

Regular Session, 2014

HOUSE BILL NO. 236

BY REPRESENTATIVE BROADWATER

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

1 AN ACT

2 To amend and reenact R.S. 47:1676(C)(2)(a) and (D)(1) and to enact R.S. 47:1676(D)(4),

3 relative to the collection of certain debts by the office of debt recovery within the

4 Department of Revenue; to provide relative to the authority of such office to collect

5 certain delinquent debts; to authorize the office to utilize the offset of certain gaming

6 winnings in the collection of delinquent debt; to authorize the deduction of fees from

7 certain gaming winnings under certain circumstances; to provide for civil or criminal

8 immunity under certain circumstances; to authorize immunity from claims for

9 damages under certain circumstances; to delete references to certain political

10 subdivisions within the authority of the office of debt recovery; and to provide for

11 related matters.

12 Be it enacted by the Legislature of Louisiana:

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

15 §1676. Debt recovery

16 * * *

17 C.

18 * * *

1 the discretion to determine which method or combination thereof is most suitable to
2 collect the delinquent debt.

3 * * *

4 (4) The office shall be authorized to withhold, offset, levy, garnish, or seize
5 payments of progressive slot machine annuities and cash gaming winnings in the
6 same manner set forth in R.S. 27:24 and R.S. 47:9026 and may assume the obligation
7 for payment of such services in order to collect delinquent debt, may deduct an
8 administrative fee from each payment of a progressive slot machine annuity or cash
9 gaming winnings in accordance with R.S. 27:24(A)(5)(d), and shall be immune from
10 civil or criminal liability for the disclosure of certain information or from any claims
11 for damages arising from withholding or failing to withhold any progressive slot
12 machine annuities or cash gaming winnings in accordance with R.S. 27:24(A)(5)(b).
13 However, the authorization provided for in this Paragraph shall not prime the
14 Department of Children and Family Services' claim under the provisions of R.S.
15 46:236.15(D) to any payments of progressive slot machine annuities or cash gaming
16 winnings.

17 * * *

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)]

Broadwater

HB No. 236

Abstract: Authorizes the office of debt recovery to offset gaming winnings as a means to collect delinquent debt owed to the state and deletes references to "participating political subdivisions" within the authority of the office of debt recovery.

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 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.

Proposed law authorizes the office of debt recovery to assume the obligation of payment of certain services in order to collect delinquent debt, to deduct an administrative fee from each payment of a progressive slot machine annuity or cash gaming winnings in accordance with present law, and to be immune 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.

Proposed law prohibits 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 any payments of progressive slot machine annuities or cash gaming winnings.

(Amends R.S. 47:1676(C)(2)(a) and (D)(1); 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.