

House Bill 275 (AS PASSED HOUSE AND SENATE)

By: Representatives Strickland of the 111th, Ramsey of the 72nd, Harrell of the 106th, Knight of the 130th, Maxwell of the 17th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated,
2 relating to setoff debt collection relative to income taxes, so as to revise the definition of the
3 term "claimant agency"; to provide for an effective date; to repeal conflicting laws; and for
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 7 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to
8 setoff debt collection relative to income taxes, is amended by revising paragraph (1) of Code
9 Section 48-7-161, relating to definitions, as follows:

10 "(1) 'Claimant agency' means and includes, in the order of priority set forth below:

11 (A) The Department of Human Services and the Department of Behavioral Health and
12 Developmental Disabilities with respect to collection of debts under Article 1 of
13 Chapter 11 of Title 19, Code Section 49-4-15, and Chapter 9 of Title 37;

14 (B) The Georgia Student Finance Authority with respect to the collection of debts
15 arising under Part 3 of Article 7 of Chapter 3 of Title 20;

16 (C) The Georgia Higher Education Assistance Corporation with respect to the
17 collection of debts arising under Part 2 of Article 7 of Chapter 3 of Title 20;

18 (D) The Georgia Board for Physician Workforce with respect to the collection of debts
19 arising under Part 6 of Article 7 of Chapter 3 of Title 20;

20 (E) The Department of Labor with respect to the collection of debts arising under Code
21 Sections 34-8-254 and 34-8-255 and Article 5 of Chapter 8 of Title 34, with the
22 exception of Code Sections 34-8-158 through 34-8-161; provided, however, that the
23 Department of Labor establishes that the debtor has been afforded required due process
24 rights by such Department of Labor with respect to the debt and all reasonable
25 collection efforts have been exhausted;

26 (F) The Department of Corrections with respect to probation fees arising under Code
27 Section 42-8-34 and restitution or reparation ordered by a court as a part of the sentence
28 imposed on a person convicted of a crime who is in the legal custody of the department;
29 (G) The State Board of Pardons and Paroles with respect to restitution imposed on a
30 person convicted of a crime and subject to the jurisdiction of the board; ~~and~~
31 (H) The Department of Juvenile Justice with respect to restitution imposed on a
32 juvenile for a delinquent act which would constitute a crime if committed by an adult;
33 and
34 (I) The Georgia Lottery Corporation with respect to proceeds arising under Code
35 Section 50-27-21."

36 **SECTION 2.**

37 This Act shall become effective upon its approval by the Governor or upon its becoming law
38 without such approval.

39 **SECTION 3.**

40 All laws and parts of laws in conflict with this Act are repealed.