

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
4

H3/3/03 H3/21/03As Engrossed: H2/21/03

A Bill

Act 1023 of 2003
HOUSE BILL 1497

5 By: Representative Jeffrey
6
7

For An Act To Be Entitled

9 AN ACT ALLOW A SET OFF AGAINST TAX REFUNDS ANY
10 PAST DUE RENT OWED TO A HOUSING AUTHORITY CREATED
11 UNDER CHAPTER 169 OF TITLE 14; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 TO ALLOW A SET OFF AGAINST TAX REFUNDS
15 ANY PAST DUE RENT OWED TO A HOUSING
16 AUTHORITY CREATED UNDER CHAPTER 169 OF
17 TITLE 14.
18
19
20

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

23 SECTION 1. Arkansas Code § 26-36-301 is amended to read as follows:
24 26-36-301. Purposes.

25 (a) The purpose of this subchapter is to establish as policy that all
26 claimant agencies and the Revenue Division of the Department of Finance and
27 Administration shall cooperate in identifying debtors who owe money to the
28 state, or to a housing authority created under Chapter 169 of Title 14,
29 through its various claimant agencies and who qualify for refunds from the
30 division.

31 (b) It is also the intent of this subchapter that procedures be
32 established for setting off against any such refund the sum of any debt owed
33 to the state or to a housing authority created under Chapter 169 of Title 14.
34

35 SECTION 2. Arkansas Code § 26-36-303(1), concerning the definition
36 agencies which may collect debt by setting off against state tax refunds, is



1 amended to read as follows:.

2 (1)(A) "Claimant agencies" means:
 3 ~~(A)(i)~~ State-supported colleges, universities, and
 4 technical institutes;
 5 ~~(B)(ii)~~ The Department of Human Services;
 6 ~~(C)(iii)~~ The Arkansas Student Loan Authority;
 7 ~~(D)(iv)~~ The Student Loan Guarantee Foundation;
 8 ~~(E)(v)~~ The Auditor of State;
 9 ~~(F)(vi)~~ The Department of Higher Education;
 10 ~~(G)(vii)~~ The Office of Child Support Enforcement of the
 11 Revenue Division of the Department of Finance and Administration; ~~and~~
 12 ~~(H)(viii)~~ Arkansas circuit, juvenile, and chancery courts;
 13 and
 14 (ix) Housing authorities created under Chapter 169 of
 15 Title 14.

16 (B) No other entity may be added as a claimant agency under this
 17 subdivision (1) after the effective date of this act unless the entity has an
 18 annual outstanding debt of two hundred thousand dollars (\$200,000);
 19

20 SECTION 3. Arkansas Code § 26-36-303(6), concerning the definition of
 21 setoff for purposes of the law allowing certain agencies to collect debt by
 22 setting off against state tax refunds, is amended to read as follows:

23 (6) "Setoff" means the withholding of part or all of income tax
 24 refunds due individuals who owe debts to the State of Arkansas or to a
 25 housing authority created under Chapter 169 of Title 14.
 26

27 SECTION 2. Arkansas Code § 26-36-316, concerning regarding
 28 dispositions of proceeds collected,, is amended to add an additional
 29 subsection to read as follows:

30 (b)(1)(A) For purposes of this subchapter, except as provided under
 31 subdivision (B) of this subsection (b)(1), five percent (5%) of the proceeds
 32 collected by the division through setoff shall represent the division's cost
 33 of effecting setoff, and these costs shall be charged to the respective
 34 claimant agency as a collection assistance fee.

35 (B) If the claimant is a housing authority created under
 36 Chapter 169 of Title 14, then ten percent (10%) of the proceeds collected by

1 the division through setoff shall represent the division's cost of effecting
2 setoff and shall be charged to the respective housing authority as a
3 collection assistance fee.

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

/s/ Jeffrey/s/ Jeffrey

APPROVED: 4/2/2003

- 1
- 2
- 3