

HB 2535

RECEIVED
97 MAY - 1 AM 9:50
OFFICE OF THE CLERK
WEST VIRGINIA LEGISLATURE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

HOUSE BILL No. 2535

(By Delegate Seacrist, Beane,
Evans, Clements and Compton)



Passed April 12, 1997

In Effect From Passage

RECEIVED
97 MAY -1 AM 10 50
OFFICE OF THE CLERK
WEST VIRGINIA LEGISLATURE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 2535

(BY DELEGATES SEACRIST, BEANE,
EVANS, CLEMENTS AND COMPTON)

[Passed April 12, 1997; 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 adjutant general; alcohol beverage control administration; attorney general; board of barbers and cosmetologists; board of directors of the state college system; board of examiners for licensed practical nurses; board of trustees of the university system of West Virginia; bureau of employment programs; department of administration; department of agriculture; department of tax and revenue; development office; division of corrections; division of environmental protection; division of health; division of highways; division of human services; division of motor vehicles; division of personnel; division of rehabilitation services; division of tourism and parks; division of veterans affairs; education and state employees grievance board; insurance commission;

library commission; municipal bond commission; office of health projects; office of water resources; public service commission; real estate commission; regional jail and correctional facility authority; state fire commission; state rail authority; state treasurer; supreme court of appeals; West Virginia state police; and West Virginia court of claims; 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 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 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
12 available for the purpose.

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

14 (TO BE PAID FROM GENERAL REVENUE FUND)

15 (1) Bell Atlantic-West Virginia, Inc. \$ 497.96

16 (2) Paul A. Vosburgh, III \$ 890.00

17 (b) *Claims against the Alcohol Beverage Control*
18 *Administration:*

19 (TO BE PAID FROM SPECIAL REVENUE FUND)

20 (1) Attorney General \$ 471.40

21 (2) Bell Atlantic-West Virginia, Inc. \$ 2,036.84

22 (c) *Claim against the Attorney General:*

23 (TO BE PAID FROM GENERAL REVENUE FUND)

24 (1) American Investigations, Inc.. \$ 69.20

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

- 27 (TO BE PAID FROM SPECIAL REVENUE FUND)
- 28 (1) National Interstate Council of
29 Boards of Cosmetology \$ 687.50
- 30 *(e) Claim against the Board of Directors of the State*
31 *College System:*
- 32 (TO BE PAID FROM SPECIAL REVENUE FUND)
- 33 (1) Dennis W. Rowsey, Jr. \$ 792.93
- 34 *(f) Claim against the Board of Examiners for Licensed*
35 *Practical Nurses:*
- 36 (TO BE PAID FROM SPECIAL REVENUE FUND)
- 37 (1) Archives Security, Inc. \$ 9.55
- 38 *(g) Claim against the Board of Trustees of the*
39 *University System of WV:*
- 40 (TO BE PAID FROM SPECIAL REVENUE FUND)
- 41 (1) Jiansheng Li \$ 400.00
- 42 *(h) Claim against the Bureau of Employment*
43 *Programs:*
- 44 (TO BE PAID FROM SPECIAL REVENUE FUND —
45 EMPLOYMENT SERVICE DIVISION)
- 46 (1) Bell Atlantic-West Virginia, Inc. \$ 37,796.40
- 47 (TO BE PAID FROM WORKERS' COMPENSATION FUND)
- 48 (2) Bell Atlantic-West Virginia, Inc. \$ 51,502.59
- 49 *(i) Claim against the Department of Administration:*
- 50 (TO BE PAID FROM GENERAL REVENUE FUND)
- 51 (1) Colonial Ford-Lincoln-Mercury, Inc. \$ 1,852.10
- 52 *(j) Claims against the Department of Agriculture:*
- 53 (TO BE PAID FROM SPECIAL REVENUE FUND)
- 54 (1) Bell Atlantic-West Virginia, Inc. \$ 2,435.52

55	(2) Division of Highways	\$ 1,808.05
56	<i>(k) Claim against the Department of Tax and Revenue:</i>	
57	(TO BE PAID FROM GENERAL REVENUE FUND)	
58	(1) Bell Atlantic-West Virginia, Inc.	\$ 30,622.29
59	<i>(l) Claim against the Development Office:</i>	
60	(TO BE PAID FROM GENERAL REVENUE FUND)	
61	(1) Bell Atlantic-West Virginia, Inc.	\$ 5,186.47
62	<i>(m) Claims against the Division of Corrections:</i>	
63	(TO BE PAID FROM GENERAL REVENUE FUND)	
64	(1) Alltel Corporation/Citizens Telecom	\$ 2,313.37
65	(2) Charles D. Anderson	\$ 545.74
66	(3) Appalachian Community	
67	Health Center, Inc.	\$ 168.00
68	(4) Authorized Factory Service, Inc.	\$ 363.70
69	(5) Cabell County Commission	\$ 14,661.26
70	(6) Anthony Catania, Jr., D.P.M.	\$ 70.00
71	(7) Domingo T. Chua, M.D.	\$ 70.00
72	(8) Nelson Cunningham	\$ 70.00
73	(9) Doddridge County Commission	\$ 1,155.00
74	(10) General Anesthesia Services, Inc.	\$ 864.00
75	(11) Grafton City Hospital	\$ 10,164.03
76	(12) Harrison County Commission	\$ 3,900.00
77	(13) Kenneth Heard	\$ 420.85
78	(14) Jan-Care Ambulance Service, Inc.	\$ 2,804.00
79	(15) Mammen Kovoov, M.D.	\$ 25.00
80	(16) Charles A. Lefebure, M.D.	\$ 175.00
81	(17) Marion County Commission	\$155,050.00

82	(18) Metro Radiology Greenbrier	\$ 156.00
83	(19) Monongalia General Hospital	\$ 110.00
84	(20) Mountaineer Gas Company	\$ 26,242.47
85	(21) Abraham Nazem, M.D., Inc.	\$ 50.00
86	(22) Scott G. Phelps	\$ 152.00
87	(23) Regional Jail and	
88	Correctional Facility Authority . . .	\$304,627.52
89	(24) Service America Corporation	\$ 30,850.97
90	(25) United Hospital Center	\$ 75.38
91	(26) West Virginia University	
92	Hospitals, Inc.	\$ 4,821.13
93	(27) Henry C. Wilkes	\$ 150.00
94	(28) Donald Wilson, Jr.	\$ 18.25
95	<i>(n) Claims against the Division of Environmental</i>	
96	<i>Protection:</i>	
97	(TO BE PAID FROM SPECIAL REVENUE FUND —	
98	ACCOUNT NO. 3331)	
99	(1) Division of Highways	\$ 3,883.02
100	(2) LCM Corporation	\$ 38,996.37
101	(3) West Virginia Association of	
102	Rehabilitation Facilities	\$ 1,264.64
103	(TO BE PAID FROM FEDERAL FUNDS —	
104	ACCOUNT NO. 8708)	
105	(4) Division of Natural Resources	\$ 6,290.14
106	<i>(o) Claims against the Division of Health:</i>	
107	(TO BE PAID FROM SPECIAL REVENUE FUND)	
108	(1) Bell Atlantic-West Virginia, Inc.	\$ 69,461.83

109	(TO BE PAID FROM GENERAL REVENUE FUND)	
110	(2) West Virginia Association of	
111	Rehabilitation Facilities	\$ 8,317.14
112	(p) <i>Claims against the Division of Highways:</i>	
113	(TO BE PAID FROM STATE ROAD FUND)	
114	(1) Hobart Adkins	\$ 590.60
115	(2) Burton Anderson, Jr.	\$ 535.40
116	(3) Robert L. Anderson	\$ 250.00
117	(4) Archives Security, Inc.	\$ 543.40
118	(5) Bell Atlantic-West Virginia, Inc.	\$ 84,922.14
119	(6) Charles L. and Wilma Burr	\$ 1,575.00
120	(7) Karen L. Christian	\$ 199.78
121	(8) Brian M. Darr	\$ 59.36
122	(9) Janie S. DeLung	\$ 90.45
123	(10) Vernon Dingess	\$ 100.00
124	(11) Steven B. Drain	\$ 130.00
125	(12) Gregory A. and Lisa Edens	\$ 612.12
126	(13) Mark and Donna Finkenbinder	\$ 459.22
127	(14) Melinda Lou Fish	\$ 142.04
128	(15) Martha Gardner	\$ 250.00
129	(16) Joseph Hall	\$ 609.40
130	(17) Larry Haught and	
131	Linda Martin-Haught	\$ 3,600.00
132	(18) Betty Hensley	\$ 90.09
133	(19) Henry L. Hercules	\$ 271.07
134	(20) George and Martha Hores	\$ 100.00
135	(21) Mark Joseph	\$ 500.00

136	(22) Chris Kennedy	\$ 145.28
137	(23) Cheryl Kesner	\$ 500.00
138	(24) James W. King	\$ 350.00
139	(25) Garey and Deborah L. Mahoney ..	\$ 73.62
140	(26) Eleanor Martino	\$ 250.00
141	(27) Charlotte Kay McClung	\$ 141.25
142	(28) Joseph M. and Aspasia Melcher ...	\$ 642.57
143	(29) Rebecca J. Miller	\$ 191.47
144	(30) Randall L. and Debra S. Morgan ..	\$ 223.73
145	(31) George R. Muth	\$ 1,667.42
146	(32) Earrick Norman	\$ 280.41
147	(33) Frank Pendry	\$ 52.00
148	(34) Carl W. Pettit	\$ 1,355.50
149	(35) Lisa J. Pratt	\$ 486.70
150	(36) Karen Racer	\$ 532.74
151	(37) Lloyd A. Reeves	\$ 77.33
152	(38) W. Stephen Riggs	\$ 2,113.51
153	(39) Judith R. and James R. Rogers	\$ 156.99
154	(40) Jean A. Sartoris	\$ 30.14
155	(41) Cecil Scott	\$ 229.28
156	(42) Todd E. and Jerri M. Shafer	\$ 1,293.30
157	(43) Debra S. Shrieves	\$ 77.52
158	(44) Robert D. Shuman	\$ 442.45
159	(45) Kathleen J. Skube	\$ 1,014.48
160	(46) Wilma L. and Cruz Soto	\$ 3,700.00

161	(47) Joseph and Johanna Stiglich	\$ 250.00
162	(48) Carolyn J. and	
163	Howard P. Timbrook	\$ 411.02
164	(49) Elmer R. Warnick	\$ 177.94
165	(50) Weirton Bandag	\$ 1,695.15
166	(51) Douglas M. White	\$ 500.00
167	(52) Nancy M. Williams	\$ 1,013.95
168	(53) Junior Wolford	\$ 7,500.00
169	(54) Harry B. Young, Jr.	\$ 615.90
170	<i>(q) Claims against Division of Human Services:</i>	
171	(TO BE PAID FROM GENERAL REVENUE FUND)	
172	(1) Bartlett-Chapman Funeral Home	\$ 400.00
173	(2) Browning Funeral Home, Inc.	\$ 800.00
174	(3) Carpenter & Ford Funeral Home	\$ 500.00
175	(4) Davis Funeral Home,	
176	Bartlett Chapel	\$ 180.00
177	(5) Dorsey Funeral Home, Inc.	\$ 400.00
178	(6) Heck Funeral Home, Inc.	\$ 400.00
179	(7) Melton Mortuary, Inc.	\$ 325.00
180	(8) Schaeffer Funeral Home, Inc.	\$ 400.00
181	(9) Stewart Funeral Home	\$ 325.00
182	(10) Weaver Mortuary, Inc.	\$ 400.00
183	<i>(r) Claims against Division of Motor Vehicles:</i>	
184	(TO BE PAID FROM STATE ROAD FUND)	
185	(1) Mercer, McDowell, Wyoming	
186	Mental Health Council	\$ 150.00
187	(2) Dale D. Radcliff	\$ 3,500.00

188 (3) West Virginia Association of
189 Rehabilitation Facilities \$ 218.34
190 *(s) Claim against the Division of Personnel:*
191 (TO BE PAID FROM SPECIAL REVENUE FUND)
192 (1) International Personnel
193 Management Association \$ 230.00
194 *(t) Claims against the Division of Rehabilitation*
195 *Services:*
196 (TO BE PAID FROM SPECIAL REVENUE FUND —
197 ACCOUNT NO. 8662)
198 (1) West Virginia Association of
199 Rehabilitation Facilities \$ 1,395.38
200 (TO BE PAID FROM FEDERAL FUNDS—
201 ACCOUNT NO. 8734)
202 (2) Bell Atlantic-West Virginia, Inc. \$ 9,341.11
203 *(u) Claim against the Division of Tourism and Parks:*
204 (TO BE PAID FROM SPECIAL REVENUE FUND)
205 (1) Thomas F. and Lottie J. Pyles \$ 525.00
206 *(v) Claim against the Division of Veterans Affairs:*
207 (TO BE PAID FROM GENERAL REVENUE FUND)
208 (1) Bell Atlantic-West Virginia, Inc. \$ 2,516.64
209 *(w) Claim against the Education and State Employees*
210 *Grievance Board:*
211 (TO BE PAID FROM GENERAL REVENUE FUND)
212 (1) Pitney Bowes \$ 62.25
213 *(x) Claim against the Insurance Commission:*
214 (TO BE PAID FROM SPECIAL REVENUE FUND—
215 ACCOUNT NO. 7152)

216	(1) Bell Atlantic-West Virginia, Inc.	\$ 3,803.58
217	<i>(y) Claim against the Library Commission:</i>	
218	(TO BE PAID FROM GENERAL REVENUE FUND)	
219	(1) Bell Atlantic-West Virginia, Inc.	\$ 1,215.53
220	<i>(z) Claim against the Municipal Bond Commission:</i>	
221	(TO BE PAID FROM SPECIAL REVENUE FUND)	
222	(1) Bell Atlantic-West Virginia, Inc	\$ 85.07
223	<i>(aa) Claim against the Office of Health Projects:</i>	
224	(TO BE PAID FROM SPECIAL REVENUE FUND)	
225	(1) Archives Security, Inc.	\$ 6.19
226	<i>(bb) Claim against the Office of Water Resources:</i>	
227	(TO BE PAID FROM GENERAL REVENUE FUND)	
228	(1) Bell Atlantic-West Virginia, Inc.	\$ 10,289.76
229	<i>(cc) Claims against the Public Service Commission:</i>	
230	(TO BE PAID FROM SPECIAL REVENUE FUND)	
231	(1) Archives Security, Inc.	\$ 260.70
232	(2) Bell Atlantic-West Virginia, Inc.	\$ 3,834.67
233	(3) CCH Incorporated	\$ 121.00
234	(4) Goodyear Tire and	
235	Rubber Company	\$ 187.20
236	<i>(dd) Claim against the Real Estate Commission:</i>	
237	(TO BE PAID FROM SPECIAL REVENUE FUND)	
238	(1) Bell Atlantic-West Virginia, Inc.	\$ 1,358.52
239	<i>(ee) Claims against the Regional Jail and Correctional</i>	
240	<i>Facility Authority:</i>	
241	(TO BE PAID FROM GENERAL REVENUE FUND)	
242	(1) Bell Atlantic-West Virginia, Inc.	\$ 3,804.36

243	(2) Zachariah J. Chittum	\$ 458.30
244	<i>(ff) Claim against the State Fire Commission:</i>	
245	(TO BE PAID FROM GENERAL REVENUE FUND)	
246	(1) Appalachian Tire Products, Inc.	\$ 294.92
247	<i>(gg) Claim against the State Rail Authority:</i>	
248	(TO BE PAID FROM GENERAL REVENUE FUND)	
249	(1) Amtrac Railroad Contractors	
250	of Maryland, Inc.	\$ 50,000.00
251	<i>(hh) Claim against the State Treasurer:</i>	
252	(TO BE PAID FROM GENERAL REVENUE FUND)	
253	(1) West Virginia Parkways Authority . . .	\$ 25.00
254	<i>(ii) Claims against the Supreme Court of Appeals:</i>	
255	(TO BE PAID FROM GENERAL REVENUE FUND)	
256	(1) David M. Buzzard	\$ 191.58
257	(2) James M. Casey	\$ 1,523.50
258	(3) Roy L. Johnson	\$ 288.75
259	(4) Shirley Adkins	\$ 514.07
260	(5) William D. Anderson	\$ 100.00
261	(6) Ernest F. Backus	\$ 1,743.75
262	(7) Tamela D. Bailey	\$ 1,538.07
263	(8) Marjorie L. Baker	\$ 514.07
264	(9) Linda L. Bixby	\$ 514.07
265	(10) Beverly C. Booth	\$ 514.07
266	(11) Teresa Bruno	\$ 522.33
267	(12) David M. Buzzard	\$ 1,506.05
268	(13) Philip G. Conley	\$ 1,536.30
269	(14) John L. Daniels	\$ 4,500.00

Enr. Com. Sub. for H. B. 2535] 12

270	(15) Marian A. Darby	\$ 3,304.44
271	(16) J.V. DeMarco, Jr.	\$ 1,506.05
272	(17) Norman D. Ferrari	\$ 1,530.25
273	(18) Judith P. Goontz	\$ 1,506.05
274	(19) Lorie L. Green	\$ 524.39
275	(20) Jeanette Grimes	\$ 514.07
276	(21) Anita Hager	\$ 1,104.44
277	(22) Tammy J. Halsey	\$ 1,538.07
278	(23) Edward Harless, Jr.	\$ 4,500.00
279	(24) Sue Hedstrom	\$ 595.22
280	(25) Edward S. Hicks	\$ 1,743.75
281	(26) Sonja L. Johns	\$ 514.07
282	(27) Mark A. Kerwood	\$ 1,506.05
283	(28) Teresa E. King	\$ 1,278.77
284	(29) Wilma L. Kocher	\$ 514.07
285	(30) Shirley Laxton	\$ 223.80
286	(31) Ruth D. Lemon	\$ 1,104.44
287	(32) Robert Lightner	\$ 1,282.30
288	(33) Louis E. Longanacre	\$ 1,743.75
289	(34) Mary E. Loucas	\$ 1,045.03
290	(35) Mickey M. Mallas	\$ 1,530.25
291	(36) Franchesia McClung	\$ 595.22
292	(37) Helen McCormick	\$ 1,506.05
293	(38) Mary S. McCutcheon	\$ 524.39
294	(39) Nina L. McKight	\$ 595.22
295	(40) Barbara Minor	\$ 514.07
296	(41) John D. Morton	\$ 1,536.30

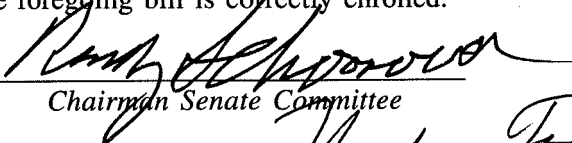
297	(42) John Moses	\$ 1,506.05
298	(43) Pamela Newsome	\$ 514.07
299	(44) Walter Nogay	\$ 1,530.25
300	(45) Agnes D. Riffel	\$ 1,126.61
301	(46) Kimberly J. Roach	\$ 1,538.07
302	(47) Deloris Sidebottom	\$ 514.07
303	(48) Jerry P. Turner	\$ 595.22
304	(49) Bill Webb	\$ 1,506.05
305	(50) Tamera Webster	\$ 522.33
306	(51) Connie White	\$ 1,538.07
307	(52) Mary F. Wiedebusch	\$ 1,104.44
308	(53) Doris Zagula	\$ 522.33
309	<i>(jj) Claim against the West Virginia State Police:</i>	
310	(TO BE PAID FROM GENERAL REVENUE FUND)	
311	(1) Bell Atlantic-West Virginia, Inc.	\$ 37,643.51
312	<i>(kk) Claim against the West Virginia Court of Claims:</i>	
313	(TO BE PAID FROM THE CRIME VICTIMS	
314	COMPENSATION FUND)	
315	(1) Paul Lallande, O.D., P.C.	\$ 106.00
316	<i>(ll) Claim against the State of West Virginia:</i>	
317	(TO BE PAID FROM GENERAL REVENUE FUND)	
318	(1) Kermit Lee Godbey and	
319	The Poca Valley Bank	\$ 5,790.22
320	(2) Kermit Lee Godbey	\$ 248.50

321 The Legislature finds that the above moral obligations
 322 and the appropriations made in satisfaction thereof shall
 323 be the full compensation for all claimants, and that prior
 324 to the payments to any claimant provided for in this bill,
 325 the court of claims shall receive a release from claimants

Enr. Com. Sub. for H. B. 2535] 14

326 releasing any and all claims for moral obligations arising
327 from the matters considered by the Legislature in the
328 finding of the moral obligations and the making of the
329 appropriations for the claimant. The court of claims shall
330 deliver all releases obtained from claimants to the
331 department against which the claim was allowed.

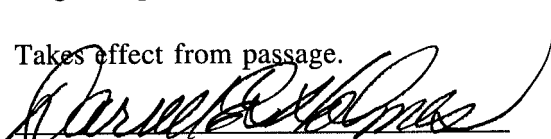
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

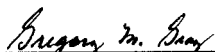

Chairman Senate Committee

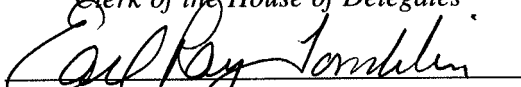

Chairman House Committee

Originating in the House.

Takes effect from passage.

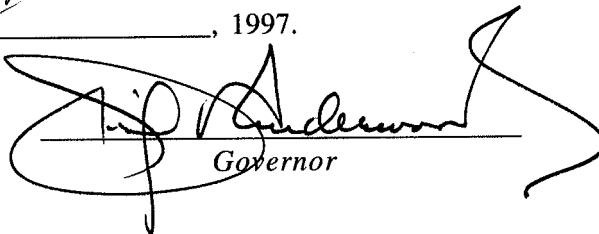

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 15th
day of May, 1997.


Governor

PRESENTED TO THE

GOVERNOR

Date 4/25/97

Time 2:00 pm