

SPARTA

Ground Water Commission

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Ruston, LA 71272

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September 14, 2017

Richard P. Ieyoub, Commissioner
Office of Conservation,
Department of Natural Resources
State of Louisiana
P.O. Box 94275
Baton Rouge, Louisiana 70708-9275

Re: Your letter of August 31, 2017, Draft Guidance form and checklist

Dear Commissioner Ieyoub,

I have received your letter of August 31 transmitting a draft of the proposed guidance form and checklist for complying with the requirements of Act 435 of 2017. Thank you for providing this information.

I must let you know that I feel you have not been served well by your staff. I infer from the second paragraph of your letter that your staff has chosen to ignore the requirements of Louisiana Revised Statutes 49:953. As I understand the state law, this is the procedure for adopting rules.

I have extracted the major headings of the law should you wish to require your staff to further investigate the requirements for adopting a rule. The headings follow:

“A. Prior to the adoption, amendment, or repeal of any rule, the agency shall:”

“(1) Give notice of its intended action and a copy of the proposed rules at least ninety days prior to taking action on the rule.”

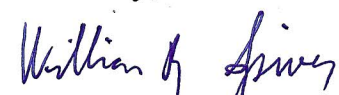
“(2) Afford all interested persons reasonable opportunity to submit data, views, comments, or arguments, orally or in writing. In case of substantive rules, opportunity for oral presentation or argument must be granted if requested within twenty days after publication of the rule as provided in this Subsection, by twenty-five persons, by a governmental subdivision or agency, by an association having not less than twenty-five members, or by a committee of either house of the legislature to which the proposed rule change has been referred under the provisions of R.S. 49:968”

“(3) For the purposes of this Subsection, the statement of fiscal impact shall be prepared by the proposing agency and submitted to the Legislative Fiscal Office for its approval. Such fiscal impact statement shall include a statement of the receipt, expenditure, or allocation of state funds or funds of any political subdivision of the state.”

My fellow Sparta Groundwater commissioners and I have discussed the draft guidance form with our legislators, The Honorable Gene Reynolds and the Honorable Rob Shadoin. We are all in agreement as to the necessity of following the requirements of RS 49:953 when promulgating rules implementing the requirements of Act 435 of 2017.

We will be waiting for the formal notice of proposed rulemaking.

Sincerely,



William Z. Spivey, P.E. Retired
Chairman, Sparta Groundwater Conservation District