

ACT No. 816

Regular Session, 2014

HOUSE BILL NO. 236

BY REPRESENTATIVE BROADWATER

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AN ACT

To amend and reenact R.S. 47:1676(C)(2)(a) and (D)(1) and 9026 and to enact R.S. 47:1676(D)(4), relative to the collection of certain debts by the office of debt recovery within the Department of Revenue; to provide relative to the authority of such office to collect certain delinquent debts; to authorize the office to utilize the offset of certain gaming winnings in the collection of delinquent debt; to authorize the office of debt recovery to enter into certain agreements; to authorize the deduction of fees from certain gaming winnings under certain circumstances; to provide for civil or criminal immunity under certain circumstances; to authorize immunity from claims for damages under certain circumstances; to delete references to certain political subdivisions within the authority of the office of debt recovery; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1676(C)(2)(a) and (D)(1) and 9026 are hereby amended and reenacted and R.S. 47:1676(D)(4) is hereby enacted to read as follows:

§1676. Debt recovery

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C.

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(2)(a) ~~No later than January 1, 2014, agencies which~~ Agencies that do not have collection contracts with the attorney general's office for the collection of delinquent debts shall refer all delinquent debts to the office as provided by rule. Such referrals shall include data and information in the required format necessary to institute collection procedures. All delinquent debts shall be authenticated by the

1 agency ~~or participating political subdivision~~ or officer prior to being referred to the
 2 office. Once the debt becomes final, and prior to referral to the office, the agency
 3 shall notify the debtor that failure to pay the debt in full within sixty days shall
 4 subject the debt to an additional collection fee as provided for in this Section. All
 5 agencies shall refer non-final delinquent debts to the attorney general's office for
 6 collection when the debt has been delinquent for sixty days pursuant to the referral
 7 guidelines established by the attorney general as incorporated into agreements
 8 between the attorney general and other agencies or pursuant to the rules promulgated
 9 by the attorney general pursuant to the Administrative Procedure Act. Such non-
 10 final delinquent debts shall be authenticated by the agency prior to their referral to
 11 the attorney general.

12 * * *

13 D.(1) Notwithstanding any other provision of law to the contrary, the
 14 secretary of the Department of Revenue may treat a delinquent debt referral in the
 15 same manner as an assessment that has become final without restriction or delay.
 16 The secretary, through the office, may use any collection remedy provided by state
 17 law to facilitate the collection of taxes to collect the delinquent debt; however, the
 18 financial institution data match shall ~~only be used~~ be used only in accordance with
 19 the provisions of R.S. 47:1677. The office may use a participating agency's statutory
 20 collection authority to collect the participating agency's ~~or participating political~~
 21 ~~subdivision's~~ delinquent debts owed to or being collected by the state ~~or participating~~
 22 ~~political subdivision~~. The office may also use authority granted in R.S. 47:299.3
 23 regarding offset from income tax refunds or other accounts payable by the state for
 24 any delinquent debt transferred by agencies ~~and political subdivisions~~. The secretary
 25 has the discretion to determine which method or combination thereof is most suitable
 26 to collect the delinquent debt.

27 * * *

28 (4)(a)(i) The office shall be authorized to withhold, offset, levy, garnish, or
 29 seize payments of progressive slot machine annuities and cash gaming winnings in
 30 the same manner set forth in R.S. 27:24 and payments of lottery prizes in the same

1 manner as set forth in R.S. 47:9026 and may assume the obligation for payment of
2 such services in order to collect delinquent debt. However, the withholding, offset,
3 levy, garnishment, or seizure of progressive slot machine annuities, cash gaming
4 winnings, and payments of lottery prizes pursuant to the provisions of this Paragraph
5 shall not be conducted until a single-point inquiry system which allows for searches
6 of one or more real-time databases containing debt information pursuant to this
7 Subsection and R.S. 46:236.15 is available to entities licensed or permitted under
8 Chapters 1, 4, 5, or 7 of Title 27 of the Louisiana Revised Statutes of 1950.

9 (ii) The office is authorized to enter into a memorandum of understanding
10 with the Louisiana Casino Association on behalf of its member casinos to facilitate
11 the development and implementation of a single-point inquiry system.

12 (iii) The provisions of this Paragraph shall not be construed to prohibit the
13 withholding, offset, levy, garnishment, or seizure of progressive slot machine
14 annuities, cash gaming winnings, and payments of lottery prizes currently conducted
15 pursuant to the provisions of R.S. 46:236.15 from continuing until the single-point
16 inquiry system is created.

17 (b) Any entity licensed or permitted under Chapters 1, 4, 5, or 7 of Title 27
18 of the Louisiana Revised Statutes of 1950 may deduct an administrative fee from
19 each payment of a progressive slot machine annuity or cash gaming winnings in
20 accordance with R.S. 27:24(A)(5)(d) pursuant to a request by the office of debt
21 recovery to such annuities or winnings in the collection of a delinquent debt;
22 however, the licensed or permitted entity shall not withhold more than one
23 administrative fee on such annuities or winnings.

24 (c) The Louisiana Gaming Control Board or any entity licensed or permitted
25 under Chapters 1, 4, 5, or 7 of Title 27 of the Louisiana Revised Statutes of 1950
26 shall be immune from civil or criminal liability for the disclosure of certain
27 information or from any claims for damages arising from withholding or failing to
28 withhold any progressive slot machine annuities or cash winnings in accordance with
29 R.S. 27:24(A)(5)(b) when the disclosure of such information or the withholding of

1 such annuities or winnings is done pursuant to a request by the office of debt recovery.

2 (d) The authorization provided for in this Paragraph shall not prime the
3 Department of Children and Family Services' claim under the provisions of R.S.
4 46:236.15(D) or R.S. 47:9026 to any payments of progressive slot machine annuities
5 or cash gaming winnings.

6 * * *

7 §9026. Withholding of lottery prizes; child support arrearages; rules and regulations

8 No later than January 1, 1992, the board shall promulgate rules and
9 regulations providing for the withholding of lottery prizes of persons who have
10 outstanding child support arrearages as reported to the corporation, beginning at
11 prize levels to be determined by the board. The corporation may require any agency
12 reporting current child support arrearages to the corporation to provide information
13 relating to such arrearages in a manner, format, or record approved by the
14 corporation. The corporation shall not be liable for withholding a lottery prize based
15 upon child support arrearage information provided to it. Additionally, the corporation
16 shall employ the same methods, procedures, and parameters to withhold lottery
17 prizes for persons who have delinquent debt as defined in R.S. 47:1676(B)(4) which
18 has been assigned to the office of debt recovery for collection. The corporation shall
19 not be liable for withholding a lottery prize based upon delinquent debt information
20 provided to it by the office of debt recovery.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____