

HOUSE COMMITTEE AMENDMENTS

2016 Regular Session

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 695 by Representative Broadwater

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line in its entirety and insert the
3 following:

4 "R.S. 47:1676(A)(2), (B)(4), (6), and (7), (C)(2)(a), (G)(introductory paragraph), (3),
5 and (4), and (H) and R.S. 47:1676(E) as amended and reenacted by Act No. 11 of the
6 2016 First Extraordinary Session of the Legislature, relative to the collection"

7 AMENDMENT NO. 2

8 On page 1, line 4, after "definitions;" and before "and" insert "to provide for the fees for the
9 collection of certain debt;"

10 AMENDMENT NO. 3

11 On page 1, line 7, after "Section 1." delete the remainder of the line in its entirety and insert
12 the following:

13 "R.S. 47:1676(A)(2), (B)(4), (6), and (7), (C)(2)(a), (G)(introductory paragraph), (3),
14 and (4), and (H) are hereby amended and"

15 AMENDMENT NO. 4

16 On page 1, between lines 9 and 10, insert the following:

17 "A.
18 * * *

19 (2) Each agency shall refer non-final ~~delinquent~~ debts requiring legal action
20 or legal proceedings, other than administrative proceedings within such agency, to
21 the attorney general's office for collection when the debt has been delinquent for
22 sixty days, or other time period as provided pursuant to the referral guidelines
23 established by the attorney general which are incorporated into agreements between
24 the attorney general and any such agency or pursuant to rules promulgated by the
25 attorney general pursuant to the Administrative Procedure Act.

26 * * *"

27 AMENDMENT NO. 5

28 On page 1, line 14, after "that is" delete the remainder of the line and insert "past due for
29 sixty days or more."

30 AMENDMENT NO. 6

31 On page 1, between lines 15 and 16, insert the following:

32 "(6) "Final debt" means any debt in which the amount due is no longer
33 negotiable and that the debtor has no further right of administrative and or judicial
34 review rights to challenge the validity of the debt or the amount owed."

1 AMENDMENT NO. 7

2 On page 1, line 16, after "any debt" delete the remainder of the line and delete line 17 in its
3 entirety and at the beginning of line 18, delete "days or more and such debt is not final and"
4 and insert "in which"

5 AMENDMENT NO. 8

6 On page 1, line 19, after "judicial" and before "rights" delete "review"

7 AMENDMENT NO. 9

8 On page 2, after line 18, insert the following:

9 "G. Agencies may exercise the following procedures, in combination with
10 its own statutes or as a standalone procedure, to make any debt owed to the agency
11 a final ~~delinquent~~ debt that is collectible by the office.

12 * * *

13 (3) If the debt remains unpaid sixty days after the date of the initial notice,
14 the debt shall be considered a final ~~delinquent~~ debt and shall be owed to the state and
15 collectible by the office.

16 (4) If an agency utilizes the procedures above and transfers the final
17 ~~delinquent~~ debt to the office for collection, in lieu of any other notice, the office shall
18 send the debtor a notice informing the debtor of the debt's transfer to its office for
19 collection and of the additional collection fee that shall be added to the debt.

20 H. The secretary shall promulgate rules and regulations in accordance with
21 the Administrative Procedure Act to implement the provisions of this Section,
22 including rules authorizing any reasonable procedure or requirement for agencies
23 referring delinquent debt to the ~~department~~ office for collection, requirements
24 regarding information necessary to collect the debt and the formatting of that
25 information, and the priority or ranking of debt payments against multiple agency
26 debts. Any rule promulgated by the ~~department~~ office shall be construed in favor of
27 the secretary.

28 * * *

29 Section 2. R.S. 47:1676(E) as amended and reenacted by Act No. 11 of the 2016
30 First Extraordinary Session of the Legislature is hereby amended and reenacted to read as
31 follows:

32 §1676. Debt recovery

33 * * *

34 E. The office shall charge the debtor a fee not to exceed twenty-five percent
35 of the total ~~liability of amount of each~~ debt owed. The collection fee shall only be
36 charged on debt after it which has become final ~~after the initial effective date of this~~
37 Section. The amount of the fee shall be established by rule promulgated by the
38 department and shall be uniformly applied to all debts. Fees collected under this
39 Subsection shall be retained by the office after the debt is collected and shall be
40 divided in accordance with an agreement between the office and the office of the
41 attorney general after payment of costs set forth in the agreement. Monies collected
42 by the office pursuant to the provisions of this Section shall be transferred to the
43 referring agency within thirty days after the end of the month in which the monies
44 were collected and shall be used, subject to an annual appropriation, by the referring
45 agency as they would have been had they been timely collected. However, any

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1 monies collected for delinquent debt as a result of nonpayment of tax liabilities
2 pursuant to Title 47 of the Louisiana Revised Statutes of 1950, as amended, after
3 deposit into the state general fund, the first five million dollars shall be appropriated
4 by the legislature beginning in Fiscal Year 2013-2014, and for four consecutive
5 fiscal years thereafter, to the office of state police for a training academy class.

6 * * *"

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