

REFERENCE TITLE: attorney general; debt collection

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2605

Introduced by
Representative Robson

AN ACT

AMENDING SECTIONS 41-191.03 AND 41-191.04, ARIZONA REVISED STATUTES; RELATING TO THE ATTORNEY GENERAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-191.03, Arizona Revised Statutes, is amended to
3 read:

4 41-191.03. Collection enforcement revolving fund; disposition
5 of monies; definition

6 A. A collection enforcement revolving fund is established for the
7 purpose of collecting debts owed to the state. Monies in the fund are
8 subject to legislative appropriation. The attorney general shall administer
9 the fund.

10 B. The attorney general may expend from the collection enforcement
11 revolving fund such monies as are necessary for the collection of debts owed
12 to the state, including reimbursing other accounts or departments within the
13 office of the attorney general from which monies or services for collection
14 were provided.

15 C. Thirty-five per cent of all monies recovered by the attorney
16 general pursuant to section 41-191.04 shall be deposited, pursuant to
17 sections 35-146 and 35-147, in the collection enforcement revolving fund.

18 D. Sixty-five per cent of all monies recovered by the attorney general
19 pursuant to section 41-191.04 shall be distributed as follows:

20 1. Those monies which are directly attributable to a fund containing
21 monies which do not revert to the state general fund at the end of the fiscal
22 year shall be deposited, pursuant to sections 35-146 and 35-147, in that
23 fund.

24 2. All other monies shall be deposited, pursuant to sections 35-146
25 and 35-147, in the state general fund.

26 E. Monies in the collection enforcement revolving fund are exempt from
27 the lapsing provisions of section 35-190, except that monies remaining in the
28 fund at the end of each fiscal year in excess of one hundred thousand dollars
29 shall be distributed on a pro rata basis to the funds receiving monies
30 pursuant to subsection D of this section. Such distribution shall be based
31 on the percentage that the collections deposited in each fund bear to the
32 total amount deposited into the funds during the fiscal year.

33 F. Notwithstanding anything in subsections B through E of this
34 section, monies due and owing pursuant to section 12-116.01 and collected by
35 the attorney general shall be distributed as follows:

36 1. Twenty per cent of all monies recovered by the attorney general
37 pursuant to section 41-191.04 shall be deposited, pursuant to sections 35-146
38 and 35-147, in the collection enforcement revolving fund.

39 2. Eighty per cent of all monies recovered by the attorney general
40 pursuant to section 41-191.04 shall be deposited, pursuant to sections 35-146
41 and 35-147, in the criminal justice enhancement fund, established by section
42 41-2401.

43 G. FOR THE PURPOSES OF THIS SECTION, "DEBT" MEANS A SPECIFIED SUM OF
44 MONIES BUT DOES NOT INCLUDE ANY TORT CLAIM THAT HAS BEEN SETTLED OR REDUCED
45 TO JUDGMENT BEFORE TRIAL.

1 Sec. 2. Section 41-191.04, Arizona Revised Statutes, is amended to
2 read:

3 41-191.04. Collection of debts owed the state; reports;
4 remedies; definition

5 A. The attorney general may initiate such proceedings to collect debts
6 to this state, or to any agency, board, commission or department of this
7 state, as are necessary and appropriate. Agencies, boards, commissions and
8 departments of this state shall submit periodic reports of debts in a form
9 and manner jointly prescribed by the attorney general and the director of the
10 department of administration.

11 B. The remedies under this article are in addition to any other
12 remedies provided by law.

13 C. FOR THE PURPOSES OF THIS SECTION, "DEBT" MEANS A SPECIFIED SUM OF
14 MONIES BUT DOES NOT INCLUDE ANY TORT CLAIM THAT HAS BEEN SETTLED OR REDUCED
15 TO JUDGMENT BEFORE TRIAL.