

JOHN BEL EDWARDS
GOVERNOR



THOMAS F. HARRIS
SECRETARY

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE SECRETARY

January 8, 2018

Senator John A. Alario, Jr., President
Senator Norbert N. "Norby" Chabert,
Chairman-Senate Natural Resources Committee
Representative Taylor F. Barras, Speaker
Representative Stuart J. Bishop, Sr.,
Chairman-House Natural Resources and Environment Committee

via statutorily required e-mail

**RE: Proposed promulgation of LAC 43:I.133
Debts owed to the Department of Natural Resources
Post-public Hearing and Public Comment Report**

Dear President Alario, Chairman Chabert, Speaker Barras, and Chairman Bishop,

The following report regarding the proposed promulgation of LAC 43:I.133 is submitted to you in accordance with R.S. 49:968(D)(1)(b). The Department of Natural Resources ("DNR"), pursuant to the power delegated under La. R.S. 36:353, proposes to promulgate a new section 133 of Title 43, Part I, Chapter 1 of the Louisiana Administrative Code, concerning certain debts owed to the department. DNR previously submitted reports to you on this proposed rule in accordance with La. R.S. 36:353 (B) & (C). Since that time, DNR held a public hearing on December 27, 2017 to receive public comments and testimony on the proposed regulation. Similarly, interested parties were given until December 29, 2017 to provide written comments to DNR. This report (1) summarizes all testimony at the public hearing conducted pursuant to La. R.S. 49:953(A)(2); (2) summarizes all comments received by DNR, DNR's responses to the comments, and DNR's proposed action resulting from the comments received; (3) any revisions to the proposed rule; and (4) a concise statement of the principal reasons for and against adoption of any suggested amendments or changes to the proposed rule.

1. A summary of all testimony at any hearing conducted pursuant to La. R.S. 49:953(A)(2). See La. R.S. 49:968(D)(1)(b)(i).

DNR held a public hearing in accordance with La. R.S. 49:953(A)(2) on December 27, 2017. No testimony was received at this hearing.

2. A summary of all comments received by the agency, a copy of the agency's response to the summarized comments, and a statement of any tentative or proposed action of the

**Proposed Promulgation of LAC 43:I.133
Debts Owed to the Department of Natural Resources**

No comments were received by DNR regarding the proposed rule promulgation and therefore DNR made no response to comments nor does DNR plan to undertake any action based on comments.

3. A revision of the proposed rule if any changes to the rule have been made since the report provided for in subsection B of this Section was submitted, or a statement that no changes have been made. *See La. R.S. 49:968(D)(1)(b)(iii).*

No change has been made to the proposed rule since the report provided for in La. R.S. 49:968(B) was submitted.

4. A concise statement of the principal reasons for and against adoption of any amendment or changes suggested. *See La. R.S. 49:968(D)(1)(b)(iv).*

No adoption of any amendment or changes to the proposed rule promulgation set forth in the reports submitted under La. R.S. 49:968(B) is planned. The proposed rule published as a Notice of Intent in the November 20, 2017 State Register is planned to be finalized by publication in the February 20, 2017 State Register. Promulgation of this proposed rule is supported by the need for clarity in the law and process to be utilized by DNR in invoicing and collecting debts owed the agency. La. R.S. 47:1676 requires that "final" debts owed to a State agency be forwarded to the Louisiana Office of Debt Recovery for collection activities. Existing statutes and regulations are unclear when certain debts owed to DNR become final in the event that they are neither paid nor legally challenged. The proposed rule establishes an administrative hearing process by which persons can challenge owing DNR debts they have been invoiced. The proposed rule further sets forth a sixty-day deadline by which these types of debts shall either be paid or challenged. The failure of a party to either challenge or pay a debt invoiced by DNR to them within this sixty-day time period, shall result in the debt becoming "final" and forwarded to the Louisiana Office of Debt Recovery for debt collection activities.

Please contact me or my executive counsel, Blake Canfield, at (225) 342-2710, if you have any questions or require additional information regarding this matter.

Yours very truly,



Thomas F. Harris
Secretary