

Regular Session, 2012

HOUSE BILL NO. 534

BY REPRESENTATIVE ALFRED WILLIAMS

UNEMPLOYMENT COMP: Provides for the suspension of certain licenses to persons who owe overpayment obligations of unemployment compensation benefits

1 AN ACT

2 To amend and reenact R.S. 56:647(A) and (B) and to enact R.S. 23:1749.1 through 1749.8,  
3 relative to overdue unemployment compensation benefits overpayment obligations;  
4 to provide for the suspension of certain licenses while overpayment obligations are  
5 due; to provide definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1749.1 through 1749.8 are hereby enacted to read as follows:

8 §1749.1. Definitions

9 For purposes of R.S. 23:1749.1 through 1749.8, the following terms shall  
10 have the meaning ascribed to them in this Section:

11 (1) "License" means any license to fish or hunt in Louisiana.

12 (2) "Licensee" means any individual holding a license.

13 (3) "Licensing authority" means the Louisiana Department of Wildlife and  
14 Fisheries.

15 (4) "Obligor" means any individual legally obligated to repay an  
16 overpayment of unemployment compensation benefits who has failed to make  
17 required repayment for ninety or more days.

18 (5) "Overpayment" means a final determination issued pursuant to R.S.  
19 23:1713(A).

1           (6) "Suspension" means a temporary revocation of a license for an indefinite  
2           period of time or the denial of an application for issuance or renewal of a license.

3           §1749.2. Notice of overpayment delinquency; suspension of license

4           A. The commission may send by certified mail, return receipt requested, a  
5           notice of overpayment delinquency to an obligor informing the obligor of the  
6           commission's intention to submit his name to the licensing authority for suspension  
7           of his license. If an obligor holds multiple licenses, the commission may issue a  
8           single notice of its intention to submit multiple suspensions.

9           B. A notice of overpayment delinquency shall include all of the following:

10           (1) A summary of the obligor's right to file a written objection to the  
11           suspension of his license, including the time within which the objection shall be filed  
12           and the address where the objection shall be filed.

13           (2) A brief description of an administrative hearing and location of the  
14           hearing if the obligor timely files a written objection.

15           (3) The address and telephone number to which the obligor may respond.

16           (4) A statement of the amount of the past-due overpayment.

17           (5) A brief summary of all requirements the obligor shall meet to come into  
18           compliance or to forestall the suspension.

19           § 1749.3. Objection to suspension of license

20           A. Within twenty days after receipt of the notice of overpayment  
21           delinquency, the obligor may file a written objection with the commission requesting  
22           an administrative hearing to determine whether he is in compliance with the cited  
23           overpayment obligation.

24           B. If the obligor does not timely file a written objection or enter into a  
25           written agreement with the commission to make periodic payments on an  
26           overpayment, the commission shall certify that the obligor is noncompliant to the  
27           licensing authority for license suspension.

1        §1749.4. Administrative hearing

2                Upon receipt of a timely written objection, the commission shall conduct an  
3        administrative hearing in accordance with the procedures provided in R.S. 23:1629.

4        The hearing may be conducted by telephone or other electronic media. The sole  
5        issue at the administrative hearing shall be whether the obligor is in compliance with  
6        his obligation to repay an overpayment or whether the obligor has failed to make  
7        required repayment for more than ninety days. The obligor may appeal the decision  
8        issued by judicial review in accordance with the procedures provided in R.S.  
9        23:1634.

10       §1749.5. Certification of noncompliance

11               A. The commission may certify in writing to the licensing authority that a  
12        licensee is not in compliance with an overpayment obligation in the event of any of  
13        the following:

14               (1) The obligor has not timely filed an objection to the notice of  
15        overpayment delinquency and more than twenty days have passed after service of the  
16        notice of overpayment delinquency.

17               (2) The obligor has timely filed an objection to the notice of overpayment  
18        delinquency and an adverse decision or order was issued after the administrative  
19        hearing, rehearing, or judicial review and all legal delays have lapsed.

20       §1749.6. Suspension of license; notice of suspension from licensing authority

21               A. Within thirty days after receipt of a certification of noncompliance from  
22        the commission, the licensing authority shall suspend the license of all licensees  
23        named therein and notify each licensee that his license has been suspended because  
24        of noncompliance with an overpayment obligation.

25               B. The licensing authority shall specify a date of suspension, which date  
26        shall be within thirty days from the licensing authority's receipt of the certification  
27        of noncompliance and shall promptly issue a notice of suspension which shall  
28        include the following information:

1           (1) A notification that the license of the obligor has been suspended by  
2           administrative order for noncompliance with an overpayment obligation.

3           (2) A copy of the certification of noncompliance.

4           (3) The effective date of the suspension.

5           (4) A notification that the obligor shall obtain a compliance release from the  
6           commission to apply for reinstatement of a license.

7           (5) Any other information prescribed by the licensing authority.

8           §1749.7. Subsequent compliance with overpayment obligation; compliance releases

9           A. An obligor shall be considered to be in subsequent compliance with an  
10          overpayment obligation when all of the following occur:

11          (1) The obligor is up to date with all overpayment obligations.

12          (2) All past-due overpayment obligations have been paid or if the obligor  
13          agreed to a periodic payment schedule with the commission, the obligor has made  
14          timely periodic payments in accordance with the terms of that agreement for at least  
15          ninety days.

16          B. At the request of an obligor who is in subsequent compliance with  
17          Subsection A of this Section, the commission shall issue a compliance release  
18          certificate indicating that the obligor is eligible to have his license reissued.

19          §1749.8. Reissuance of license

20          The licensing authority shall issue, reissue, renew, or otherwise extend an  
21          obligor's license, in accordance with any applicable reinstatement fees or applicable  
22          rules, upon receipt of a certified copy of a compliance release from the commission.

23          Section 2. R.S. 56:647(A) and (B) are hereby amended and reenacted to read as  
24 follows:

25          §647. Suspension or denial of hunting and fishing license; failure to pay child  
26          support, ~~or individual income tax, or unemployment compensation~~  
27          ~~overpayment~~

28          A.(1) Regardless of the requirements for the issuance or renewal of a license  
29          pursuant to the provisions of this Chapter, all hunting and fishing licenses issued



Proposed law provides that the commission may notify an obligor by certified mail of an overpayment delinquency and the intention of the commission to submit the obligor's name to the licensing agency for a suspension of license.

Proposed law provides in the notice of delinquency, the commission shall also notify the obligor where he can file an objection of the suspension of his license, the amount the obligor owes, and what the obligor must do to bring himself into compliance.

Proposed law provides the procedure to the license suspension, which includes a written objection if the obligor wishes to object, an administrative hearing, a certification of noncompliance, and the suspension of the license.

Proposed law provides the time periods for the suspension and reinstatement of a license.

Proposed law provides that upon payment of any delinquencies, the commission shall issue a compliance release certificate which shall indicate that the obligor is eligible to have his license reissued.

Proposed law provides that the licensing authority shall issue, reissue, renew, or otherwise extend the obligor's license upon receipt of the compliance release certificate.

Present law (R.S. 56:647) provides for the suspension or denial of a hunting or fishing license for failure to pay child support or individual income tax.

Proposed law retains present law and further provides for the suspension or denial of a hunting or fishing license for failure to pay an unemployment compensation overpayment obligation.

(Amends R.S. 56:467; Adds R.S. 23:1749.1-1749.8)