

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2897**

4 (By Delegates Marshall, Iaquinta, Williams, Anderson, A. Evans,
5 Pethtel, White, Fleischauer and Barill)

6
7 (Originating in the House Committee on Finance.)

8
9 [March 29, 2013]

10 A BILL finding and declaring certain claims against the state and
11 its agencies to be moral obligations of the state; and
12 directing the Auditor to issue warrants for the payment
13 thereof.

14 *Be it enacted by the Legislature of West Virginia:*

15 **CLAIMS AGAINST THE STATE.**

16 **§1. Finding and declaring certain claims against the Board of**
17 **Veterinary Medicine; Consolidated Public Retirement Board;**
18 **Department of Administration; Department of Administration/**
19 **Division of Real Estate; Department of Education; Division**
20 **of Corrections; Division of Highways; Division of Motor**
21 **Vehicles; Division of Veterans Affairs; Public Defender**
22 **Services; Regional Jail Authority; State Fire Commission**
23 **and State of West Virginia to be moral obligations of the**

1 **state and directing payment thereof.**

2 The Legislature has considered the findings of fact and
3 recommendations reported to it by the Court of Claims concerning
4 various claims against the state and agencies thereof and in
5 respect to each of the following claims, the Legislature adopts
6 those findings of fact as its own and in respect of certain claims
7 herein, the Legislature has independently made findings of fact and
8 determinations of award and hereby declares it to be the moral
9 obligation of the state to pay each such claim in the amount
10 specified below and directs the Auditor to issue warrants for the
11 payment thereof out of any fund appropriated and available for the
12 purpose.

13 (a) *Claim against the Board of Veterinary Medicine:*

14 (TO BE PAID FROM SPECIAL REVENUE FUND)

15 (1) Wanda Goodwin. \$6,564.00

16 (b) *Claim against the Consolidated Public Retirement Board:*

17 (TO BE PAID FROM GENERAL REVENUE FUND)

18 (1) Regina H. Williams. \$1,505.13

19 (c) *Claims against the Department of Administration:*

20 (TO BE PAID FROM GENERAL REVENUE FUND)

21 (1) Design & Production Inc.. \$80,296.00

22 (2) Discount Industrial Supply Corporation. \$5,000.00

23 (d) *Claim against the Department of Administration/Division of*

24 *Real Estate:*

1 (TO BE PAID FROM SPECIAL REVENUE FUND)

2 (1) Vicky L. Means. \$11,534.04

3 (e) *Claim against the Department of Education:*

4 (TO BE PAID FROM GENERAL REVENUE FUND)

5 (1) Winchester Speech Pathologists PC. \$12,480.00

6 (f) *Claims against the Division of Corrections:*

7 (TO BE PAID FROM GENERAL REVENUE FUND)

8 (1) Robert Blake. \$331.47

9 (2) Allen Carr. \$15.60

10 (3) Kenneth Chance. \$39.65

11 (4) Kevin Felder. \$320.00

12 (5) Justin E. Marcum. \$39.50

13 (6) Brian C. Morgan. \$155.86

14 (7) Joseph Pettaway. \$15.00

15 (8) Lawrence Stuckey. \$25.00

16 (g) *Claims against the Division of Highways:*

17 (TO BE PAID FROM STATE ROAD FUND)

18 (1) James Adkins. \$279.00

19 (2) Sally J. Adkins. \$500.00

20 (3) Timothy W. Adkins. \$500.00

21 (4) Deborah A. Allen. \$500.00

22 (5) Dustin Allen. \$224.61

23 (6) Lisa Anderson. \$500.00

24 (7) Sheila D. Anderson. \$387.74

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| 1 | (8) Jason R. Ashworth. | \$207.53 |
| 2 | (9) Kelly Ayers. | \$108.38 |
| 3 | (10) Johnna Bailey. | \$50.00 |
| 4 | (11) Doloris A. Baker. | \$180.00 |
| 5 | (12) Jeremy Ball. | \$658.66 |
| 6 | (13) Dennis E. Ballard and Whitney K. Ballard. . . . | \$806.52 |
| 7 | (14) Kenneth Bambic. | \$1,271.96 |
| 8 | (15) Norma Barnett. | \$9,000.00 |
| 9 | (16) Grant Barnette. | \$500.00 |
| 10 | (17) Sonja S. Bass. | \$553.45 |
| 11 | (18) Beverly Bell and Lee Bell. | \$500.00 |
| 12 | (19) Christy Beveridge. | \$201.74 |
| 13 | (20) Richard Bills. | \$210.79 |
| 14 | (21) John W. Bittinger. | \$81,000.00 |
| 15 | (22) Jack L. Black and Rachel L. Black. | \$177.01 |
| 16 | (23) Sara N. Black. | \$500.00 |
| 17 | (24) Tari L. Blanchard. | \$307.87 |
| 18 | (25) Tom C. Bloom. | \$298.92 |
| 19 | (26) Jason Bolyard. | \$99.11 |
| 20 | (27) Brenda Booker. | \$1,403.44 |
| 21 | (28) Robert Booker. | \$10,378.03 |
| 22 | (29) George Bossie III. | \$1,000.00 |
| 23 | (30) Jay Bowen. | \$147.32 |
| 24 | (31) Daniel James Bowes. | \$348.28 |

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| 1 | (32) Betty L. Brabham. | \$150.52 |
| 2 | (33) Penelope A. Brandenburg. | \$291.50 |
| 3 | (34) Deneise S. Bray and Raymond Bray Jr.. | \$297.86 |
| 4 | (35) Wesley A. Brown. | \$259.70 |
| 5 | (36) Amos Bunner. | \$9,500.00 |
| 6 | (37) Tammy M. Cantley. | \$500.00 |
| 7 | (38) Eric S. Cayton. | \$263.42 |
| 8 | (39) Jon A. Chafin. | \$1,000.00 |
| 9 | (40) William F. Chambers and Sharon T. Chambers. | \$500.00 |
| 10 | (41) Tracey Williams and Patricia Choma. | \$500.00 |
| 11 | (42) Fritz Christ. | \$277.60 |
| 12 | (43) Johnithan Clark. | \$400.00 |
| 13 | (44) Gordan Clendenin. | \$1,551.16 |
| 14 | (45) Amal S. Corey. | \$500.00 |
| 15 | (46) Corwin Ford Sales Inc.. | \$205.95 |
| 16 | (47) Ralph Cozad and Barbara Cozad. | \$100.00 |
| 17 | (48) Eleesha Culver. | \$478.57 |
| 18 | (49) Luther Dempsey dba Dempsey Engineering Company. | \$887.00 |
| 19 | (50) Lois Mae Dick. | \$100.00 |
| 20 | (51) LeeAnn Dignan. | \$273.33 |
| 21 | (52) Mindi L. Dillon. | \$267.15 |
| 22 | (53) Judy Duffey. | \$136.00 |
| 23 | (54) Charles Duncan. | \$285.14 |
| 24 | (55) Kevin E. Dunlap. | \$258.60 |

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| 1 | (56) Nikki L. Durst. | \$834.09 |
| 2 | (57) Brian D. Dye. | \$100.00 |
| 3 | (58) Jill R. Dye. | \$169.63 |
| 4 | (59) Hannah Eaves. | \$500.00 |
| 5 | (60) Susan Edgel. | \$263.22 |
| 6 | (61) John M. Efaw. | \$800.00 |
| 7 | (62) Jennifer Egnor. | \$667.80 |
| 8 | (63) Benjamin Ekelman. | \$129.47 |
| 9 | (64) Robert Ellington. | \$1,500.00 |
| 10 | (65) Thomas C. Farnsworth. | \$227.37 |
| 11 | (66) Jeremy I. Ferrell and Nelda J. Ferrell. | \$500.00 |
| 12 | (67) Jodie Ferrell and Michelle Ferrell. | \$409.17 |
| 13 | (68) Maxwell Ferrell. | \$110.00 |
| 14 | (69) Philip Ferrell. | \$389.02 |
| 15 | (70) Robert F. Fetty. | \$406.05 |
| 16 | (71) Ralph Freddolino. | \$125.46 |
| 17 | (72) Brooks D. Freed. | \$250.00 |
| 18 | (73) Patricia E. Full and Larry D. Full. | \$250.00 |
| 19 | (74) Vincent A. Gala Jr.. | \$500.00 |
| 20 | (75) James Gantzer. | \$410.00 |
| 21 | (76) Trena Garvin. | \$355.37 |
| 22 | (77) Jimmy Benson and John Ghiz. | \$1,556.00 |
| 23 | (78) Brenda Gorman. | \$233.68 |
| 24 | (79) Toni Graham and Alan Fell. | \$190.75 |

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| 1 | (80) Betty Y. Grear. | \$107.70 |
| 2 | (81) Daniel L. Hadley. | \$3,100.00 |
| 3 | (82) Ella Hamilton. | \$992.11 |
| 4 | (83) Joseph C. Hanna. | \$312.99 |
| 5 | (84) Cynthia Hanneman-Banks. | \$606.01 |
| 6 | (85) Danielle Hanshew. | \$500.00 |
| 7 | (86) Peggy S. Hapney. | \$270.87 |
| 8 | (87) Shawn Harbiso. | \$349.00 |
| 9 | (88) Holly Hardesty. | \$250.00 |
| 10 | (89) Albert J. Hardy and Lorena L. Hardy. | \$313.49 |
| 11 | (90) Randy C. Harper. | \$500.00 |
| 12 | (91) Evelyn L. Harris. | \$1,000.00 |
| 13 | (92) John Harter. | \$112.96 |
| 14 | (93) Roger A. Haynes. | \$214.12 |
| 15 | (94) Jeremy Herback. | \$500.00 |
| 16 | (95) Roy G. Hess Jr.. | \$314.33 |
| 17 | (96) Robert Jay Hite. | \$328.96 |
| 18 | (97) Connie Hobbs and Phillip Hobbs. | \$500.00 |
| 19 | (98) William Holland. | \$387.68 |
| 20 | (99) Krista Honaker. | \$200.34 |
| 21 | (100) Darlene Howell. | \$250.49 |
| 22 | (101) Deborah L. Howell. | \$1,000.00 |
| 23 | (102) Richard C. Hoy and Harriet L. Hoy. | \$286.01 |
| 24 | (103) Danny C. Huffman and Audella C. Huffman. | \$500.00 |

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| 1 | (104) Robert A. Hull. | \$1,620.61 |
| 2 | (105) Shawn M. Hutchinson. | \$500.00 |
| 3 | (106) Vernia E. Jeffries. | \$433.00 |
| 4 | (107) Felix M. Jenkins. | \$280.00 |
| 5 | (108) Judy Jenkins. | \$107.00 |
| 6 | (109) Lewis Dean Johnson. | \$205.00 |
| 7 | (110) Anita Jones. | \$500.00 |
| 8 | (111) David Christopher E. Jones. | \$328.42 |
| 9 | (112) Orville Jones. | \$78.99 |
| 10 | (113) Sharon A. Jones. | \$118.61 |
| 11 | (114) Jackie E. Judy. | \$320.12 |
| 12 | (115) Bryson J. Karp. | \$335.73 |
| 13 | (116) Nathan Kyle Kee. | \$2,301.00 |
| 14 | (117) Robert Kehrer and Brice Kehrer. | \$108.73 |
| 15 | (118) Stacy King. | \$149.44 |
| 16 | (119) Susie E. Kniceley. | \$172.97 |
| 17 | (120) Terri L. Konchesky and Andrew Konchesky. | \$307.39 |
| 18 | (121) Ronald Derrick Lamb. | \$500.00 |
| 19 | (122) Rickey Dean Lambert and Donna D. Lambert. | \$40,000.00 |
| 20 | (123) Charlene Lanham. | \$939.85 |
| 21 | (124) Jerry Lantz. | \$200.00 |
| 22 | (125) Frank Larson. | \$474.98 |
| 23 | (126) Chad Michael Leport. | \$500.00 |
| 24 | (127) Christy Nicole Lilly. | \$500.00 |

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| 1 | (128) Angela D. Linsbeck and David E. Linsbeck. . . | \$443.41 |
| 2 | (129) Beulah Longwell. | \$200.00 |
| 3 | (130) Brian Looney and Sandra Looney. | \$322.18 |
| 4 | (131) Donald Lynch. | \$350.04 |
| 5 | (132) Mary E. Maine. | \$463.35 |
| 6 | (133) Ronald G. Markle. | \$7,306.00 |
| 7 | (134) Tristin Mathews. | \$2,246.60 |
| 8 | (135) Sam L. May. | \$1,270.88 |
| 9 | (136) Peggy J. Mayle. | \$7,737.00 |
| 10 | (137) Benjamin Maynard. | \$427.34 |
| 11 | (138) Vivian Maynor. | \$626.20 |
| 12 | (139) W. Timothy McClain. | \$512.80 |
| 13 | (140) Madaline McCoy. | \$136.38 |
| 14 | (141) Carey McCullough. | \$926.78 |
| 15 | (142) Bridget A. McDonie. | \$200,000.00 |
| 16 | (143) Mary A. McKinney. | \$353.19 |
| 17 | (144) Randy McMillion and Rita McMillion. | \$1,000.00 |
| 18 | (145) Miranda McPherson. | \$500.00 |
| 19 | (146) Charles D. Meade. | \$90.10 |
| 20 | (147) Charles F. Meadows. | \$9,825.43 |
| 21 | (148) Robin M. Meadows. | \$500.00 |
| 22 | (149) Elizabeth Melott. | \$500.00 |
| 23 | (150) Robert M. Meyer. | \$500.00 |
| 24 | (151) Jeffrey Milam. | \$307.18 |

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| 1 | (152) Robert Miller Jr.. | \$500.00 |
| 2 | (153) Kathy Minor. | \$100.00 |
| 3 | (154) Evelyn Moneyppenny. | \$230.04 |
| 4 | (155) Teresa Moore. | \$1,009.00 |
| 5 | (156) C. Suzanne Morgan. | \$375.00 |
| 6 | (157) Aaron W. Myers and Helen Fay Myers. | \$1,936.34 |
| 7 | (158) Janet H. Newhouse. | \$124.57 |
| 8 | (159) O. Kermit Null. | \$572.50 |
| 9 | (160) Sylvia Jane Oakes. | \$500.00 |
| 10 | (161) Ernest J. Owens. | \$250.00 |
| 11 | (162) Philip Padon. | \$500.00 |
| 12 | (163) Kristina Painter. | \$250.00 |
| 13 | (164) Mark D. Panepinto. | \$6,123.34 |
| 14 | (165) Wesley Parmer. | \$125,000.00 |
| 15 | (166) Donald G. Parsons. | \$266.21 |
| 16 | (167) Emmitt C. Patterson. | \$230.00 |
| 17 | (168) Jack L. Pennington and Janet S. Pennington. | \$11,800.00 |
| 18 | (169) Charles W. Pettry. | \$500.00 |
| 19 | (170) Richard F. Pierce. | \$308.00 |
| 20 | (171) Danny Plybon and Linda Plybon. | \$5,159.44 |
| 21 | (172) Charles P. Puglisi. | \$250.00 |
| 22 | (173) Patty L. Pulliam. | \$1,179.51 |
| 23 | (174) Martha Jo Queen. | \$162.18 |
| 24 | (175) Susan Quick and John Quick. | \$137.53 |

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| 1 | (176) John Rairden. | \$500.00 |
| 2 | (177) Richard Ramsey. | \$446.52 |
| 3 | (178) Glen E. Ratliff. | \$500.00 |
| 4 | (179) Tonia Reed. | \$250.00 |
| 5 | (180) Sharon Reid. | \$318.00 |
| 6 | (181) Michael E. Rhodes. | \$115.47 |
| 7 | (182) Donna J. Richards. | \$137.69 |
| 8 | (183) Mary K. Rizzo. | \$74.15 |
| 9 | (184) Daniel M. Roberts. | \$276.12 |
| 10 | (185) Felicia Christian Roberts. | \$18,000.00 |
| 11 | (186) Anita J. Robertson. | \$500.00 |
| 12 | (187) Donna Robertson. | \$250.00 |
| 13 | (188) Evelyn Robertson. | \$500.00 |
| 14 | (189) Audrey Robinette and Phillip Robinette. . . | \$1,000.00 |
| 15 | (190) Donald Rogers. | \$552.85 |
| 16 | (191) Tammy R. Rumon. | \$233.34 |
| 17 | (192) Sahley Realty Co.. | \$80,000.00 |
| 18 | (193) Travis Sandy. | \$168.01 |
| 19 | (194) Steven B. Sarver. | \$116.69 |
| 20 | (195) Pete Sauchuck and Benita Sauchuck. | \$8,500.00 |
| 21 | (196) Tara N. Sayre. | \$783.34 |
| 22 | (197) Carl R. Seacrist. | \$622.95 |
| 23 | (198) Gary W. Sendling and Ruth A. Sendling. | \$106.00 |
| 24 | (199) Bobby Shafer II. | \$500.00 |

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| 1 | (200) Julie Sharp. | \$2,025.00 |
| 2 | (201) Chancy Shaw. | \$410.08 |
| 3 | (202) Roy G. Shawver. | \$1,000.00 |
| 4 | (203) Maria Sheen. | \$162.79 |
| 5 | (204) James Edra Shinn Jr.. | \$345.41 |
| 6 | (205) Michael H. Showen. | \$100.00 |
| 7 | (206) Linda S. Sing. | \$656.53 |
| 8 | (207) Warren Sizemore and James Sizemore. | \$252.00 |
| 9 | (208) Cynthia W. Skiles. | \$458.72 |
| 10 | (209) Kathy L. Slone. | \$209.78 |
| 11 | (210) Damon R. Smith. | \$287.33 |
| 12 | (211) David L. Smith. | \$424.38 |
| 13 | (212) Marylou Smith. | \$500.00 |
| 14 | (213) Trixie Smith and Michael Smith. | \$151.58 |
| 15 | (214) Southern Appalachian Labor School. | \$67.19 |
| 16 | (215) Theresa M. Spano. | \$244.48 |
| 17 | (216) Gary St. Clair and Sheila St. Clair. | \$498.00 |
| 18 | (217) Jessica Stockett. | \$350.00 |
| 19 | (218) Wanda Sullivan. | \$250.00 |
| 20 | (219) Betty L. Swann. | \$122.30 |
| 21 | (220) Wendy S. Swanson. | \$250.00 |
| 22 | (221) Matt Sweeney. | \$254.63 |
| 23 | (222) Alexa Talkington and Melinda Talkington. | \$554.61 |
| 24 | (223) Gregory B. Thompson. | \$1,000.00 |

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| 1 | (224) John M. Turner and Jana L. Turner. | \$426.17 |
| 2 | (225) Charles A. Tyree. | \$1,452.11 |
| 3 | (226) Betty Y. VanHouten. | \$500.00 |
| 4 | (227) Susanna Villers. | \$994.28 |
| 5 | (228) Danny A. Walker. | \$1,700.00 |
| 6 | (229) Tammy Walker and David Trivett. | \$202.50 |
| 7 | (230) Hoile D. Walker. | \$284.00 |
| 8 | (231) Leon Walker and Sherry Walker. | \$250.00 |
| 9 | (232) Travis W. Walker. | \$500.00 |
| 10 | (233) Beverly Wallace and Jeremy Wallace. | \$500.00 |
| 11 | (234) Charles Brandon Ward. | \$1,000.00 |
| 12 | (235) Vincent Wardlow. | \$715.50 |
| 13 | (236) Randy J. Warner and Libby K. Warner. | \$909.43 |
| 14 | (237) Darlene Watkins and Teddy Watkins. | \$238.20 |
| 15 | (238) Ella Watson. | \$4,325.00 |
| 16 | (239) Kedar Watson. | \$500.00 |
| 17 | (240) Christopher Webley. | \$500.00 |
| 18 | (241) Jamie E. Webster. | \$425.34 |
| 19 | (242) Jeff Welker. | \$95.55 |
| 20 | (243) Ricky White. | \$289.62 |
| 21 | (244) James E. Williams. | \$238.55 |
| 22 | (245) Alice Wilmouth. | \$117.61 |
| 23 | (246) Marvin C. Wilson. | \$475.91 |
| 24 | (247) Robert Wolfe. | \$589.52 |

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| 1 | (248) Roger Woodard and Andrea Woodard. | \$252.28 |
| 2 | (249) Diane Woods. | \$250.00 |
| 3 | (250) Ginger Workman. | \$141.87 |
| 4 | (251) Ronald T. Workman Jr.. | \$107.75 |
| 5 | (252) Brooke Wright and Robert Wright. | \$129.32 |
| 6 | (253) Aaron C. Yanuzo. | \$1,000.00 |
| 7 | (254) Charles L. Yates Jr.. | \$460.00 |
| 8 | (255) Debbie Young. | \$500.00 |
| 9 | <i>(h) Claims against the Division of Motor Vehicles:</i> | |
| 10 | (TO BE PAID FROM STATE ROAD FUND) | |
| 11 | (1) Daniel R. Allman. | \$100.01 |
| 12 | (2) Vernon Nexsen. | \$190.00 |
| 13 | (3) Tri-Star Motors Inc.. | \$2,509.00 |
| 14 | <i>(i) Claim against the Division of Veterans Affairs:</i> | |
| 15 | (TO BE PAID FROM FEDERAL REVENUE FUND) | |
| 16 | (1) G.A. Brown & Son Inc.. | \$582,677.32 |
| 17 | <i>(j) Claim against the Public Defender Services:</i> | |
| 18 | (TO BE PAID FROM GENERAL REVENUE FUND) | |
| 19 | (1) David R. Karr Jr.. | \$9,888.50 |
| 20 | <i>(k) Claims against the Regional Jail Authority:</i> | |
| 21 | (TO BE PAID FROM SPECIAL REVENUE FUND) | |
| 22 | (1) James Angel. | \$27.03 |
| 23 | (2) Jack M. Bowles Jr.. | \$280.00 |
| 24 | (3) Kevin Boxley. | \$70.00 |

- 1 (4) Cheryl D. Gray. \$117.00
- 2 (5) Robert W. Moats. \$380.00
- 3 (6) MS Consultants Inc.. \$200,000.00
- 4 (7) Adam Ruthers. \$61.00
- 5 (8) Don Taylor. \$123.80
- 6 (1) *Claims against the State Fire Commission:*
- 7 (TO BE PAID FROM SPECIAL REVENUE FUND)
- 8 (1) Hospitality Ventures LLC. \$846.00
- 9 (m) *Claims against the State of West Virginia:*
- 10 (TO BE PAID FROM GENERAL REVENUE FUND)
- 11 (1) Daniel Carter Matzdorff. \$92,300.00

12 The Legislature finds that the above moral obligations and the
13 appropriations made in satisfaction thereof shall be the full
14 compensation for all claimants and that prior to the payments to
15 any claimant provided in this bill, the Court of Claims shall
16 receive a release from said claimant releasing any and all claims
17 for moral obligations arising from the matters considered by the
18 Legislature in the finding of the moral obligations and the making
19 of the appropriations for said claimant. The Court of Claims shall
20 deliver all releases obtained from claimants to the department
21 against which the claim was allowed.