

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 2726

4
5 By: Representative Pickett
6
7

For An Act To Be Entitled

9 AN ACT TO ALLOW COUNTY AND DISTRICT COURTS TO BE
10 INCLUDED IN THE DEFINITION OF "CLAIMANT AGENCIES"
11 TO ALLOW THEM TO SETOFF FINES AGAINST STATE TAX
12 REFUNDS.
13

Subtitle

14 TO ALLOW COUNTY AND DISTRICT COURTS TO
15 BE INCLUDED IN THE DEFINITION OF
16 CLAIMANT AGENCIES TO ALLOW THEM TO
17 SETOFF FINES AGAINST STATE TAX REFUNDS.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 26-36-303 is amended to read as follows:
24 26-36-303. Definitions.

25 As used in this subchapter, unless the context otherwise requires:

26 (1) "Claimant agencies" means:

- 27 (A) State-supported colleges, universities, and technical
28 institutes;
- 29 (B) The Department of Human Services;
- 30 (C) The Arkansas Student Loan Authority;
- 31 (D) The Student Loan Guarantee Foundation;
- 32 (E) The Auditor of State;
- 33 (F) The Department of Higher Education;
- 34 (G) The Office of Child Support Enforcement of the Revenue
35 Division of the Department of Finance and Administration; and
36 (H) Arkansas circuit, ~~juvenile, and chancery courts~~



1 county, or district courts;

2 (2)(A) "Debt" means any liquidated sum due and owing any
3 claimant agency, which has accrued through contract, subrogation, tort,
4 operation of law, legal proceeding, or any other legal theory, regardless of
5 whether there is an outstanding judgment for that sum.

6 (B) "Debt" shall include accrued obligations due to an
7 assignment of child support rights made to the state as a condition of
8 eligibility for welfare assistance and those which have accrued from contract
9 with the claimant agency by an individual who is not the recipient of welfare
10 assistance.

11 (C) "Debt" shall also include the owing of money to a
12 claimant agency as a result of a debtor's cashing both the original and the
13 duplicate state warrants+.

14 (D) "Debt" shall also include all of the following that
15 have been due and payable for more than one (1) year and that are not under
16 appeal:

17 (i) Traffic fines;

18 (ii) Any court-imposed fine or cost, including fines
19 related to the prosecution of hot checks under The Arkansas Hot Check Law, §
20 5-37-301 et seq.; and

21 (iii) Restitution ordered by a circuit, county, or
22 district court related to the violation of any state law;

23 (3) "Debtor" means any individual owing money to or having a
24 delinquent account with any claimant agency, which obligation has not been
25 adjudicated, satisfied by court order, set aside by court order, or
26 discharged in bankruptcy;

27 (4) "Division" means the Revenue Division of the Department of
28 Finance and Administration;

29 (5) "Refund" means the Arkansas income tax refund which the
30 division determines to be due any individual taxpayer, less any amounts
31 determined by the division to be due to the division for payment of any state
32 tax as defined in the Arkansas Tax Procedure Act, as amended, § 26-18-101 et
33 seq.; and

34 (6) "Setoff" means the withholding of part or all of income tax
35 refunds due individuals who owe debts to the State of Arkansas.

36

SECTION 2. This act shall become effective on January 1, 2004.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36