

Regular Session, 2012

HOUSE BILL NO. 534

BY REPRESENTATIVE ALFRED WILLIAMS

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.

23 §1749.2. Notice of overpayment delinquency; suspension of license

24 A. The commission may send by certified mail, return receipt requested, a  
25 notice of overpayment delinquency to an obligor informing the obligor of the

1 commission's intention to submit his name to the licensing authority for suspension  
2 of his license. If an obligor holds multiple licenses, the commission may issue a  
3 single notice of its intention to submit multiple suspensions.

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

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

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

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

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

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

14 §1749.3. Objection to suspension of license

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

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

23 §1749.4. Administrative hearing

24 Upon receipt of a timely written objection, the commission shall conduct an  
25 administrative hearing in accordance with the procedures provided in R.S. 23:1629.  
26 The hearing may be conducted by telephone or other electronic media. The sole  
27 issue at the administrative hearing shall be whether the obligor is in compliance with  
28 his obligation to repay an overpayment or whether the obligor has failed to make  
29 required repayment for more than ninety days. The obligor may appeal the decision

1        issued by judicial review in accordance with the procedures provided in R.S.  
2        23:1634.

3        §1749.5. Certification of noncompliance

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

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

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

13        §1749.6. Suspension of license

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

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

20        §1749.7. Subsequent compliance with overpayment obligation; compliance releases

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

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

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

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

1           §1749.8. Reissuance of license

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

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

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

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

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

19           B.(1) Regardless of the requirements for the issuance or renewal of a license  
20           pursuant to the provisions of this Chapter, all recreational hunting and fishing  
21           licenses issued pursuant to this Chapter are also subject to the provisions of R.S.  
22           9:315.40 et seq., revocation of license for nonpayment of child support and R.S.  
23           23:1749.1 et seq., suspension of license for nonpayment of unemployment  
24           compensation overpayment.

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PRESIDENT OF THE SENATE

APPROVED: \_\_\_\_\_