

House Bill 81

By: Representatives McCall of the 33rd, Powell of the 32nd, Harden of the 148th, Greene of the 151st, Taylor of the 173rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to
2 income taxes, so as to allow certain health care facilities to receive income tax refund setoffs
3 for collection of medical debts; to provide for related matters; to repeal conflicting laws; and
4 for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

10 "48-7-161.

11 As used in this article, the term:

12 (.1) 'Administrative Office of the Courts' means entity created pursuant to Code Section
13 15-5-22.

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

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

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

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

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

24 (E) The Department of Labor with respect to the collection of debts arising under Code
25 Sections 34-8-254 and 34-8-255 and Article 5 of Chapter 8 of Title 34, with the
26 exception of Code Sections 34-8-158 through 34-8-161; provided, however, that the

27 Department of Labor establishes that the debtor has been afforded required due process
 28 rights by such Department of Labor with respect to the debt and all reasonable
 29 collection efforts have been exhausted;

30 (F) The Department of Community Supervision with respect to probation fees arising
 31 under Code Section 42-8-34 and restitution or reparation ordered by a court as a part
 32 of the sentence imposed on a person convicted of a crime who is in the legal custody
 33 of the Department of Corrections or the Department of Community Supervision;

34 (G) The Department of Juvenile Justice with respect to restitution imposed on a
 35 juvenile for a delinquent act which would constitute a crime if committed by an adult;
 36 ~~and~~

37 (H) The Georgia Lottery Corporation with respect to proceeds arising under Code
 38 Section 50-27-21; and

39 (I) Any health care facility which is formed, created, or operated by or on behalf of a
 40 hospital authority established pursuant to Article 4 of Chapter 7 of Title 31 with respect
 41 to debts arising from the provision of health care services.

42 (2) 'Court' means all trial courts in this state, including but not limited to the superior,
 43 state, juvenile, magistrate, probate, and municipal courts, whether called mayor's courts,
 44 recorder's courts, police courts, civil courts, or traffic courts, and miscellaneous and
 45 special courts.

46 (3) 'Debt' means:

47 (A) Any liquidated sum due and owing any claimant agency, which sum has accrued
 48 through contract, subrogation, tort, or operation of law regardless of whether there is
 49 an outstanding judgment for the sum, any sum which is due and owing any person and
 50 is enforceable by the Department of Human Services pursuant to subsection (b) of Code
 51 Section 19-11-8, or any sum of restitution or reparation due pursuant to a sentence
 52 imposed on a person convicted of a crime and sentenced to restitution or reparation and
 53 probation; or

54 (B) Any liquidated sum that constitutes any and all court costs, surcharges, and fines
 55 for which there is an outstanding court judgment.

56 (4) 'Debtor' means any individual owing money to or having a delinquent account with
 57 any claimant agency or court, which obligation has not been adjudicated as satisfied by
 58 court order, set aside by court order, or discharged in bankruptcy.

59 (5) 'Refund' means the Georgia income tax refund which the department determines to
 60 be due any individual taxpayer."

61 SECTION 2.

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