1 **H. B. 2678**

2

3 (By Delegates A. Evans, Eldridge, Hamilton, L. Phillips, Guthrie,
4 Ambler and Romine)
5

6 (By Request of the Department of Agriculture)

7 [Introduced February 10, 2015; referred to the

8 Committee on the Judiciary.]

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10 A BILL to amend and reenact §14-1-18 of the Code of West Virginia, 1931, as amended, relating

11 to exempting certain agencies from seeking the advice of the Attorney General to adjust and

12 settle upon certain accounts or claims less than $5,000.

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

14 That §14-1-18 of the Code of West Virginia, 1931, as amended, be amended and reenacted

15 to read as follows:

16 **ARTICLE 1. CLAIMS DUE THE STATE.**

17 **§14-1-18. Settlement or dismissal of claims.**

18 (a) The ~~commissioner of finance and administration~~ Auditor or other officer or official body

19 having authority to collect ~~the same~~ a claim due the state may, with the advice of the Attorney

20 General, adjust and settle upon just and equitable principles without regard to strict legal rules any

21 account or claim, in favor of the state, which may at the time have been standing upon the books of

22 his or her or its office more than five years; and, with the like advice may dismiss any proceedings

23 instituted by him or her or it.

1   (b) Notwithstanding subsection (a) of this section, a claim that has been standing upon the

2 books of the Auditor or other officer or official body having authority to collect the claim more than

3 three years and which is less than $5,000, may be adjusted and settled upon just and equitable

4 principles without regard to strict legal rules, and any proceedings instituted by him or her or it may

5 be dismissed to collect the claim, all without the advice of the Attorney General.

     NOTE: The purpose of this bill is to exempt certain agencies from seeking the advice of the Attorney General to adjust and settle upon certain accounts or claims less than $5,000.

     Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.