

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

**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**

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DIGEST

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.

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.

Proposed law requires the office of debt recovery and the Department of Children and Family Services to work together to create and implement a jointly 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.

Present law authorizes various financial institutions to disclose to the LDR and his designee in the office of debt recovery for use in enforcing a tax or non-tax debt the average daily account balance of the debtor for the most recent 30-day period of each calendar quarter.

Proposed law authorizes, as an alternative, disclosure of the debtor's current account balance of the calendar quarter.

(Amends R.S. 6:333(F)(14) and (18), R.S. 46:236.1.4(A), and R.S. 47:1676(C)(2)(a) and (D)(1), 1677(A), and 9026; adds R.S. 47:1676(D)(4))

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Ways and Means to the original bill.

1. Added authority for the office of debt recovery to deduct an administrative fee from each payment of a progressive slot machine annuity or cash gaming winning in accordance with present law.
2. Added provision granting the office of debt recovery immunity from civil or criminal liability 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 in accordance with present law.
3. Prohibited the office of debt recovery's claim relative to the offset or withholding of payments from progressive slot machine annuities and cash gaming winnings from priming the Dept. of Children and Family Services' claim under present law to such payments.

#### House Floor Amendments to the engrossed bill.

1. Changed the authority to deduct an administrative fee from each payment of a progressive slot machine annuity or cash gaming winning from the authority of the office of debt recovery to deduct the administrative fee to the authority of the board or any licensed or permitted gaming entity to withhold the administrative fee.
2. Added prohibition for the board or any licensed or permitted gaming entity from withholding more than one administrative fee on slot machine annuities or cash gaming winnings.
3. Changed the grant of immunity from civil or criminal liability 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 from the office of debt recovery to the board or any licensed or permitted gaming entity.
4. Added the offset or withholding of payments by the Dept. of Children and Family Services from lottery prizes to the claims that prime the claims of the office of debt recovery to such payments.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs  
to the reengrossed bill

1. Authorizes, as an alternative to the disclosure to LDR and the office of debt recovery for use in enforcing a tax or non-tax debt the average daily account balance of the debtor for the most recent 30-day period of each calendar quarter, disclosure of the debtor's current account balance of the calendar quarter.
2. Requires the office of debt recovery and the Department of Children and Family Services to work together to create and implement a jointly 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.