

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

A Bill

SENATE BILL 289

4
5 By: Senator Bearden

For An Act To Be Entitled

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

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

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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.

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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.