

COMMITTEE ON JUDICIARY
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2088
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 1-215, Arizona Revised Statutes, is amended to
3 read:

4 1-215. Definitions

5 In the statutes and laws of this state, unless the context otherwise
6 requires:

7 1. "Action" includes any matter or proceeding in a court, civil or
8 criminal.

9 2. "Adopted rule" means a final rule as defined in section 41-1001.

10 3. "Adult" means a person who has attained eighteen years of age.

11 4. "Alternative fuel" means:

12 (a) Electricity.

13 (b) Solar energy.

14 (c) Liquefied petroleum gas, natural gas, hydrogen or a blend of
15 hydrogen with liquefied petroleum or natural gas that complies with any of
16 the following:

17 (i) Is used in an engine that is certified to meet at a minimum the
18 United States environmental protection agency low emission vehicle standard
19 pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

20 (ii) Is used in an engine that is certified by the engine modifier to
21 meet the addendum to memorandum 1-A of the United States environmental
22 protection agency as printed in the federal register, volume 62, number 207,
23 October 27, 1997, pages 55635 through 55637.

24 (iii) Is used in an engine that is the subject of a waiver for that
25 specific engine application from the United States environmental protection
26 agency's memorandum 1-A addendum requirements and that waiver is documented
27 to the reasonable satisfaction of the director of the department of
28 environmental quality.

29 (d) Only for vehicles that use alcohol fuels before August 21, 1998,
30 alcohol fuels that contain not less than eighty-five per cent alcohol by
31 volume.

32 (e) A combination of at least seventy per cent alternative fuel and no
33 more than thirty per cent petroleum based fuel that operates in an engine
34 that meets the United States environmental protection agency low emission
35 vehicle standard pursuant to 40 Code of Federal Regulations section 88.104-94

1 or 88.105-94 and that is certified by the engine manufacturer to consume at
2 least seventy per cent alternative fuel during normal vehicle operations.

3 5. "Bribe" means anything of value or advantage, present or
4 prospective, asked, offered, given, accepted or promised with a corrupt
5 intent to influence, unlawfully, the person to whom it is given in that
6 person's action, vote or opinion, in any public or official capacity.

7 6. "Child" or "children" as used in reference to age of persons means
8 persons under eighteen years of age.

9 7. "Clean burning fuel" means:

10 (a) An emulsion of water-phased hydrocarbon fuel that contains not
11 less than twenty per cent water by volume and that complies with any of the
12 following:

13 (i) Is used in an engine that is certified to meet at a minimum the
14 United States environmental protection agency low emission vehicle standard
15 pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

16 (ii) Is used in an engine that is certified by the engine modifier to
17 meet the addendum to memorandum 1-A of the United States environmental
18 protection agency as printed in the federal register, volume 62, number 207,
19 October 27, 1997, pages 55635 through 55637.

20 (iii) Is used in an engine that is the subject of a waiver for that
21 specific engine application from the United States environmental protection
22 agency's memorandum 1-A addendum requirements and that waiver is documented
23 to the reasonable satisfaction of the director of the department of
24 environmental quality.

25 (b) A diesel fuel substitute that is produced from nonpetroleum
26 renewable resources if the qualifying volume of the nonpetroleum renewable
27 resources meets the standards for California diesel fuel as adopted by the
28 California air resources board pursuant to 13 California Code of Regulations
29 sections 2281 and 2282 in effect on January 1, 2000, the diesel fuel
30 substitute meets the registration requirement for fuels and additives
31 established by the United States environmental protection agency pursuant to
32 section 211 of the clean air act as defined in section 49-401.01 and the use
33 of the diesel fuel substitute complies with the requirements listed in 10
34 Code of Federal Regulations part 490, as printed in the federal register,
35 volume 64, number 96, May 19, 1999.

36 (c) A diesel fuel that complies with all of the following:

37 (i) Contains a maximum of fifteen parts per million by weight of
38 sulfur.

39 (ii) Meets ASTM D975.

1 (iii) Meets the registration requirements for fuels and additives
2 established by the United States environmental protection agency pursuant to
3 section 211 of the clean air act as defined in section 49-401.01.

4 (iv) Is used in an engine that is equipped or has been retrofitted
5 with a device that has been certified by the California air resources board
6 diesel emission control strategy verification procedure, the United States
7 environmental protection agency voluntary diesel retrofit program or the
8 United States environmental protection agency verification protocol for
9 retrofit catalyst, particulate filter and engine modification control
10 technologies for highway and nonroad use diesel engines.

11 (d) A blend of unleaded gasoline that contains at minimum eighty-five
12 per cent ethanol by volume or eighty-five per cent methanol by volume.

13 (e) Neat methanol.

14 (f) Neat ethanol.

15 8. "Corruptly" means a wrongful design to acquire or cause some
16 pecuniary or other advantage to the person guilty of the act or omission
17 referred to, or to some other person.

18 9. "Daytime" means the period between sunrise and sunset.

19 10. "Depose" includes every manner of written statement under oath or
20 affirmation.

21 11. "Federal poverty guidelines" means the poverty guidelines as
22 updated annually in the federal register by the United States department of
23 health and human services.

24 12. "Grantee" includes every person to whom an estate or interest in
25 real property passes, in or by a deed.

26 13. "Grantor" includes every person from or by whom an estate or
27 interest in real property passes, in or by a deed.

28 14. "Includes" or "including" means not limited to and is not a term of
29 exclusion.

30 15. "Inhabitant" means a resident of a city, town, village, district,
31 county or precinct.

32 16. "Issue" as used in connection with descent of estates includes all
33 lawful, lineal descendants of the ancestor.

34 17. "Knowingly" **MEANS:**

35 (a) Only a knowledge that the facts exist that bring the act or
36 omission within the provisions of the statute using such word.

37 (b) Does not require any knowledge of the unlawfulness of the act or
38 omission.

39 18. "Magistrate" means an officer having power to issue a warrant for
40 the arrest of a person charged with a public offense and includes the chief

1 justice and justices of the supreme court, judges of the superior court,
2 justices of the peace and ~~police magistrates in cities and towns~~ JUDGES OF A
3 MUNICIPAL COURT.

4 19. "Majority" or "age of majority" as used in reference to age of
5 persons means the age of eighteen years or more.

6 20. "Malice" and "maliciously" mean a wish to vex, annoy or injure
7 another person, or an intent to do a wrongful act, established either by
8 proof or presumption of law.

9 21. "Minor" means a person under the age of eighteen years.

10 22. "Minor children" means persons under the age of eighteen years.

11 23. "Month" means a calendar month unless otherwise expressed.

12 24. "Neglect", "negligence", "negligent" and "negligently" import a
13 want of such attention to the nature or probable consequence of the act or
14 omission as a prudent man ordinarily bestows in acting in his own concerns.

15 25. "Nighttime" means the period between sunset and sunrise.

16 26. "Oath" includes an affirmation or declaration.

17 27. "Peace officers" means sheriffs of counties, constables, marshals,
18 policemen of cities and towns, commissioned personnel of the department of
19 public safety, personnel who are employed by the state department of
20 corrections and the department of juvenile corrections and who have received
21 a certificate from the Arizona peace officer standards and training board,
22 peace officers who are appointed by a multicounty water conservation district
23 and who have received a certificate from the Arizona peace officer standards
24 and training board, police officers who are appointed by community college
25 district governing boards and who have received a certificate from the
26 Arizona peace officer standards and training board, police officers who are
27 appointed by the Arizona board of regents and who have received a certificate
28 from the Arizona peace officer standards and training board, police officers
29 who are appointed by the governing body of a public airport pursuant to
30 section 28-8426 and who have received a certificate from the Arizona peace
31 officer standards and training board and special agents from the office of
32 the attorney general, or of a county attorney, and who have received a
33 certificate from the Arizona peace officer standards and training board.

34 28. "Person" includes a corporation, company, partnership, firm,
35 association or society, as well as a natural person. When the word "person"
36 is used to designate the party whose property may be the subject of a
37 criminal or public offense, the term includes the United States, this state,
38 or any territory, state or country, or any political subdivision of this
39 state that may lawfully own any property, or a public or private corporation,
40 or partnership or association. When the word "person" is used to designate

1 the violator or offender of any law, it includes corporation, partnership or
2 any association of persons.

3 29. "Personal property" includes money, goods, chattels, dogs, things
4 in action and evidences of debt.

5 30. "Population" means the population according to the most recent
6 United States decennial census.

7 31. "Process" means a citation, writ or summons issued in the course of
8 judicial proceedings.

9 32. "Property" includes both real and personal property.

10 33. "Real property" is coextensive with lands, tenements and
11 hereditaments.

12 34. "Registered mail" includes certified mail.

13 35. "Seal" as used in reference to a paper issuing from a court or
14 public office to which the seal of such court or office is required to be
15 affixed means an impression of the seal on that paper, an impression of the
16 seal affixed to that paper by a wafer or wax, a stamped seal, a printed seal,
17 a screened seal or a computer generated seal.

18 36. "Signature" or "subscription" includes a mark, if a person cannot
19 write, with the person's name written near it and witnessed by a person who
20 writes the person's own name as witness.

21 37. "State", as applied to the different parts of the United States,
22 includes the District of Columbia, this state and the territories.

23 38. "Testify" includes every manner of oral statement under oath or
24 affirmation.

25 39. "United States" includes the District of Columbia and the
26 territories.

27 40. "Vessel", as used in reference to shipping, includes ships of all
28 kinds, steamboats, steamships, barges, canal boats and every structure
29 adapted to navigation from place to place for the transportation of persons
30 or property.

31 41. "Wilfully" means, with respect to conduct or to a circumstance
32 described by a statute defining an offense, that a person is aware or
33 believes that the person's conduct is of that nature or that the circumstance
34 exists.

35 42. "Will" includes codicils.

36 43. "Workers' compensation" means workmen's compensation as used in
37 article XVIII, section 8, Constitution of Arizona.

38 44. "Writ" means an order or precept in writing issued in the name of
39 the state or by a court or judicial officer.

40 45. "Writing" includes printing.

1 Sec. 2. Section 11-952, Arizona Revised Statutes, is amended to read:

2 11-952. Intergovernmental agreements and contracts

3 A. If authorized by their legislative or other governing bodies, two
4 or more public agencies or public procurement units by direct contract or
5 agreement may contract for services or jointly exercise any powers common to
6 the contracting parties and may enter into agreements with one another for
7 joint or cooperative action or may form a separate legal entity, including a
8 nonprofit corporation, to contract for or perform some or all of the services
9 specified in the contract or agreement or exercise those powers jointly held
10 by the contracting parties.

11 B. Any such contract or agreement shall specify the following:

12 1. Its duration.

13 2. Its purpose or purposes.

14 3. The manner of financing the joint or cooperative undertaking and of
15 establishing and maintaining a budget for the undertaking.

16 4. The permissible method or methods to be employed in accomplishing
17 the partial or complete termination of the agreement and for disposing of
18 property on such partial or complete termination.

19 5. If a separate legal entity is formed pursuant to subsection A, the
20 precise organization, composition, title and nature of the entity.

21 6. Any other necessary and proper matters.

22 C. No agreement made pursuant to this article shall relieve any public
23 agency of any obligation or responsibility imposed on it by law.

24 D. Except as provided in subsection E, every agreement or contract
25 involving any public agency or public procurement unit of this state made
26 pursuant to this article, before its execution, shall be submitted to the
27 attorney for each such public agency or public procurement unit, who shall
28 determine whether the agreement is in proper form and is within the powers
29 and authority granted under the laws of this state to such public agency or
30 public procurement unit.

31 E. A federal department or agency or public agency of another state
32 that is a party to an agreement or contract made pursuant to this article is
33 not required to submit the agreement or contract to the attorney for the
34 department or agency unless required under federal law or the law of the
35 other state.

36 F. Appropriate action by ordinance or resolution or otherwise pursuant
37 to the laws applicable to the governing bodies of the participating agencies
38 approving or extending the duration of the agreement or contract shall be
39 necessary before any such agreement, contract or extension may be filed or
40 become effective.

1 G. An agreement or contract may be extended as many times as is
2 desirable, but each extension may not exceed the duration of the previous
3 agreement.

4 H. Payment for services under this section shall not be made unless
5 pursuant to a fully approved written contract.

6 I. A person who authorizes payment of any monies in violation of this
7 section is liable for the monies paid plus twenty ~~per-cent~~ PERCENT of such
8 amount and legal interest from the date of payment.

9 J. Notwithstanding any other provision of law, public agencies may
10 enter into a contract or agreement pursuant to this section with the superior
11 court, justice courts and ~~poli-ee~~ MUNICIPAL courts for related services and
12 facilities of such courts for a term not to exceed ten years, with the
13 approval of such contract or agreement by the presiding judge of the superior
14 court in the county in which the court or courts that provide the facilities
15 or services are located.

16 Sec. 3. Section 12-1578.01, Arizona Revised Statutes, is amended to
17 read:

18 12-1578.01. Time for answer

19 The writ, whether issued in the superior court, the justice court or
20 the ~~poli-ee~~ MUNICIPAL court, shall require the garnishee to answer within ten
21 days after being served with the writ.

22 Sec. 4. Section 12-1598.06, Arizona Revised Statutes, is amended to
23 read:

24 12-1598.06. Time for answer

25 The writ, whether issued in the superior court, the justice court or
26 the ~~poli-ee~~ MUNICIPAL court, shall require the garnishee to answer within ten
27 days from service of the writ.

28 Sec. 5. Section 22-375, Arizona Revised Statutes, is amended to read:

29 22-375. Limitation of appeal from superior court in action
30 appealed from inferior court

31 A. An appeal may be taken by the defendant, this state or any of its
32 political subdivisions from a final judgment of the superior court in an
33 action appealed from a justice of the peace or ~~poli-ee~~ MUNICIPAL court, if the
34 action involves the validity of a tax, impost, assessment, toll, municipal
35 fine or statute.

36 B. Except as provided in this section, there shall be no appeal from
37 the judgment of the superior court given in an action appealed from a justice
38 of the peace or a ~~poli-ee~~ MUNICIPAL court.

1 Sec. 6. Section 36-2021, Arizona Revised Statutes, is amended to read:

2 36-2021. Definitions

3 In this chapter, unless the context otherwise requires:

4 1. "Alcoholic" means a person who habitually lacks self-control with
5 respect to the use of alcoholic beverages or who uses alcoholic beverages to
6 the extent that his health is substantially impaired or endangered or his
7 social or economic functions are substantially disrupted.

8 2. "Approved private treatment facility" means a private agency
9 meeting the standards established by the division and approved pursuant to
10 sections 36-2023 and 36-2029.

11 3. "Approved public treatment facility" means a treatment agency
12 operating under the directions and control of a county, providing treatment
13 through a contract with a county, meeting the standards established by the
14 division and approved pursuant to sections 36-2023 and 36-2029.

15 4. "Chronic alcoholic" means an alcoholic who is incapacitated by
16 alcohol and who during the preceding twelve months has been admitted to a
17 local alcoholism reception center on ten or more occasions or has been
18 admitted for three or more episodes of inpatient or residential alcoholism
19 treatment.

20 5. "Court" means a court of record, a justice of the peace court, a
21 police MUNICIPAL court or a city court authorized by charter.

22 6. "Department" means the department of health services.

23 7. "Deputy director" means the deputy director of the division of
24 behavioral health in the department of health services.

25 8. "Director" means the director of the department of health services.

26 9. "Division" means the division of behavioral health in the
27 department of health services.

28 10. "Evaluation" means multidisciplinary professional analysis of a
29 person's medical, psychological, social, financial and legal conditions.
30 Persons providing evaluation services shall be properly qualified
31 professionals and may be full-time employees of an approved treatment
32 facility providing evaluation services or may be part-time employees or may
33 be employed on a contractual basis.

34 11. "Incapacitated by alcohol" means that a person as a result of the
35 use of alcohol is unconscious or has his judgment otherwise so impaired that
36 he is incapable of realizing and making a rational decision with respect to
37 his need for evaluation and treatment, is unable to take care of his basic
38 personal needs or safety such as food, clothing, shelter or medical care or
39 lacks sufficient understanding or capacity to make or communicate rational
40 decisions concerning himself.

1 12. "Intoxicated person" means a person whose mental or physical
2 functioning is substantially impaired as a result of the immediate effects of
3 alcohol in his system.

4 13. "Local alcoholism reception center" or "center" means an initial
5 reception agency for a person who is intoxicated or who is incapacitated by
6 alcohol to receive initial evaluation and processing for assignment for
7 further evaluation or into a treatment program.

8 14. "Treatment" means the broad range of emergency, outpatient,
9 intermediate and inpatient services and care, including diagnostic
10 evaluation, medical, psychiatric, psychological and social service care,
11 vocational rehabilitation and career counseling, which may be extended to
12 alcoholics and intoxicated persons.

13 Sec. 7. Section 42-1122, Arizona Revised Statutes, is amended to read:

14 42-1122. Setoff for debts to state agencies, political
15 subdivisions and courts; revolving fund;
16 definitions

17 A. The department shall establish a liability setoff program by which
18 refunds under sections 42-1118 and 43-1072 may be used to satisfy debts that
19 the taxpayer owes to this state, a political subdivision or a court. The
20 program shall comply with the standards and requirements prescribed by this
21 section.

22 B. If a taxpayer owes an agency, political subdivision or court a
23 debt, the agency, political subdivision or court, by November 1 of each year,
24 may notify the department, furnishing at least the state agency, court or
25 program identifier, the first name, last name, middle initial or middle name
26 and suffix, social security number and any other available identification
27 that the agency, political subdivision or court deems appropriate of the
28 debtor as shown on the records of the agency, political subdivision or court,
29 and the amount of the debt.

30 C. The department shall match the information submitted by the agency,
31 political subdivision or court by at least two items of identification of the
32 taxpayer with taxpayers who qualify for refunds under section 42-1118 and:

33 1. Notify the agency, political subdivision or court of a potential
34 match, the taxpayer's home address and any additional taxpayer identification
35 numbers used by the taxpayer. Even if the taxpayer is not entitled to a
36 refund, the department of revenue shall provide to:

37 (a) The court, the clerk of the court and the department of economic
38 security, for child support and spousal maintenance purposes only, the home
39 address of a taxpayer whose debt for overdue support is referred for setoff
40 and any additional taxpayer identification numbers used by the taxpayer.

1 (b) The court, the home address and any additional taxpayer
2 identification numbers used by the taxpayer whose debt for a court obligation
3 is referred for setoff and who is identified by the court as a probationer on
4 absconder status.

5 2. Request final agency, political subdivision or court confirmation
6 in writing or electronically as determined by the department within ten days
7 of the match and of the continuation of the debt. If the agency, political
8 subdivision or court fails to provide confirmation within forty-five days
9 after the request, the department shall release the refund to the taxpayer.

10 D. An agency, political subdivision or court may submit updated
11 information, additions, deletions and other changes on a quarterly or more
12 frequent basis, at the convenience of the agency, political subdivision or
13 court.

14 E. On confirmation pursuant to subsection C, paragraph 2 of this
15 section, the agency or political subdivision shall notify the taxpayer, by
16 mail to the most recent address provided by the taxpayer to the department:

17 1. Of the intention to set off the debt against the refund due.

18 2. Of the taxpayer's right to appeal to the appropriate court, or to
19 request a review by the agency or political subdivision pursuant to agency or
20 political subdivision rule, within thirty days of the mailing of the notice.

21 F. In addition the taxpayer shall receive notice that if the refund is
22 intercepted in error through no fault of the taxpayer, the taxpayer is
23 entitled to the full refund plus interest and penalties from the agency,
24 political subdivision or court as provided by subsection 0 of this section.

25 G. The basis for a request for review as provided by subsection E of
26 this section shall not include the validity of the claim if its validity has
27 been established at an agency hearing, by judicial review in a court of
28 competent jurisdiction in this or any other state or by final administrative
29 decision and shall state with specificity why the taxpayer claims the
30 obligation does not exist or why the amount of the obligation is incorrect.

31 H. If, within thirty days of the mailing of the notice, the taxpayer
32 requests a review by the agency or political subdivision or provides the
33 agency or political subdivision with proof that an appeal has been taken to
34 the appropriate court, the agency or political subdivision shall immediately
35 notify the department and the setoff procedure shall be stayed pending
36 resolution of the review or appeal.

37 I. If the department does not receive notice of a timely appeal, it
38 shall draw and deliver a warrant in the amount of the available refund up to
39 the amount of the debt in favor of the agency or political subdivision and
40 notify the taxpayer of the action by mail.

1 J. Subsections E, G, H and I of this section do not apply to a debt
2 imposed by a court except that the taxpayer shall receive notice of the
3 intent to set off the debt against the refund due and the right to appeal to
4 the court that imposed the debt within thirty days of the mailing of the
5 notice. The basis for the request for review shall not include the validity
6 of the claim and shall state with specificity why the taxpayer claims the
7 obligation does not exist or why the obligation is incorrect.

8 K. If the setoff accounts for only a portion of the refund due, the
9 remainder of the refund shall be sent to the taxpayer. A court shall not use
10 this section to satisfy a judgment or payment of a fine or civil penalty
11 until the judgment has become final or until the time to appeal the
12 imposition of a fine or civil penalty has expired.

13 L. A revolving fund is established to recover and pay the cost of
14 operating the setoff program under this section. The department may
15 prescribe a fee to be collected from each agency, political subdivision or
16 court utilizing the setoff procedure or from the taxpayer, and the amount
17 shall be deposited in the fund. The amount of the fee shall reasonably
18 reflect the actual cost of the service provided. Monies in the revolving
19 fund are subject to legislative appropriation.

20 M. If agencies, political subdivisions or courts have two or more
21 delinquent accounts for the same taxpayer, the refund may be apportioned
22 among them pursuant to rules prescribed by the department of revenue, except
23 that a setoff to the department of economic security for overdue support has
24 priority over all other setoffs.

25 N. If the refund is insufficient to satisfy the entire debt, the
26 remainder of the debt may be collected by the agency, political subdivision
27 or court as provided by law or resubmitted for setoff against subsequent
28 refunds.

29 O. In the case of a refund that is intercepted in error through no
30 fault of the taxpayer under this section, the taxpayer shall be reimbursed by
31 the agency, political subdivision or court with interest pursuant to section
32 42-1123. In addition, if all or part of a refund is intercepted in error due
33 to an agency, political subdivision or court incorrectly identifying a
34 taxpayer as a debtor through no fault of the taxpayer, the agency, political
35 subdivision or court shall also pay the taxpayer a penalty as follows:

36 1. If the agency, political subdivision or court reimburses the
37 taxpayer sixteen through one hundred eighty days after the agency, political
38 subdivision or court receives notification that the refund was erroneously
39 intercepted and the refund was received by the agency, political subdivision

1 or court, the penalty is equal to ten ~~per-cent~~ PERCENT of the amount of the
2 refund that was intercepted.

3 2. If the agency, political subdivision or court reimburses the
4 taxpayer one hundred eighty-one through three hundred sixty-five days after
5 the agency, political subdivision or court receives notification that the
6 refund was erroneously intercepted and the refund was received by the agency,
7 political subdivision or court, the penalty is equal to fifteen ~~per-cent~~
8 PERCENT of the amount of the refund that was intercepted.

9 3. If the agency, political subdivision or court fails to reimburse
10 the taxpayer within three hundred sixty-five days after the agency, political
11 subdivision or court receives notification that the refund was erroneously
12 intercepted and the refund was received by the agency, political subdivision
13 or court, the penalty is equal to twenty ~~per-cent~~ PERCENT of the amount of
14 the refund that was intercepted.

15 P. The time periods set forth in subsection O of this section shall be
16 stayed during a review of an agency decision pursuant to section 25-522.

17 Q. Except as is reasonably necessary to accomplish the purposes of
18 this section, the department shall not disclose under this section any
19 information in violation of chapter 2, article 1 of this title.

20 R. An agency, political subdivision or court shall not enter into an
21 agreement with a debtor for:

22 1. The assignment of any prospective refund to the agency, political
23 subdivision or court in satisfaction of the debt.

24 2. Payment of the debt if the debt has been confirmed to the
25 department for setoff under subsection C, paragraph 2 of this section.

26 S. If a tax refund is based on a joint income tax return and the
27 department of economic security receives a written claim from the
28 nonobligated spouse within forty-five days after the notice of a setoff for
29 overdue child support, the setoff only applies to that portion of the refund
30 due to the obligor. The nonobligated spouse shall provide to the department
31 of economic security copies of both the obligated and nonobligated spouse's
32 federal W-2 forms and evidence of estimated tax payments supporting the
33 proportionate share of each spouse's payment of tax. The department of
34 economic security shall retain the amount of the set off refund due to the
35 obligated spouse determined by a proration based on the tax payments of each
36 spouse by estimated tax payment or tax withheld from wages.

37 T. For the purposes of this section:

38 1. "Agency" means a department, agency, board, commission or
39 institution of this state. Agency also means a corporation that is under
40 contract with this state and that provides a service that would otherwise be

1 provided by a department, agency, board, commission or institution of this
2 state, if the contract specifically authorizes participation in the liability
3 setoff program and the attorney general's office has reviewed the contract
4 and approves such authorization. The participation in the liability setoff
5 program shall be limited to debt related to the services the corporation
6 provides for or on behalf of this state.

7 2. "Court" means all courts of record, justice courts, ~~AND~~ municipal
8 courts ~~and police courts~~.

9 3. "Debt" means an amount over fifty dollars owed to an agency,
10 political subdivision or court by a taxpayer and may include a judgment in
11 favor of this state or a political subdivision of this state, interest,
12 penalties, charges, costs, fees, fines, civil penalties, surcharges,
13 assessments, administrative charges or any other amount. Debt also includes
14 monies owed by a taxpayer for overdue support and referred to the department
15 of economic security or the clerk of the court for collection.

16 4. "Overdue support" means a delinquency in court ordered payments for
17 spousal maintenance or support of a child or for spousal maintenance to the
18 parent with whom the child is living if child support is also being enforced
19 pursuant to an assignment or application filed under 42 United States Code
20 section 654(6) or other applicable law.

21 5. "Political subdivision" means a county or an incorporated city or
22 town in this state."

23 Amend title to conform

and, as so amended, it do pass

EDWIN W. FARNSWORTH
Chairman

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H:laa

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C: sp