

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4398

(By Delegates Marshall, Iaquina, Reynolds,
Stowers, Anderson and Evans)



Passed March 7, 2012

To Take Effect From Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4398

(BY DELEGATES MARSHALL, IAQUINTA, REYNOLDS,
STOWERS, ANDERSON AND EVANS)

[Passed March 7, 2012; to take 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 Board of Coal Mine Health and Safety; Department of Administration/Office of Technology; Department of Education; Division of Corrections; Division of Highways; Division of Tourism; Insurance Commission; Regional Jail Authority; State Fire Marshal; Tax Department and West Virginia State Senate 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 the
9 state to pay each such claim in the amount specified below
10 and directs the Auditor to issue warrants for the payment
11 thereof out of any fund appropriated and available for the
12 purpose.

13 (a) *Claim against the Board of Coal Mine Health and*
14 *Safety:*

15 (TO BE PAID FROM GENERAL REVENUE FUND)

16 (1) Nicholas S. Preservati \$12,556.00

17 (b) *Claim against the Department of Administration/*
18 *Office of Technology:*

19 (TO BE PAID FROM SPECIAL REVENUE FUND)

20 (1) Infoprint Solutions Company \$83,174.39

21 (c) *Claim against the Department of Education:*

22 (TO BE PAID FROM GENERAL REVENUE FUND)

23 (1) AB Contracting Inc. \$20,000.00

24 (d) *Claims against the Division of Corrections:*

25 (TO BE PAID FROM GENERAL REVENUE FUND)

26 (1) Christopher Blackwell \$25.00

27	(2) Brandon Butler	\$25.00
28	(3) Merle Casto	\$12.95
29	(4) Ricoh Americas Corporation	\$370.00
30	(5) Verizon Network Integration Corporation	\$7,164.06
31	(6) WV Public Employees Insurance	
32	Agency	\$438,129.71
33	(7) WV Regional Jail Authority	\$5,458,871.50
34	<i>(e) Claims against the Division of Highways:</i>	
35	(TO BE PAID FROM STATE ROAD FUND)	
36	(1) Joel Abbott	\$2,495.78
37	(2) Cinnament Adkins	\$300.00
38	(3) Daniel Adkins	\$221.47
39	(4) Mark E. Agosti	\$304.00
40	(5) Carol Lee Alessio	\$216.40
41	(6) Marlene E. Alford	\$222.39
42	(7) Nicole Allen	\$500.00
43	(8) Jeffrey D. Anderson	\$500.00
44	(9) Nicholas Angell	\$153.70
45	(10) Ronald Gene Arbaugh Jr.	\$373.18

46	(11) Reva Gail Arthur	\$763.07
47	(12) David K. Ash Sr.	\$500.00
48	(13) Richard Ashmore	\$434.07
49	(14) William J. Baker	\$455.80
50	(15) Gloria E. Barkaszi	\$100.00
51	(16) Jarrid Carl Basham	\$500.00
52	(17) Brian Baxter	\$149.46
53	(18) Hope Beasley	\$615.86
54	(19) Wilma Jean Beegle-German	\$460.04
55	(20) Terri Ane' Berkley	\$500.00
56	(21) Franklin M. Bevins and Martha Bevins ..	\$500.00
57	(22) Mae Bills	\$390.68
58	(23) Connie Blair and Larry Blair	\$183.38
59	(24) Wendy Blankenship	\$412.67
60	(25) Mary Jane Bober	\$297.38
61	(26) Scott D. Bolen	\$891.93
62	(27) Anthony Bongiovanni	\$88.48
63	(28) Mary Bowles and Loretta Bowles	\$500.00

64	(29) Rudolph Bozarth	\$247.10
65	(30) Janet Brammer	\$2,517.68
66	(31) James H. Brent and Betty Brent	\$250.00
67	(32) Chad Brown	\$265.69
68	(33) Larry D. Brown	\$115.49
69	(34) Hillary Bruer	\$300.00
70	(35) Jennifer Burch	\$1,000.00
71	(36) Kimberly D. Burford	\$160.00
72	(37) Donald E. Burkey	\$500.00
73	(38) Darlene K. Burns	\$113.95
74	(39) Melina Bush	\$293.62
75	(40) Heather M. Buzminsky	\$632.08
76	(41) Michael F. Cain	\$500.00
77	(42) Lyndsey Campbell	\$500.00
78	(43) Brenda Cappellini	\$444.85
79	(44) Tonya Carnahan	\$445.20
80	(45) Christopher F. Carney	\$169.55
81	(46) Jay Reed Carper and Donna E. Carper	\$963.50

82	(47) Brittany Carte	\$258.64
83	(48) Brenda K. Chamblin	\$495.87
84	(49) Kimberly Childers	\$483.19
85	(50) Christopher Clagg	\$946.70
86	(51) Sara Clay	\$500.00
87	(52) Lea Ann Cleavenger	\$350.00
88	(53) Pamela Clinton	\$86.85
89	(54) Dorothy Cobb	\$250.00
90	(55) Eric Coffman	\$441.65
91	(56) Brenda J. Cogar	\$198.21
92	(57) Tamera Coleman	\$250.00
93	(58) Sedede Colliers	\$549.28
94	(59) Michael B. Conoway and Lisa Conoway . .	\$542.10
95	(60) John R. Cook	\$385.59
96	(61) Tommy Cook	\$432.38
97	(62) Patricia M. Cooper	\$545.18
98	(63) Thomas L. Coping and Lori A. Coping . .	\$207.95
99	(64) Tamela Corder	\$263.94

100	(65) Stephen Coyle	\$108.19
101	(66) Wendy A. Craig	\$501.02
102	(67) Robert Dale Crim	\$240.57
103	(68) Ronald R. Crim Sr.	\$380.85
104	(69) Donald Crosen	\$250.00
105	(70) Barbara J. Crouse	\$500.00
106	(71) Nicholas Cumberledge and	
107	Elizabeth Cumberledge	\$300.00
108	(72) Doran R. Daugherty	\$90.53
109	(73) Leslie Davis	\$814.24
110	(74) Lisa M. Davis	\$382.82
111	(75) Carolyn L. Dawson	\$226.42
112	(76) Henry G. Dean	\$231.08
113	(77) Karen Deavers	\$209.82
114	(78) Andrew DeCoy	\$140.03
115	(79) Elizabeth V.B. Deiss	\$764.68
116	(80) Misty Demidovich	\$144.99
117	(81) Aloma Doak	\$295.32
118	(82) Gregg P. Dorfner	\$434.60

119	(83) Theodore E. Dragisich	\$411.45
120	(84) Donna Drown	\$226.93
121	(85) Sharon Duncan	\$103.83
122	(86) Robert E. Duvall and	
123	Elizabeth C. Duvall	\$250.00
124	(87) Jeff Eanes	\$261.80
125	(88) Margaret A. Easton	\$58.19
126	(89) Debra K. Ekis	\$100.24
127	(90) Joey Epling	\$164.75
128	(91) William C. Evans	\$254.50
129	(92) Terri L. Farley	\$500.00
130	(93) Kathryn J. Felitsky	\$79.50
131	(94) Emanuel Ferguson	\$500.00
132	(95) Bryan Ford	\$445.17
133	(96) Char G. Fox	\$397.68
134	(97) Charles E. Frick	\$1,000.00
135	(98) James A. Mays and Bonnie J. Friend	\$238.50
136	(99) Kristie Garrison	\$210.94
137	(100) Ronald Gifford	\$90.00

138	(101) David P. Gillispie	\$100.00
139	(102) Dwight Goff and Debra Goff	\$381.37
140	(103) Richard Gonzalez	\$450.00
141	(104) Juanita D. Gore	\$500.00
142	(105) Denzil Graham	\$717.73
143	(106) Denzil Graham and Shelley Graham . . .	\$619.59
144	(107) Kelsey Graham and Robin Graham	\$130.00
145	(108) Gary J. Gray and Mary C. Gray	\$244.09
146	(109) Edward L. Green	\$1,000.00
147	(110) Roger L. Green	\$81.20
148	(111) Rachel Greene	\$159.00
149	(112) Dwight Haddix	\$448.33
150	(113) Robert Ray Haines	\$155.19
151	(114) Dolores Halburn	\$487.09
152	(115) Ronald Hall	\$500.00
153	(116) Homer D. Ham	\$162.71
154	(117) Karla Hanes	\$500.00
155	(118) Jared B. Knight and Mary M. Hanna .	\$1,000.00

156	(119) William B. Haraden	\$496.64
157	(120) Anthony Harbison	\$599.00
158	(121) Steven Hardman	\$473.78
159	(122) Kirk Harman	\$323.71
160	(123) Angelia Harper, as Natural Mother	
161	and Admin. of the Estate of	
162	Justin Janes	\$355,000.00
163	(124) Daniel Harrington and	
164	Dolores Harrington	\$77.38
165	(125) Zachary P. Hartzell	\$217.00
166	(126) Fred Harvey	\$250.00
167	(127) William Hawker	\$300.00
168	(128) Eric M. Hayhurst	\$219.38
169	(129) Sharla Hays	\$378.71
170	(130) Richard Heath	\$537.58
171	(131) Erica Henning	\$181.50
172	(132) Kyle Hess and Earl K. Hess	\$450.00
173	(133) Floyd W. Hinkle	\$412.53
174	(134) Sandra Hissom	\$500.00
175	(135) William E. Hoffer	\$615.00

176	(136) Michelle Holley and Roger Holley	\$100.00
177	(137) Lori Honaker and Tessa Honaker	\$500.00
178	(138) Ronald W. Houchins	\$495.87
179	(139) Terry A. Howell	\$221.43
180	(140) Cathy Hudnall	\$226.90
181	(141) Teresa Hylton	\$160.13
182	(142) Gerry Jacobs	\$103.88
183	(143) Timothy P. James	\$144.58
184	(144) Paul Jaquay	\$173.24
185	(145) Cheryl Jarvis	\$508.43
186	(146) Alan Jenkins Jr.	\$84.80
187	(147) John Jones	\$500.00
188	(148) Letty R. Jones	\$278.77
189	(149) Terry Jordan	\$30,000.00
190	(150) Lori Adkins and Trenton Justice	\$121.90
191	(151) Retus Jay Justice	\$1,000.00
192	(152) Robert A. Kalo	\$250.00
193	(153) David Karickhoff	\$250.00

194	(154) Chandra Kennedy and Charles Kennedy . .	\$98.84
195	(155) Dr. Thomas J. Kennedy	\$483.04
196	(156) Wayne R. Kerby	\$500.00
197	(157) Samuel E. Kerwood	\$450.00
198	(158) Trisha L. Kindberg	\$272.14
199	(159) Jack L. Kinder	\$408.10
200	(160) Andrea Kirby	\$339.06
201	(161) Terri Kittinger	\$101.56
202	(162) Tom Klug	\$57.94
203	(163) Cathy Kompardo-Zeiler	\$137.80
204	(164) Debra L. Kuzma	\$238.49
205	(165) Deloris Landis and Ronald Landis	\$458.88
206	(166) Robert Allen Lang and Linda C. Lang . .	\$426.13
207	(167) Bruce Lane	\$295.00
208	(168) Keith L. Leavengood	\$4,000.00
209	(169) Rachel M. Lemon	\$242.74
210	(170) Erica N. Lewis	\$391.04
211	(171) Patty S. Lewis	\$339.22

212	(172) Stephen William Logan	\$308.78
213	(173) Debra Longstreth	\$1,152.26
214	(174) Tammy R. Losh	\$475.89
215	(175) Janet C. Louden	\$85.50
216	(176) Nellie Lowry	\$262.99
217	(177) Lois Lucas	\$687.60
218	(178) Sylvia M. Lucas	\$62.54
219	(179) Michael Maddox	\$206.65
220	(180) Thomas A. Maglich	\$320.10
221	(181) Melissa Mahoney and	
222	Elizabeth Mahoney	\$272.37
223	(182) Freddie A. Marks	\$870.00
224	(183) Allen R. Marple	\$2,798.31
225	(184) Jennifer Martin	\$192.92
226	(185) Debra Massey	\$95.35
227	(186) Jeffry Matthews	\$297.75
228	(187) Marvin Maynard and Selena Maynard . . .	\$243.80
229	(188) Charity Mays	\$1,385.80
230	(189) Olivia Maze	\$237.39

231	(190) Jason M. Mazza	\$375.21
232	(191) Donald F. McCallister	\$173.04
233	(192) Brenda McClelland	\$250.00
234	(193) Frances M. McCune	\$138.61
235	(194) Roy J. McDaniel	\$1,069.61
236	(195) Randy A. McDonald	\$50,000.00
237	(196) Miceal Wayne McGraw	\$252.28
238	(197) Jonathan McIntyre	\$280.90
239	(198) Catherine T. McKinney	\$500.00
240	(199) James McKown and Karen McKown ..	\$139.82
241	(200) Ricky Meadows	\$313.04
242	(201) Rusti Menendez-Young	\$623.65
243	(202) Virginia Metrick	\$250.00
244	(203) David R. Michaels	\$200.00
245	(204) John Miller and Mary Miller	\$500.00
246	(205) Amanda L. Minnix and	
247	and Rodney K. Minnix	\$261.31
248	(206) Gregory K. Mitchell Jr.	\$621.61
249	(207) Bradley Moore	\$835.27

250	(208) Eustacia Moore	\$190.00
251	(209) Earl Morgan and Connie Morgan	\$274.85
252	(210) Patrick J. Morgan and	
253	Tammy S. Morgan	\$378.21
254	(211) William J. Morris and	
255	Linda Morris-Angus	\$112.25
256	(212) Amy Mullins	\$193.17
257	(213) Mildred Mullins	\$1,058.22
258	(214) Russell Keith Myers	\$1,000.00
259	(215) Ted S. Nance	\$2,469.41
260	(216) Anna L. Naylor	\$156.88
261	(217) David P. Nelson	\$437.99
262	(218) James Ninehouser	\$250.00
263	(219) Robert E. Norman	\$207.11
264	(220) Virginia Nottingham	\$250.00
265	(221) Jarred Nutter	\$248.87
266	(222) Misty Nuzum	\$230.00
267	(223) James T. Ogden	\$62.01
268	(224) Perry R. Osborne	\$373.82

269	(225) Susan Owens	\$500.00
270	(226) Geary Grant Oxley	\$303.63
271	(227) Steven E. Page	\$163.19
272	(228) Cynthia Parsons and Timothy Parsons . .	\$476.16
273	(229) Derek Parsons	\$1,566.18
274	(230) James G. Pauley	\$250.00
275	(231) David Payne	\$500.00
276	(232) Kennie D. Payne and Carol Payne	\$551.72
277	(233) Anthony Pepe	\$111.00
278	(234) Virginia Perrine	\$1,506.95
279	(235) Angel Navy Perry and Mark A. Perry . .	\$612.66
280	(236) Dennis Perry	\$486.20
281	(237) Joseph M. Peterson	\$568.37
282	(238) Joy Pickens	\$79.50
283	(239) Otis Pinson	\$150.00
284	(240) Joshua Polan	\$500.00
285	(241) George G. Potter	\$192.11
286	(242) Anna Pratt and Glenn Pratt	\$242.32

287	(243) Frank Jay Prebeg	\$98.99
288	(244) Arthur Lee Preston	\$404.41
289	(245) Mary Jane Price	\$5,000.00
290	(246) Norma J. Price	\$261.95
291	(247) Courtney Pride	\$234.27
292	(248) Billie Jo Pyles	\$124.02
293	(249) Charles C. Raber Jr.	\$373.12
294	(250) Carolyn L. Raines	\$125.08
295	(251) Karen Ratcliffe and Kit Ratcliffe	\$4,813.00
296	(252) Christopher Riffe	\$165,000.00
297	(253) Elisha Riffe	\$9,000.00
298	(254) Kenneth B. Riley	\$106.60
299	(255) Rachel S. Rinehart and	
300	Mark W. Rinehart	\$375.00
301	(256) Janet D. Robbins	\$97.65
302	(257) Shirley Roberts	\$148.40
303	(258) Cheryl S. Rollins	\$500.00
304	(259) Joseph M. Roush and Carol L. Roush ..	\$319.48
305	(260) Cindi J. Royer	\$553.45

306	(261) Beverly Sanders	\$1,000.00
307	(262) Amy Sandy	\$144.16
308	(263) Nathan B. Sayre	\$302.10
309	(264) Christi A. Schroyer	\$500.00
310	(265) Tammy J. Scott	\$91.16
311	(266) John Houck and Katherine M. Seibel ..	\$158.95
312	(267) Donald L. Sevier and	
313	Cassandra L. Sevier	\$1,000.00
314	(268) Ronald Shaw	\$171.19
315	(269) Thomas V. Sheppard	\$500.00
316	(270) David A. Sidiropolis	\$500.00
317	(271) Helen Sigman	\$250.00
318	(272) James R. Simons	\$310.53
319	(273) Wilburn Siner	\$500.00
320	(274) Brenda Sirk	\$179.00
321	(275) Christina Skeens	\$380.20
322	(276) Gerald Slaughter	\$225.00
323	(277) Brian Smith	\$46.95
324	(278) Justin A. Smith	\$236.00

325	(279) M.E. Walker and	
326	Megan Walker Smith	\$1,000.00
327	(280) Michael A. Smith	\$1,046.12
328	(281) Sandra K. Smolder	\$1,000.00
329	(282) Ricky K. Snodgrass	\$703.13
330	(283) Eric Spatafore	\$300.00
331	(284) Elizabeth Spaulding	\$500.00
332	(285) Audrey L. Spearing	\$127.20
333	(286) Darrell Spurlock	\$250.00
334	(287) Thomas F. Stark and Mary F. Stark	\$500.00
335	(288) Rebecca Staten	\$500.00
336	(289) Matthew R. Stefan	\$135.68
337	(290) Carl Stein	\$130,000.00
338	(291) Faye J. Stephens	\$153.13
339	(292) Natasha Stephens and	
340	Anthony P. Stephens	\$675.54
341	(293) Deborah Sterling	\$178.00
342	(294) Cheryl Sterner	\$307.05
343	(295) Samuel S. Stewart and	
344	Gertrude Stewart	\$500.00

345	(296) Shirley A. Stiltner	\$426.90
346	(297) Giget Stover	\$200.29
347	(298) Todd Strickland	\$144.72
348	(299) Timothy Sullivan and	
349	Rebecca A. Sulliva	\$1,000.00
350	(300) Jill Swan	\$100.00
351	(301) John E. Sweeney	\$103.83
352	(302) Charles Swiger and Sandra Swiger	\$431.76
353	(303) Araya Taupradist	\$100.00
354	(304) Wesley Lynn Taylor	\$123.97
355	(305) Tifney D. Terry-Franks	\$174.19
356	(306) Richard Thomas	\$500.00
357	(307) Samuel Thomas	\$161.45
358	(308) David Thompson	\$500.00
359	(309) Edna P. Thompson	\$284.08
360	(310) Brian Keith Tolley	\$387.20
361	(311) Linda S. Totten	\$218.12
362	(312) David J. Troia	\$135.50

363	(313) Tonya Michelle Tucker, as Admin.	
364	of the Estate of Jesse Tucker	\$600,000.00
365	(314) Larry D. Turner	\$500.00
366	(315) Charles L. Turner Jr.	\$1,800.00
367	(316) Rebecca Tustin	\$150.00
368	(317) Charles L. Urling Jr.	\$200.34
369	(318) Jonathan Burson and Donna Vaughan . .	\$972.83
370	(319) Ronald Hambrick and Linda Vineyard .	\$269.00
371	(320) Dennis L. Ward and Terri Ward	\$250.00
372	(321) Dale C. Waters	\$177.82
373	(322) Pamela Wehler	\$500.00
374	(323) Robert J. Weidlich	\$143.54
375	(324) Amanda M. White	\$79.50
376	(325) Lawrence White	\$739.70
377	(326) Sharon K. White	\$416.17
378	(327) Andre Wilkinson	\$500.00
379	(328) Karen J. Wilkinson	\$299.95
380	(329) Denise Williams	\$500.00
381	(330) Gary Williams	\$500.00

382	(331) Mary Ann Williams	\$268.75
383	(332) Russell Williams	\$76.52
384	(333) Jesse Wills	\$90.10
385	(334) Margaret S. Wilson	\$138.17
386	(335) Jeremy Winters	\$778.14
387	(336) Terry J. Woodside as Admin. of the	
388	Estate of Terry J. Woodside Jr. . .	\$250,000.00
389	(337) Howard Wrenn and Sandra Belcher, as	
390	Natural Parents And Co-Admin.	
391	of the Estate of Matthew Wrenn .	\$355,000.00
392	(338) Joyce Yirberg	\$2,222.50
393	(339) Jodi Young	\$983.88
394	(340) Jennifer Isabell and Matthew Allen	
395	Zickafoose, as Admin. of the Estate	
396	of Andrew Zickafoose, Deceased	\$500.00
397	(341) John G. Blevins	\$93.49
398	(342) Cynthia Hammond	\$250.00
399	(343) Lucinda Riffle	\$160.02
400	(344) Tyler Spear	\$45.51
401	(345) Michael Benner	\$232.00
402	(346) Ralph Scarberry	\$149.46

403	(347) Earl S. Hescht	\$195.36
404	(348) Valley Volunteer Fire Department Inc . .	\$500.00
405	<i>(f) Claim against the Division of Tourism:</i>	
406	(TO BE PAID FROM SPECIAL REVENUE FUND)	
407	(1) Temporary Employment Services Inc.	\$474.15
408	<i>(g) Claim against the Insurance Commission:</i>	
409	(TO BE PAID FROM SPECIAL REVENUE FUND)	
410	(1) Greenbrooke Associates LLC	\$269,026.62
411	<i>(h) Claims against the Regional Jail Authority:</i>	
412	(TO BE PAID FROM SPECIAL REVENUE FUND)	
413	(1) Mary Balmer-Gage	\$1,571.00
414	(2) Charles L. Chipley Jr.	\$51.12
415	(3) James A. Clemens and Mary F. Clemens . . .	\$87.00
416	(4) Brent M. Combs	\$15.45
417	(5) Ronald D. Deuley	\$535.00
418	(6) Shane Elkins	\$250.00
419	(7) Ned Crouch and Renee Henline	\$11.04
420	(8) Jason Allen Hensley	\$140.00
421	(9) Jeffrey King	\$24.14

422	(10) Stacey A. Long	\$95.00
423	(11) Robert W. Moats	\$32.00
424	(12) William E. Smith	\$299.00
425	(13) Timothy Thorne	\$830.00
426	<i>(i) Claim against the State Fire Marshal:</i>	
427	(TO BE PAID FROM SPECIAL REVENUE FUND)	
428	(1) Ronceverte Volunteer Fire Department	\$10,238.49
429	<i>(j) Claim against the Tax Department:</i>	
430	(TO BE PAID FROM GENERAL REVENUE FUND)	
431	(1) Greenbrooke Associates LLC	\$119,461.89
432	<i>(k) Claim against the State Senate:</i>	
433	(TO BE PAID FROM GENERAL REVENUE FUND)	
434	(1) AT & T	\$526.23

435 The Legislature finds that the above moral obligations
436 and the appropriations made in satisfaction thereof shall be
437 the full compensation for all claimants and that prior to the
438 payments to any claimant provided in this bill, the Court of
439 Claims shall receive a release from said claimant releasing
440 any and all claims for moral obligations arising from the
441 matters considered by the Legislature in the finding of the
442 moral obligations and the making of the appropriations for
443 said claimant. The Court of Claims shall deliver all releases
444 obtained from claimants to the department against which the
445 claim was allowed.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2012.

Governor