

11—40.1(8A) Definitions. For the purposes of this chapter, the following definitions shall govern:

“*Claim*” means a liquidated sum due, owing, and payable to a debtor from a public agency.

“*Collection entity*” means the department of administrative services and any other public agency that maintains a separate accounting system, elects to establish a debt collection setoff procedure for collection of debts owed to the public agency, and participates in the department of administrative services’ offset program.

“*Debtor*” means any person owing a debt to a public agency.

“*Department*” means the Iowa department of administrative services.

“*Director*” means the director of the Iowa department of administrative services or the director’s designee.

“*Judicial branch*” means the same as that set forth in Iowa Code section 602.1102.

“*Liability*” or “*debt*” means a “qualifying debt” as defined in Iowa Code section 8A.504(1)“c” or any liquidated sum due, owing, and payable by a debtor to a public agency. Such liquidated sum may be accrued through contract, subrogation, tort, operation of law, or any legal theory regardless of whether there is an outstanding judgment for that sum.

“*Liability owed to a court*” or “*debt owed to a court*” means any liquidated sum due, owing, and payable to any clerk of the Iowa district court including, but not limited to, “court debt” as defined in Iowa Code section 602.8107(1) which remains unpaid 30 or more days after the date the court debt was due.

“*Liquidated*” means that the amount of the claim or debt is definite, determined, and fixed by agreement of the parties, by operation of law, or through court or administrative proceedings.

“*Offset*” means to set off liabilities owed by persons to public agencies against claims owed to persons by public agencies.

“*Offset program*” means the department program for debt collection under the provisions of Iowa Code section 8A.504 through the daily processing and income tax refund programs.

“*Person*” or “*entity*” means an individual, corporation, business trust, estate, trust, partnership or association, or any other legal entity, but does not include a state agency.

“*Public agency*” or “*agency*” means a board, commission, department, including the department of administrative services, or other administrative office or unit of the state of Iowa or any other state entity reported in the Iowa Annual Comprehensive Financial Report, or a political subdivision of the state, or an office or unit of a political subdivision, or a clerk of district court. However, “public agency” or “agency” does not mean any of the following:

1. The office of the governor;
2. The general assembly, or any office or unit under its administrative authority; or
3. The judicial branch, as provided in Iowa Code section 602.1102 other than the clerk of the district court. Offset procedures uniquely applicable to debts owed to clerks of the district court are set forth in rules 11—40.10(8A) to 11—40.15(8A).

[ARC 1842C, IAB 1/21/15, effective 2/25/15; ARC 6865C, IAB 2/8/23, effective 3/15/23]