

HOUSE BILL NO. 438

INTRODUCED BY J. BROWN, BERGENE, CHRISTIAENS

BY REQUEST OF THE DEPARTMENT OF REVENUE

IN THE HOUSE

January 23, 1985	Introduced and referred to Committee on Judiciary.
January 29, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 1, 1985	Second reading, do pass. Considered correctly engrossed.
February 2, 1985	Third reading, passed. Ayes, 91; Noes, 0. Transmitted to Senate.

IN THE SENATE

February 6, 1985	Introduced and referred to Committee on Judiciary.
March 28, 1985	Committee recommend bill be concurrent in as amended.
March 30, 1985	Second reading, concurred in.
April 1, 1985	Third reading, concurred in. Ayes, 47; Noes, 0. Returned to House with amendments.

IN THE HOUSE

April 2, 1985	Received from Senate.
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April 5, 1985	Second reading, amendments not concurred in.
April 8, 1985	On motion, Conference Committee requested.
April 9, 1985	Conference Committee appointed.
April 19, 1985	Conference Committee reported.
April 20, 1985	Second reading, Conference Committee report adopted. Third reading, Conference Committee report adopted.
April 22, 1985	Conference Committee report adopted by Senate.
April 23, 1985	Sent to enrolling. Reported correctly enrolled.

LC 0443/01

1 child."

2 NEW SECTION. Section 2. Extension of authority. Any
3 existing authority of the department of revenue to make
4 rules on the subject of the provisions of this act is
5 extended to the provisions of this act.

6 NEW SECTION. Section 3. Effective date. Section 2 and
7 this section are effective on passage and approval except
8 that rules adopted under section 2 may not be made effective
9 prior to October 1, 1985.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
6 OFFSETTING OF CHILD SUPPORT DEBTS AGAINST STATE INCOME TAX
7 REFUNDS; AMENDING SECTION 17-4-105, MCA; AND PROVIDING AN
8 EFFECTIVE DATE."
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 17-4-105, MCA, is amended to read:

12 "17-4-105. Authority to collect debt -- offsets. (1)
13 Once a debt of a state agency has been transferred to the
14 department, the department shall have the authority to
15 collect it, including the power to offset tax refunds due to
16 individuals against the debt transferred by the state agency
17 to the department provided the department may not exercise
18 this right of offset until the debtor has first been
19 notified by the department and given an opportunity for a
20 hearing. The department may contract with commercial
21 collection agencies for recovery of debts owed the state by
22 debtors residing outside the boundaries of the state.

23 (2) In his discretion it is the duty of the state
24 auditor to offset any amount due a state agency from a
25 person or entity against any amount owing such person or

1 entity by any state agency. The state auditor may deduct
2 from the claim and draw his warrants for the amounts offset
3 in favor of the respective state agencies to which due and
4 for any balance in favor of the claimant. Whenever
5 insufficient to offset all amounts due state agencies, the
6 amount available shall be applied in such manner as the
7 state auditor, in his discretion, shall determine.

8 (3) If, in the discretion of the state auditor, the
9 person or entity refuses or neglects to file his claim
10 within a reasonable time, the head of the state agency owing
11 the amount shall file the claim on behalf of such person or
12 entity; if approved by the department of administration, it
13 shall have the same force and effect as though filed by such
14 person or entity. The amount due any person or entity from
15 the state or any agency thereof is the net amount otherwise
16 owing such person or entity after any offset as in this
17 section provided.

18 (4) The department may establish and maintain a
19 procedure to offset against a debtor's income tax refund any
20 debt which is assigned to the state pursuant to 53-2-613 or
21 which the department is attempting to collect on behalf of
22 an individual who has applied for service under 40-5-203.
23 Such debt must have accrued through written contract, court
24 judgment, or administrative order and be in the form of a
25 liquidated sum due and owing for the support of a minor



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-End-

STANDING COMMITTEE REPORT

SENATE

March 28 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 438

third reading copy (blue)
color

(Senator Mazurek)

OFFSET CHILD SUPPORT DEBTS AGAINST STATE INCOME TAX REFUNDS

Respectfully report as follows: That HOUSE BILL No. 438

be amended as follows:

Page 3, line 1.

Following: "child."

Insert: "The department shall promulgate rules to assure no person not liable hereunder is affected if he files a joint return against which an offset is applied."

AND AS AMENDED

BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~


.....
Senator Joe Mazurek

Chairman.

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23 Such debt must have accrued through written contract, court
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1 child. THE DEPARTMENT SHALL PROMULGATE RULES TO ASSURE NO
2 PERSON NOT LIABLE HEREUNDER IS AFFECTED IF HE FILES A JOINT
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-End-

CONFERENCE COMMITTEE REPORT

Report No.1.....

...April..19.. 19..85..

MR. SPEAKER

We, your _____ Conference Committee on

House Bill 438, reference copy (salmon),

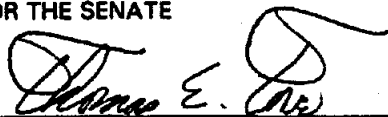
met and considered Senate Judiciary Committee amendments of March 28

We recommend as follows:

1. Page 3, lines 1 through 3.
Strike: "THE" on line 1 through "APPLIED." on line 3.

And that this Conference Committee report be adopted.

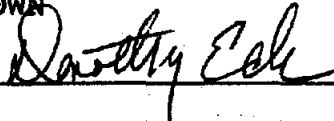
FOR THE SENATE



TOWE, CHM.



BOB BROWN



ECK

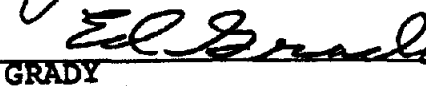
ADOPT

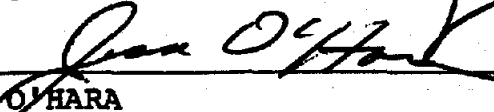
REJECT

FOR THE HOUSE


BRADLEY


JAN BROWN


GRADY


O'HARA

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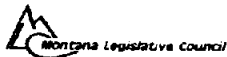
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1 child. THE--DEPARTMENT--SHALL--PROMULGATE--RULES--TO--ASSURE--NO
2 PERSON--NOT--LIABLE--HEREUNDER--IS--AFFECTED--IF--HE--FILES--A--JOINT
3 RETURN--AGAINST--WHICH--AN--OFFSET--IS--APPLIED."

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