

✓

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974

—●—

528

ENROLLED

SENATE BILL NO. 528

Originating
~~(By MR)~~ *in the Committee on Finance*

—●—

PASSED March 9 1974

In Effect ninety days from Passage

OFFICE OF THE SECRETARY OF STATE

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 3/29/74

ENROLLED

Senate Bill No. 528

(Originating in the Committee on Finance)

[Passed March 9, 1974; in effect ninety days from passage.]

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
2 law shall cause the proper proceedings to be instituted
3 and prosecuted to enforce payment of any debt or lia-
4 bility due the state. In addition the attorney general when
5 requested, or at his own instance whenever it appears
6 that the auditor or other officer or body does not have
7 sufficient authority or the capability to institute and
8 prosecute proper proceedings to enforce the payment of
9 any debt or liability due the state, may institute the
10 proper action to recover moneys due and owing the state;
11 also, the attorney general is authorized to employ at-
12 torneys engaged in private practice or persons, firms or
13 agencies licensed to collect moneys due and owing credi-
14 tors. The contract between the attorney general, acting
15 for and on behalf of the state of West Virginia, may pro-

16 vide that payment for the service rendered by any col-
17 lection entity, be based upon contingency agreement;
18 also, the attorney general is hereby authorized, if in his
19 considered opinion it is to the best interest of the state,
20 to place certain or all delinquent accounts for sale to a
21 collection entity for a percent of the stated value. All
22 such sale transactions shall be based upon competitive
23 bids.

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

1 The auditor or other officer or official body, having
2 authority to collect the same, may, with the consent of
3 the attorney general, adjust and settle, upon just and
4 equitable principles, without regard to strict legal rules,
5 any account or claim, in favor of the state, which may
6 at the time have been standing upon the books of the
7 state more than one year; and, with the like consent,
8 may dismiss any proceedings instituted thereon by him.
9 Any account or claim in favor of the state not based upon
10 a written agreement, which has been upon said books
11 for a period of time more than five years, shall be barred
12 from collection in a court proceeding and said claims
13 may be deemed uncollectible and accordingly dismissed
14 and removed from the books of the state agency.

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

H. Daniel Darby
Chairman Senate Committee

Clarence C. Christian Jr.
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Howard W. Carson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ch. T. Brotherton, Jr.
President of the Senate

Lewis F. McManus
Speaker House of Delegates

The within disapproved this the 18th
March
day of _____, 1974.
Archie A. Shivers Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/14/74

Time 2:15 p.m.