

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2791

BY DELEGATES WHITE, WESTFALL, MOORE, LANE,

MARCUM, FRICH, STORCH AND WARD

[Introduced March 6, 2017; Referred
to the Committee on Government Organization.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §14-1A-1, §14-1A-2 and §14-1A-3, all relating to the creation of the Debt
 3 Resolution Services Division within the Auditor’s office.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 article, designated §14-1A-1, §14-1A-2 and §14-1A-3, all to read as follows:

ARTICLE 1A. DEBT RESOLUTION SERVICE.

§14-1A-1. Purpose.

1 The purpose of this article is to provide for a timely and efficient mechanism for the offset
 2 of delinquent debt owed the state from payments made by the state.

§14-1A-2. Definitions.

1 As used in this article:

2 (a) “Debt” means obligations, other than income tax obligations or local government
 3 obligations, owed to the state which a spending unit has not been able to collect within a minimum
 4 of one hundred eighty days of the date on which the obligation was created.

5 (b) “Offset” means the capture and diversion of a payment due to a vendor, contractor or
 6 taxpayer from the state to satisfy an outstanding obligation owed by them to the state.

7 (c) “United States Treasury Offset Program” means the reciprocal debt collection offset
 8 program between the federal government and the State of West Virginia authorized by section
 9 thirty-seven, article one of this chapter.

§14-1A-3. Division created.

1 The Auditor may establish a “Debt Resolution Services Division” to be administered by the
 2 existing employees of his or her office which shall identify and offset state payments due to
 3 vendors, contractors, or taxpayers that owe delinquent debts to the state.

4 The division may also administer the United States Treasury Offset Program established
 5 pursuant to section thirty-seven, article one of this code.

6 The division shall adopt such procedures, forms and agreements as the Auditor considers
7 necessary to effectuate the purposes of this article. All spending units of the state, with the
8 exception of the State Tax Commissioner and any other division otherwise exempted by law, may
9 refer delinquent debt to the division for consideration for offset. The State Auditor is not required
10 to accept the transfer of any debt from any spending unit which the Auditor finds is not qualified
11 for offset.

NOTE: The purpose of this bill is to create the Debt Resolution Services Division within the Auditor's office administered by the existing employees of the Auditor's office.

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