

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

ACT 1280 OF 1997  
SENATE BILL 289

4  
5 By: Senator Bearden

## For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 26-36-303 TO  
10 INCLUDE TECHNICAL INSTITUTES AS CLAIMANT AGENCIES FOR THE  
11 SETOFF OF DEBTS AGAINST STATE TAX REFUNDS; AND FOR OTHER  
12 PURPOSES."

## Subtitle

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15 "TO INCLUDE TECHNICAL INSTITUTES AS  
16 CLAIMANT AGENCIES FOR THE SETOFF OF  
17 DEBTS AGAINST STATE TAX REFUNDS."

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code Annotated § 26-36-303 is amended to read as  
22 follows:

23 "26-36-303. Definitions.

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

25 (1) Claimant agencies means:

26 (A) State-supported colleges ~~and~~, universities, and technical  
27 institutes;

28 (B) The Department of Human Services;

29 (C) The Arkansas Student Loan Authority;

30 (D) The Student Loan Guarantee Foundation;

31 (E) The Auditor of State;

32 (F) The Department of Higher Education;

33 (G) The Office of Child Support Enforcement of the Revenue  
34 Division of the Department of Finance and Administration; and

35 (H) Arkansas circuit, juvenile, and chancery courts;

36 (2)(A) Debt means any liquidated sum due and owing any claimant

1 agency, which has accrued through contract, subrogation, tort, operation of  
2 law, or any other legal theory, regardless of whether there is an outstanding  
3 judgment for that sum.

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

9 (C) Debt shall also include the owing of money to a claimant  
10 agency as a result of a debtor's cashing both the original and the duplicate  
11 state warrants;

12 (3) Debtor means any individual owing money to or having a delinquent  
13 account with any claimant agency, which obligation has not been adjudicated,  
14 satisfied by court order, set aside by court order, or discharged in  
15 bankruptcy;

16 (4) Division means the Revenue Division of the Department of Finance  
17 and Administration;

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

22 (6) Setoff means the withholding of part or all of income tax refunds  
23 due individuals who owe debts to the State of Arkansas."  
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25 SECTION 2. All provisions of this act of a general and permanent nature  
26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
27 Revision Commission shall incorporate the same in the Code.  
28

29 SECTION 3. If any provision of this act or the application thereof to  
30 any person or circumstance is held invalid, such invalidity shall not affect  
31 other provisions or applications of the act which can be given effect without  
32 the invalid provision or application, and to this end the provisions of this  
33 act are declared to be severable.  
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35 SECTION 4. All laws and parts of laws in conflict with this act are  
36 hereby repealed.

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