

1 HB60  
2 203828-2  
3 By Representative Crawford  
4 RFD: State Government  
5 First Read: 04-FEB-20  
6 PFD: 01/28/2020

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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8 To amend Section 40-18-100, Code of Alabama 1975, as  
9 last amended by Act 2019-184, 2019 Regular Session, relating  
10 to set off debt collection by the Department of Revenue, to  
11 include public institutions of higher education as claimant  
12 agencies under certain conditions.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 40-18-100, Code of Alabama 1975,  
15 as last amended by Act 2019-184, 2019 Regular Session, is  
16 amended to read as follows:

17 "§40-18-100.

18 "For the purposes of this article, the following  
19 terms shall have the following meanings:

20 "(1) CLAIMANT AGENCY. Any of the following:

21 "a. The Alabama Commission on Higher Education with  
22 respect to the collection of debts under either of the  
23 following:

24 "1. The Alabama Student Grant Program provided for  
25 by Chapter 33A of Title 16.

26 "2. The Alabama Guaranteed Student Loan Program  
27 provided for by Chapter 33B of Title 16.

1            "b. The Alabama Department of Human Resources with  
2            respect to the collection of debts and money owed under any  
3            and all of its public assistance programs and other programs  
4            administered by that department, including support programs  
5            administered pursuant to the requirements of Title IV-D of the  
6            Social Security Act.

7            "c. The Alabama Medicaid Agency with respect to the  
8            collection of debts and money owed under any and all of the  
9            programs it administers.

10           "d. The Alabama Department of Labor with respect to  
11           the collection or recovery, or both, of debts owed as a result  
12           of overpayments of state unemployment compensation benefits.

13           "e. The Unified Judicial System with respect to the  
14           collection of fines and court costs owed as a result of any  
15           court or judicial proceeding.

16           "f. Counties and municipalities acting through an  
17           organization as provided in Section 40-18-103, with respect to  
18           the collection of any debt owed and finalized by law,  
19           ordinance, or resolution. For the purposes of this section and  
20           Section 40-18-103, counties and municipalities, without  
21           limitation, shall include all corporations and other  
22           instrumentalities whose governing boards are comprised of a  
23           majority of members who are appointed or elected by counties  
24           or municipalities.

25           "g. A housing authority under Chapter 1, Title 24,  
26           with respect to the collection of debts and money owed under  
27           any and all of the programs administered by the authority.

1                   "h. A public institution of higher education, as  
2                   defined under Section 16-5-1, with respect to the collection  
3                   of debts and money owed under any and all of the programs it  
4                   administers.

5                   "(2) DEBTOR. Any individual owing money or having a  
6                   delinquent account with any claimant agency, which obligation  
7                   has not been adjudicated, satisfied by court order, set aside  
8                   by court order, or discharged in bankruptcy.

9                   "(3) DEBT. Any liquidated sum due and owing any  
10                  claimant agency which has accrued through contract,  
11                  subrogation, tort, or operation of law regardless of whether  
12                  there is an outstanding judgment for that sum, or any  
13                  liquidated sum of child or spousal support, or both child and  
14                  spousal support, due and owing any individual eligible for and  
15                  receiving child support enforcement services through the  
16                  Alabama Department of Human Resources. An agreement between a  
17                  claimant agency defined in paragraph f. of subdivision (1) and  
18                  a public entity or non-profit established by a public entity  
19                  authorized by subdivision (30) of subsection (a) of Section  
20                  22-21-318 or Section 11-62-7 for management or administrative  
21                  services does not affect the claimant agency's ability to  
22                  collect the debt defined herein.

23                  "(4) DEPARTMENT. The Department of Revenue of the  
24                  State of Alabama.

25                  "(5) REFUND. The Alabama income tax refund which the  
26                  department determines to be due any individual taxpayer."

1                   Section 2. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on State Government  
..... 04-FEB-20

Read for the second time and placed  
on the calendar 1 amendment ..... 20-FEB-20

Read for the third time and passed  
as amended..... 03-MAR-20

Yeas 101, Nays 0, Abstains 0

Jeff Woodard  
Clerk