

CONFERENCE COMMITTEE REPORT
House Bill No. 236 By Representative Broadwater

June 2, 2014

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 236 by Representative Broadwater, recommend the following concerning the Reengrossed bill:

1. That Senate Committee Amendment Nos. 1, 2, 3, 4, 5, and 6 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on May 20, 2014, be rejected.
2. That the Reengrossed bill be amended as follows:

AMENDMENT NO. 1

On page 1, line 6, after "debt;" and before "to" insert "to authorize the office of debt recovery to enter into certain agreements;"

AMENDMENT NO. 2

On page 3, at the beginning of line 4, delete "(4)(a)" and insert "(4)(a)(i)"

AMENDMENT NO. 3

On page 3, at the end of line 8, insert the following:

"However, the withholding, offset, levy, garnishment, or seizure of progressive slot machine annuities, cash gaming winnings, and payments of lottery prizes pursuant to the provisions of this Paragraph shall not be conducted until a single-point inquiry system which allows for searches of one or more real-time databases containing debt information pursuant to this Subsection and R.S. 46:236.15 is available to entities licensed or permitted under Chapters 1, 4, 5, or 7 of Title 27 of the Louisiana Revised Statutes of 1950.

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

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

AMENDMENT NO. 4

On page 3, delete line 9 in its entirety and insert "(b) Any entity licensed or permitted"

AMENDMENT NO. 5

On page 3, line 14, after "however, the" and before "licensed" delete "board or"

Respectfully submitted,

Representative Chris Broadwater

Senator Neil Riser

Representative Joel C. Robideaux

Senator Daniel "Danny" Martiny

Representative Stuart Bishop

Senator Edwin R. Murray

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 236 by Representative Broadwater

Keyword and oneliner of the instrument as it left the House

REVENUE DEPARTMENT: Authorizes the office of debt recovery to utilize the offset of certain gaming winnings as a means to collect delinquent debt owed to state agencies

Report rejects Senate amendments which would have:

1. Authorized banks and financial institutions to disclose a debtor's current account balance as an alternative to the disclosure of the average daily account balance of the debtor for the most recent 30-day period of each calendar quarter for use by certain state agencies in enforcing certain unpaid debts.
2. Required the office of debt recovery and the Dept. of Children and Family Services to work together to create and implement a coordinated process and mechanism that complies with each entity's authority to seize payments of progressive slot machine annuities, cash gaming winnings, and the payments of lottery prizes.

Report amends the bill to:

1. Prohibit the withholding, offset, levy, garnishment, or seizure of progressive slot machine annuities, cash gaming winnings, and payments of lottery prizes pursuant to the provisions of proposed law from being conducted until a single-point inquiry system which allows for searches of one or more real-time databases containing debt information is available to gaming entities licensed or permitted under present law.
2. Authorize the office to enter into a memorandum of understanding with the La. Casino Association on behalf of its member casinos to facilitate the development and implementation of a single-point inquiry system.
3. Clarify that proposed law shall not be construed to prohibit the withholding, offset, levy, garnishment, or seizure of progressive slot machine annuities, cash gaming winnings, and payments of lottery prizes currently conducted pursuant to present law from continuing until the single-point inquiry system is created.

Digest of the bill as proposed by the Conference Committee

Present law charges the office of debt recovery and the attorney general's office with collecting delinquent debts of state agencies which refer delinquent debts to them for collection. Further provides for the general powers and authority of the office of debt recovery in collecting delinquent debt that has become final and is 60 or more days past due.

Proposed law retains present law but deletes references to "participating political subdivisions" from present law since the collection authority of the office of debt recovery does not extend to the collection of delinquent debts owed to political subdivisions.

Present law authorizes the office of debt recovery to use any collection remedy authorized by present law to collect delinquent taxes or any state agency's statutory collection authority to collect the referring agency's delinquent debt, including the offset of tax refunds or other accounts payable, suspension or denial of renewal of driver's licenses, and the suspension,

revocation, or denial of hunting and fishing licenses, or any type of professional license, permit, or certification.

Proposed law retains present law but adds to the collection remedies of the office of debt recovery, the authority to withhold, offset, levy, garnish, or seize payments of progressive slot machine annuities and cash gaming winnings in the same manner set forth in present law and to assume the obligation of payment of certain services in order to collect delinquent debt. Further provides that the withholding, offset, levy, garnishment, or seizure of these annuities, cash winnings, lottery payments shall not be conducted until a single-point inquiry system which allows for searches of one or more real-time databases containing debt information pursuant to proposed law and present law is available to gaming entities licensed or permitted under present law.

Proposed law authorizes the office to enter into a memorandum of understanding with the La. Casino Association on behalf of its member casinos to facilitate the development and implementation of a single-point inquiry system.

Proposed law clarifies that the provisions of proposed law shall not be construed to prohibit the withholding, offset, levy, garnishment, or seizure of progressive slot machine annuities, cash gaming winnings, and payments of lottery prizes currently conducted pursuant to present law from continuing until the single-point inquiry system is created.

Present law authorizes the La. Gaming Control Board (hereinafter "board") or any licensed or permitted gaming entity to deduct an administrative fee from each payment of progressive slot machine annuities or cash gaming winnings in accordance with present law of persons who have outstanding child support arrearages or owe child support overpayments.

Proposed law retains present law but extends the authority to deduct an administrative fee from each payment of progressive slot machine annuities or cash gaming winnings pursuant to a request by the office of debt recovery. However, the board or gaming entity shall not withhold more than one administrative fee on such annuities or cash winnings.

Present law provides for immunity from civil or criminal liability for the board or any licensed or permitted gaming entity for the disclosure of certain information or from any claims for damages arising from withholding or failing to withhold any progressive slot machine annuities or cash gaming winnings.

Proposed law retains present law but extends the civil or criminal immunity of the board or any licensed or permitted gaming entity or from claims for damages when the disclosure of information or withholding of such annuities or winnings is done pursuant to a request by the office of debt recovery.

Proposed law prohibits the office of debt recovery's claim relative to the offset or withholding of payments from progressive slot machine annuities, cash gaming winnings, and lottery prizes from priming the Dept. of Children and Family Services' claim under present law to any payments of progressive slot machine annuities, cash gaming winnings, or lottery prizes.

Present law requires the board to promulgate rules and regulations providing for the withholding of lottery prizes of persons who have outstanding child support arrearages.

Proposed law retains present law but requires the board to employ the same methods, procedures, and parameters to withhold lottery prizes for persons who have delinquent debt which has been assigned to the office of debt recovery for collection.

(Amends R.S. 47:1676(C)(2)(a) and (D)(1), 1677(A), and 9026; adds R.S. 47:1676(D)(4))