

SENATE BILL NO. 37

BY SENATOR PEACOCK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 47:299.2(1)(d), and (3), 299.11(9), and 1676(B)(3) and to enact R.S. 47:1676(B)(1.1), relative to delinquent debt collection; to authorize all units of local government to participate in the income tax refund offset program; to provide limitations for debt related to student fees; to authorize all units of local government to refer delinquent debt to the Office of Debt Recovery; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:299.2(1)(d), and (3), 299.11(9), and 1676(B)(3) are hereby amended and reenacted and R.S. 47:1676(B)(1.1) is hereby enacted to read as follows:

§299.2. Definitions

For purposes of this Part, the following words, terms, and phrases have the meaning ascribed to them by this Section unless the context clearly indicates a different meaning:

(1) * * *

(d) "Agency" shall also mean a municipality, parish, or any **other unit of local government, authorized by law to perform governmental functions, including a school board, and a special district, or any** entity which submits claims on behalf of the municipality, ~~or parish,~~ **or other unit of local government.**

* * *

(3) "Debt" means any legally collectible, liquidated sum due and owing an agency, or due and owing a person and collectible by any agency, or a judgment, order of the court, or bond forfeiture which is properly certified by the clerk and which orders the payment of a fine or other court ordered penalty, if the amount of the debt is twenty-five dollars or more. **"Debt" shall not include any amount due**

1 for unpaid public elementary or secondary school student fees or for unpaid
2 elementary or secondary school student fees for students enrolled in the Student
3 Scholarships for Educational Excellence Program.

4 * * *

5 §299.11. Ranking and priority of claims

6 If two or more agencies file offset claims with the secretary against an
7 individual's refund, the secretary shall remit the refund to the claimants if sufficient
8 funds exist in the following order with the first offset claim to be paid being
9 completely satisfied before a second or subsequent offset claim is paid:

10 * * *

11 (9) Claims made by ~~a municipality or a parish,~~ **parish, or any other unit of**
12 **local government, authorized by law to perform governmental functions,**
13 **including a school board and a special district.**

14 * * *

15 §1676. Debt recovery

16 * * *

17 B. For purposes of this Section, the following words shall have the following
18 meanings unless the context clearly indicates otherwise:

19 * * *

20 **(1.1) "Agency" shall also mean any municipality, parish, or any other**
21 **unit of local government, authorized by law to perform governmental functions,**
22 **including school boards and special districts. Notwithstanding any provision of**
23 **this Section to the contrary, local government subdivisions shall be permitted**
24 **but not required to refer their delinquent debt to the office of debt recovery for**
25 **collection.**

26 * * *

27 (3) "Debt" means any legally collectible liquidated sum due and owing an
28 agency, or due and owing a person and collectible by any agency, or a judgment,
29 order of the court, or bond forfeiture that is properly certified by the clerk and that
30 orders the payment of a fine or other court-ordered penalty. The legally collectible

1 and liquidated sum due includes principal and accruing interest, fees, and penalties,
 2 if appropriate. "Debt" shall not include any legally collectible liquidated sum due and
 3 owing to an agency or an individual pursuant to the following federal programs: Title
 4 IV-A, Title IV-B, Title IV-D, Title IV-E, or Title XX of the federal Social Security
 5 Act, 7 U.S.C. 2011 et seq., 42 U.S.C. 9858 et seq., 42 U.S.C. 5101 et seq., 42 U.S.C.
 6 5116 et seq., 42 U.S.C. 10401 et seq.; or, any sums due on account of overpaid
 7 unemployment compensation benefits or unpaid contributions or reimbursements
 8 pursuant to the Louisiana Employment Security Law under R.S. 23:1471 et seq.
 9 **"Debt" shall not include any amount due for unpaid public elementary or**
 10 **secondary school student fees or for unpaid elementary or secondary school**
 11 **student fees for students enrolled in the Student Scholarships for Educational**
 12 **Excellence Program.**

13 * * *

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____