,550.00
- 262 (gg) *Claim against the West Virginia Network:*
- 263 (TO BE PAID FROM NON GENERAL REVENUE FUND)
- 264 (1) Verizon West Virginia, Inc. \$32,488.78
- 265 (hh) *Claim against West Virginia Northern Community and*
- 266 *Technical College:*
- 267 (TO BE PAID FROM NON GENERAL REVENUE FUND)
- 268 (1) Verizon West Virginia, Inc. \$46,293.90
- 269 (ii) *Claim against the West Virginia Port Authority:*
- 270 (TO BE PAID FROM GENERAL REVENUE FUND)
- 271 (1) Kimley-Horn Associates, Inc.,
- 272 and Brown Communications, LLC \$139,412.98
- 273 (jj) *Claim against West Virginia State University:*
- 274 (TO BE PAID FROM NON GENERAL REVENUE FUND)
- 275 (1) Verizon West Virginia, Inc. \$11,066.60
- 276 (kk) *Claims against West Virginia University:*
- 277 (TO BE PAID FROM SPECIAL REVENUE FUND)

278 (1) Kirby Druschel \$255.00

279 (2) Sarah Webmeyer \$13.98

280 (TO BE PAID FROM NON GENERAL REVENUE FUND)

281 (3) Verizon West Virginia, Inc. \$139,997.50

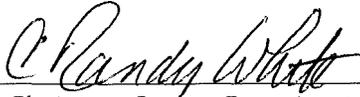
282 (1) *Claim against the Workforce Investment Board:*

283 (TO BE PAID FROM NON GENERAL REVENUE FUND)

284 (1) Verizon West Virginia, Inc. \$15.58

285 The Legislature finds that the above moral obligations and
286 the appropriations made in satisfaction thereof shall be the full
287 compensation for all claimants, and that prior to the payments
288 to any claimant provided in this bill, the court of claims shall
289 receive a release from said claimant releasing any and all
290 claims for moral obligations arising from the matters consid-
291 ered by the Legislature in the finding of the moral obligations
292 and the making of the appropriations for said claimant. The
293 court of claims shall deliver all releases obtained from claim-
294 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.

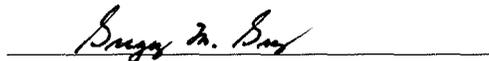

Chairman Senate Committee

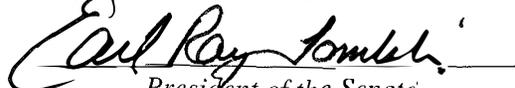

Chairman House Committee

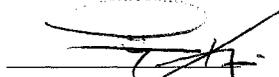
Originating in the House.

In effect from passage.

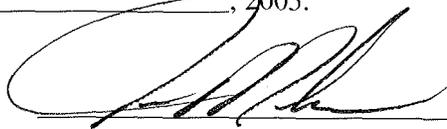

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 18th
day of April, 2005.


Governor

PRESENTED TO THE
GOVERNOR

Date 4/2/15

Time 3:00 pm