WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

ENROLLED
SENATE BILL NO. 528

PASSED March 9, 1974

In Effect ninety days from Passage

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 3/29/74
AN ACT to amend and reenact sections one and eighteen, article one, chapter fourteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to enforcing payment and collection of any debt or liability due the state.

Be it enacted by the Legislature of West Virginia:

That sections one and eighteen, article one, chapter fourteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 1. CLAIMS DUE THE STATE.

§14-1-1. Who may conduct proceedings.

1 The auditor or any other officer or body authorized by law shall cause the proper proceedings to be instituted and prosecuted to enforce payment of any debt or liability due the state. In addition the attorney general when requested, or at his own instance whenever it appears that the auditor or other officer or body does not have sufficient authority or the capability to institute and prosecute proper proceedings to enforce the payment of any debt or liability due the state, may institute the proper action to recover moneys due and owing the state; also, the attorney general is authorized to employ attorneys engaged in private practice or persons, firms or agencies licensed to collect moneys due and owing creditors. The contract between the attorney general, acting for and on behalf of the state of West Virginia, may pro-
vide that payment for the service rendered by any collection entity, be based upon contingency agreement; also, the attorney general is hereby authorized, if in his considered opinion it is to the best interest of the state, to place certain or all delinquent accounts for sale to a collection entity for a percent of the stated value. All such sale transactions shall be based upon competitive bids.

§14-1-18. Settlement or dismissal of claims.

1 The auditor or other officer or official body, having authority to collect the same, may, with the consent of the attorney general, adjust and settle, upon just and equitable principles, without regard to strict legal rules, any account or claim, in favor of the state, which may at the time have been standing upon the books of the state more than one year; and, with the like consent, may dismiss any proceedings instituted thereon by him. Any account or claim in favor of the state not based upon a written agreement, which has been upon said books for a period of time more than five years, shall be barred from collection in a court proceeding and said claims may be deemed uncollectible and accordingly dismissed and removed from the books of the state agency.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within bill is hereby disapproved this the 18th day of March, 1974.

Governor
PRESENTED TO THE
GOVERNOR

Date 3/14/14
Time 2:15 p.m.