

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 recreational 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 fraudulently obtained  
17 pursuant to R.S. 23:1601(8), who has failed to make required repayment for ninety  
18 or more days.

19 (5) "Overpayment" means a final determination issued pursuant to R.S.  
20 23:1713(A).

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

1        §1749.2. Notice of overpayment delinquency; suspension of license

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

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

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

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

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

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

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

17        §1749.3. Objection to suspension of license

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

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

26        §1749.4. Administrative hearing

27          Upon receipt of a timely written objection, the commission shall conduct an  
28       administrative hearing in accordance with the procedures provided in R.S. 23:1629.  
29       The hearing may be conducted by telephone or other electronic media. The sole

1 issue at the administrative hearing shall be whether the obligor is in compliance with  
2 his obligation to repay an overpayment or whether the obligor has failed to make  
3 required repayment for more than ninety days. The obligor may appeal the decision  
4 issued by judicial review in accordance with the procedures provided in R.S.  
5 23:1634.

6 §1749.5. Certification of noncompliance

7 The commission may certify electronically to the licensing authority that a  
8 licensee is not in compliance with an overpayment obligation in the event of any of  
9 the following:

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

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

16 §1749.6. Suspension of license

17 A. Within thirty days after receipt of a certification of noncompliance from  
18 the commission, the licensing authority shall suspend the license of all licensees  
19 named therein.

20 B. The licensing authority shall specify a date of suspension, which date  
21 shall be within thirty days from the licensing authority's receipt of the certification  
22 of noncompliance.

23 §1749.7. Subsequent compliance with overpayment obligation; compliance releases

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

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

27 (2) All past-due overpayment obligations have been paid or if the obligor  
28 agreed to a periodic payment schedule with the commission, the obligor has made

1 timely periodic payments in accordance with the terms of that agreement for at least  
2 ninety days.

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

6 §1749.8. Reissuance of license

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

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

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

15 A.(1) Regardless of the requirements for the issuance or renewal of a license  
16 pursuant to the provisions of this Chapter, all hunting and fishing licenses issued  
17 pursuant to this Chapter are also subject to the provisions of R.S. 9:315.30 et seq.,  
18 suspension of license for nonpayment of child support and R.S. 23:1749.1 et seq.,  
19 suspension of license for nonpayment of unemployment compensation overpayment.

20 (2) The Department of Wildlife and Fisheries shall adopt rules and  
21 regulations in accordance with the provisions of the Administrative Procedure Act  
22 to effectuate the orderly and expeditious suspension and reissuance of hunting and  
23 fishing licenses in accordance with R.S. 9:315.30 et seq. and R.S. 23:1749.1 et seq.

24 B.(1) Regardless of the requirements for the issuance or renewal of a license  
25 pursuant to the provisions of this Chapter, all recreational hunting and fishing  
26 licenses issued pursuant to this Chapter are also subject to the provisions of R.S.  
27 9:315.40 et seq., revocation of license for nonpayment of child support and R.S.  
28 23:1749.1 et seq., suspension of license for nonpayment of unemployment  
29 compensation overpayment.



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 recreational hunting or fishing license for failure to pay an unemployment compensation overpayment obligation.

(Amends R.S. 56:647(A) and (B); Adds R.S. 23:1749.1-1749.8)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill.

1. Clarified that proposed law shall apply to licenses issued to fish or hunt recreationally.
2. Provided that an obligor is an individual obligated to repay an overpayment of unemployment compensation obtained fraudulently.
3. Provided that the certification of noncompliance and the compliance release certificate may be issued electronically and deletes the option to issue them in writing.
4. Deleted the requirement that each licensee be notified that his license has been suspended.
5. Deleted the requirement that the licensing authority issue a notice of suspension.