

SB 526

FILED

2010 MAR 31 PM 4:49

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-NINTH LEGISLATURE**  
**REGULAR SESSION, 2010**

OFFICE OF THE CLERK OF THE WEST VIRGINIA LEGISLATURE  
SECRETARY OF STATE

**ENROLLED**

**Senate Bill No. 526**

(BY SENATORS FANNING, EDGELL,  
WHITE, SYPOLT AND UNGER)

[Passed March 13, 2010; in effect from passage.]

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# Senate Bill No. 526

(BY SENATORS FANNING, EDGELL, WHITE, SYPOLT AND UNGER)

[Passed March 13, 2010; 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 Department of Administration; Department of Health and Human Resources; Division of Corrections; Division of Highways; Division of Motor Vehicles; Library Commission; Public Service Commission; Regional Jail and Correctional Facility Authority and the West Virginia State Police 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 of  
8 award and hereby declares it to be the moral obligation of  
9 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) *Claim against the Department of Administration:*

14 (TO BE PAID FROM SPECIAL REVENUE FUND)

15 (1) Roy J. McDaniel \$250

16 (b) *Claims against the Department of Health and Human  
17 Resources:*

18 (TO BE PAID FROM SPECIAL REVENUE FUND)

19 (1) Diskriter Inc. \$69,011.05

20 (2) Verizon \$5,042.93

21 (c) *Claims against the Division of Corrections:*

22 (TO BE PAID FROM GENERAL REVENUE FUND)

23 (1) Abner D. Allen \$113.65

24 (2) Astar Abatement Inc. \$20,411.77

25 (3) Ryan Baker \$120

26 (4) Jessie Davis \$18.85

27 (5) Miguel Delgado \$40

28 (6) Donald Eakle \$127.05

29 (7) Aron Joseph Freeland \$149.87

30 (8) Glock Inc. \$24

- 31 (9) Mark F. Hanna \$32.90
- 32 (10) Marlin J. McClain \$28.55
- 33 (11) Roger McKinney \$38.00
- 34 (12) Monongahela Power Co., dba Allegheny Power  
35 \$1,012.40
- 36 (13) Samuel Nibert \$19.85
- 37 (14) Roy Posey \$32.90
- 38 (15) Regional Jail and Correctional Facility Authority  
39 \$2,131,927.32
- 40 (16) Clifford Rice \$28.00
- 41 (17) Ricoh Americas Corporation \$4,631.29
- 42 (d) *Claims against the Division of Highways:*
- 43 (TO BE PAID FROM STATE ROAD FUND)
- 44 (1) John Scott Allen \$19,000
- 45 (2) James D. Amick \$254.87
- 46 (3) William D. Anderson \$500
- 47 (4) Donna Anthony \$2,000
- 48 (5) Dottie Arbogast \$500
- 49 (6) Stacy Armstrong \$217.94
- 50 (7) Sue L. Baney \$250
- 51 (8) Carl Bawgus \$500
- 52 (9) Bonita Bell \$240.40
- 53 (10) Patricia A. Blankenship \$951.36
- 54 (11) Stephanie D. Blasingim \$90.10

- 55 (12) Larry J. Boughner and Brenda L. Boughner \$317.07
- 56 (13) Deborah C. Bouvy \$125.08
- 57 (14) Sarah E. Brickner \$362.91
- 58 (15) Michael H. Brown \$457.39
- 59 (16) Robert E. Burns \$93.97
- 60 (17) Daniel Cantis and Deborah Cantis \$500
- 61 (18) Kate Cosby Cardwell \$187.50
- 62 (19) Jeffery S. Chumley \$250
- 63 (20) Thomas G. Coberly \$246.93
- 64 (21) John S. Cochran and Jami L. Cochran \$500
- 65 (22) Michael A. Corcoglioniti \$200
- 66 (23) Tammy Cranfield \$100
- 67 (24) Bobby P. Darnell \$2,366.55
- 68 (25) Danny R. Davis and Sonya Davis \$500
- 69 (26) Shane A. Day \$442.29
- 70 (27) James W. Dean \$191.32
- 71 (28) Rosalind Drake \$100
- 72 (29) Donna Durand and Walter Durand \$280.79
- 73 (30) Bernard Eddy and Reta June Eddy \$379.13
- 74 (31) Karen Elischer \$172.78
- 75 (32) John R. Elko Jr. \$196.73
- 76 (33) James W. Elliott \$145.54
- 77 (34) Judy Lynn Farley \$118.16

- 78 (35) Kevin Farley \$250
- 79 (36) Jeffrey Ferrell and Melissa Ferrell \$500
- 80 (37) Nika Mai Fields \$262.28
- 81 (38) Susan Renee Finley \$580
- 82 (39) Gary R. Fling and Tracy A. Fling \$250
- 83 (40) Linda L. Floyd \$1,555.05
- 84 (41) Larry D. Ford \$200.87
- 85 (42) Thomas H. Freshwater \$250
- 86 (43) Donald Garnes \$500
- 87 (44) Stephen J. Gawthrop \$249.19
- 88 (45) Justin Gordon and Allison Gordon \$978.36
- 89 (46) Gerald E. Greene \$205.75
- 90 (47) Richard R. Greene II \$694.94
- 91 (48) Charles Gregory \$1,000
- 92 (49) Lori Haldren \$158.96
- 93 (50) Jason E. Hardy \$500
- 94 (51) Marilyn T. Hargett \$57.19
- 95 (52) Lee Harris \$254.40
- 96 (53) James H. Hassig and Teresa A. Hassig \$319.39
- 97 (54) Dennis Helmick \$383.86
- 98 (55) Paul D. Helmick \$1,158.10
- 99 (56) Melissa Herold and Herbert H. Herold \$333.05
- 100 (57) Anthony M. Hicks \$250

- 101 (58) Wesley B. Holley \$352.56
- 102 (59) Wandell Huffman \$500
- 103 (60) Melvin R. Hyre \$111.25
- 104 (61) Mona L. Iddings \$144.16
- 105 (62) Melissa Isner and Robert Isner \$286.75
- 106 (63) Amber Johnson \$100
- 107 (64) Elyssa Jo Johnson and Terry Blaine McManaway  
108 \$225.82
- 109 (65) Jerry L. Johnson and Earlene Johnson \$500
- 110 (66) Rose Anna Johnson and Ronald Wayne Johnson  
111 \$232.60
- 112 (67) Alvin Jackson Jones and Teresa Elaine Jones  
113 \$346.05
- 114 (68) Antoine Katiny \$454.61
- 115 (69) Gregory L. Keffer \$500
- 116 (70) Katrina S. Kelley and Michel L. Kelley \$500
- 117 (71) Gary Allen Ketterman \$3,100
- 118 (72) Howard L. Keyser \$133.13
- 119 (73) Leigh Ann Kinder \$30,000
- 120 (74) Paul Joseph King \$452.49
- 121 (75) Gregory S. Kipp \$500
- 122 (76) Donna Kiser, Admin. Of the Estate of Melvin Kiser  
123 \$300,000
- 124 (77) Donna Kiser, Admin. Of the Estate of Michael Kiser  
125 \$610,000

- 126 (78) Clark A. Lawrence \$2,497.41
- 127 (79) Kelly M. Levy and Peter D. Levy \$500
- 128 (80) Barbara A. Lorenzo and Lou Lorenzo \$500
- 129 (81) Christopher N. Mann and Meresa Mann \$261.56
- 130 (82) Doris C. Mayo \$86.50
- 131 (83) Plura McClanahan \$257.77
- 132 (84) Sherry McCoy \$500
- 133 (85) Michele Merigo \$122,500
- 134 (86) Lisa Metz and Brian K. Metz \$257.32
- 135 (87) Ronda L. Miller \$496.76
- 136 (88) Roy H. Miller \$200
- 137 (89) Richard P. Morrone \$702.20
- 138 (90) Teresa M. Myers and Anthony D. Myers \$400
- 139 (91) Stanley G. Nash \$1,000
- 140 (92) Richard L. Newman and Marqueta Sue Newman  
141 \$281.50
- 142 (93) Ernestine Nigh \$200
- 143 (94) Michelle D. Oney \$500
- 144 (95) Gary Orndorff and Kathryn Orndorff \$350
- 145 (96) Jason Robert Pickens \$341.75
- 146 (97) Eugene Pleasant Jr. \$280.73
- 147 (98) Sherry L. Post \$530.43
- 148 (99) Stanley E. Powers and Francis Powers \$50,000
- 149 (100) Ronald Lee Price \$411.73



- 150 (101) Tamara Pritt \$22.74
- 151 (102) Crystal Pruett \$56.75
- 152 (103) David A. Ratliff \$378.83
- 153 (104) Noah Edward Rawlings and Sherry L. Rawlings  
154 \$300.23
- 155 (105) RLI Insurance Company \$167,634.95
- 156 (106) Gail S. Robbins \$50
- 157 (107) Robert L. Rogers and Melissa J. Rogers \$500
- 158 (108) Peggy A. Sanders \$54.13
- 159 (109) Dirk Robert Hugo Schlingmann and Catherine  
160 Ellen Schlingmann \$68,250
- 161 (110) Randy L. Searls \$500
- 162 (111) Jana Lynne Shannon \$5,436.13
- 163 (112) Alicia G. Shaver and Robert H. Shaver Jr. \$468.75
- 164 (113) Kendall C. Shepard \$307.58
- 165 (114) Sherill A. Simmons and Dick F. Simmons \$500
- 166 (115) Greg Six and Ray Six \$100
- 167 (116) Franklin T. Smith \$100
- 168 (117) Judy K. Snider \$250
- 169 (118) Kim Sovine \$519.29
- 170 (119) Loyd Dale Spotloe \$543.68
- 171 (120) Mary Stewart \$500
- 172 (121) Robert L. Summers \$45,000
- 173 (122) Russell G. Swecker and Wanda L. Swecker \$441.54

174 (123) Allen Tennant \$90.58  
175 (124) K. Brooke Vance \$135.43  
176 (125) Judy A. Walter \$67.05  
177 (126) Ann S. Walters \$192.87  
178 (127) Carol White and Nancy White \$346.15  
179 (128) Ruth M. Whittaker and Vernon B. Whittaker  
180 \$4,000  
181 (129) David Wilfong \$897.75  
182 (130) Robert Woods \$90,000  
183 (131) Robert C. Wright and Kimberly S. Wright \$500  
184 (132) Robin L. Wright and Robert L. Wright \$231.50  
185 (133) Wesley R. Yoho Sr. \$500  
186 (e) *Claims against the Division of Motor Vehicles:*  
187 (TO BE PAID FROM STATE ROAD FUND)  
188 (1) John H. Halstead \$292.50  
189 (2) Joan Lorraine Jarvis-Halstead \$989  
190 (f) *Claim against the Library Commission:*  
191 (TO BE PAID FROM GENERAL REVENUE FUND)  
192 (1) Jo Anne Cooke \$895.63  
193 (g) *Claim against the Public Service Commission:*  
194 (TO BE PAID FROM SPECIAL REVENUE FUND)  
195 (1) Lynada Woods \$677.25  
196 (h) *Claims against the Regional Jail and Correctional*  
197 *Facility Authority:*

198 (TO BE PAID FROM SPECIAL REVENUE FUND)

199 (1) Sammy Ray Copley \$39.16

200 (2) Wallace Davis \$62.00

201 (3) Roxanne Lee Funk \$2,091.97

202 (4) Robert Gladhill \$129.99

203 (5) Larry Edward Harmon \$426.96

204 (6) Robin Diahann Jenkins \$240

205 (7) Joseph J. Johnson \$871.50

206 (8) Christina L. King \$30

207 (9) Frank McKeiver \$210.94

208 (10) Roosevelt Motley II \$1,696

209 (11) Terry J. Shaver \$372.45

210 (12) Robert L. Stewart \$18.77

211 (13) Jimmy R. Taylor \$140

212 (i) *Claim against the State Police:*

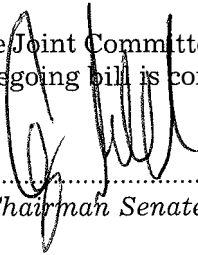
213 (TO BE PAID FROM GENERAL REVENUE FUND)

214 (1) Kenny S. Willett \$277.44

215 The Legislature finds that the above moral obligations  
216 and the appropriations made in satisfaction thereof shall  
217 be the full compensation for all claimants and that prior  
218 to the payments to any claimant provided in this bill, the  
219 Court of Claims shall receive a release from said claimant  
220 releasing any and all claims for moral obligations arising  
221 from the matters considered by the Legislature in the  
222 finding of the moral obligations and the making of the  
223 appropriations for said claimant. The Court of Claims

224 shall deliver all releases obtained from claimants to the  
225 department against which the claim was allowed.

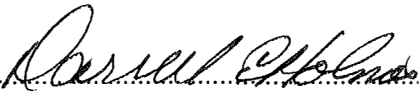
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

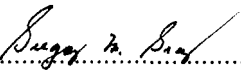
  
.....  
Chairman Senate Committee

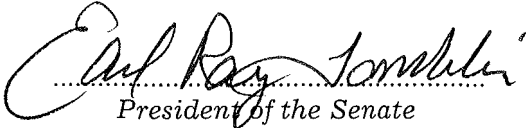
  
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Chairman House Committee

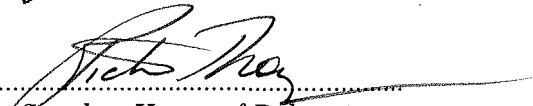
Originated in the Senate.

In effect from passage.

  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

The within is approved ..... this the 31<sup>st</sup>

Day of March ....., 2010.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 29 2010

Time 3:45 pm