

2018 Regular Session

HOUSE BILL NO. 430

BY REPRESENTATIVE SHADOIN

WATER/RESOURCES: Provides for the Sparta Groundwater Conservation District

1 AN ACT

2 To amend and reenact R.S. 38:3087.134(A) and 3087.136 and to enact R.S. 38:3087.133(9)  
3 and (10), 3087.138, and 3087.139, relative to the Sparta Groundwater Conservation  
4 District; to provide for the membership of the board of commissioners; to provide  
5 for the powers of the board; to provide relative to the adoption and enforcement of  
6 groundwater conservation laws, rules, regulations, and orders; to provide for  
7 administrative procedures; to provide for the assessment of certain pumping charges  
8 and metering fees; to provide relative to violations and penalties; and to provide for  
9 related matters.

10 Notice of intention to introduce this Act has been published  
11 as provided by Article III, Section 13 of the Constitution of  
12 Louisiana.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 38:3087.134(A) and 3087.136 are hereby amended and reenacted and  
15 R.S. 38:3087.133(9) and (10), 3087.138, and 3087.139 are hereby enacted to read as follows:

16 §3087.133. Definitions

17 Unless the context otherwise requires, the following terms shall have the  
18 following meanings for purposes of this Part:

19 \* \* \*

1           (9) "Major use parish" means any parish within the district with either a  
2           majority of the parish's geographic area providing access to the Sparta aquifer or  
3           usage from within the parish equal to or greater than the median usage of water from  
4           the Sparta aquifer of the parishes within the district based on the latest data supplied  
5           by the United States Geological Survey. Any membership change based on such  
6           data shall not take effect until the end of the affected member's term.

7           (10) "Minor use parish" means any parish within the district that is not  
8           classified as a major parish.

9           §3087.134. Board of commissioners; tenure; replacement; compensation

10           A. The board of commissioners for the district shall consist of ~~nineteen~~ the  
11           following voting members commissioned by the governor ~~as follows~~:

12           (1) One member each from the major use parishes ~~of Bienville, Claiborne,~~  
13           ~~Jackson, Lincoln, Morehouse, Ouachita, Union, Webster, and Winn, respectively.~~

14           The governor shall designate the term of office for each member appointed pursuant  
15           to this Subparagraph so that, insofar as possible, one-third of the initial members  
16           shall serve a one-year term, one-third a two-year term, and one-third a three-year  
17           term.

18           (2) One member, to serve a ~~one-year~~ three-year term, from ~~one of a list of~~  
19           three persons nominated by the following minor use parishes: ~~Bossier, Caddo,~~  
20           ~~Caldwell, LaSalle, Natchitoches, Richland, and Sabine. The parish nominating the~~  
21           ~~member shall be on a rotating basis in the order listed herein.~~

22           (3) ~~Three members from the nominees of the user groups of wood product~~  
23           ~~industry users, agricultural users, and other industrial users, respectively, in the~~  
24           ~~district commissioned in such manner that the wood products industry, agriculture,~~  
25           ~~and other industries are each represented by one member. One member nominated~~  
26           by the Louisiana Pulp and Paper Association from mills utilizing resources from the  
27           Sparta aquifer.

28           (4) One member nominated by the Louisiana Farm Bureau.

29           (5) One member nominated by the Louisiana Poultry Federation.

1           (6) One member from a list of three persons nominated by the Louisiana  
 2           Mid-Continent Oil and Gas Association and the Louisiana Oil and Gas Association.  
 3           The governor shall designate the term of office for each member appointed pursuant  
 4           to this Paragraph and Paragraphs 3, 4, and 5 of this Subsection so that one member  
 5           shall serve a one-year term, ~~one~~ two shall serve for a two-year term, and one shall  
 6           serve a three-year term.

7           ~~(4)~~ (7) Six members from the nominees of each of the six municipalities  
 8           within the district which have a minimum use of five hundred thousand gallons per  
 9           day and have the greatest six populations, based on the latest data provided by the  
 10          United States Geological Survey and the latest federal decennial census. Any  
 11          membership change based on such data shall not take effect until the end of the  
 12          affected member's term. The governor shall designate the term of office for each  
 13          member commissioned pursuant to this Paragraph so that one member shall serve a  
 14          one-year term, one member shall serve a two-year term, and one member shall serve  
 15          a three-year term.

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§3087.136. Powers of the board

18           The board shall ~~conduct a study and survey of the groundwater resources in~~  
 19          ~~the district, including but not limited to consideration of what is necessary or~~  
 20          ~~advisable to conserve groundwater resources and where appropriate, prevent or~~  
 21          ~~alleviate damaging or potentially damaging drawdowns, land surface subsidence, and~~  
 22          ~~groundwater quality degradation~~ have the authority to do all things necessary to  
 23          prevent waste of groundwater resources, and to prevent or alleviate damaging or  
 24          potentially damaging subsidence of the land surface caused by withdrawal of  
 25          groundwater within the district. For this purpose, the board shall hold hearings and  
 26          may:

27           (1) Establish groundwater use priorities under conditions supported by  
 28          research data that indicates depletion of water.

1           (2) Assess against all users within the district either a fee on each meter  
 2           installed or a charge based on the annual rate of use of each user. A user may be  
 3           charged either a metering fee or a pumping charge, but not both. Such charges shall  
 4           be uniform as to all users and sufficient to meet costs and expenses of operation.  
 5           Charges based on rate of use shall be assessed on the basis of units of water used,  
 6           whether using a cubic, acre-foot, or other unit, and without distinctions or  
 7           graduations as to total amounts of water produced by individual users or classes of  
 8           users. Further, such charges shall be assessed and the income generated from the  
 9           assessment shall be used only to defray the costs and expenses of conservation  
 10           measures. The board shall make every effort to reduce expenses in order to keep  
 11           fees and charges to a minimum.

12           (3) Cooperate with and enter into contracts or cooperative agreements with  
 13           other governmental units and agencies of this state, with governments and agencies  
 14           of other states and of the United States, and with private agencies or other  
 15           groundwater conservation districts for the achievement of the purposes of this Part.

16           ~~(2)~~ (4) Receive and expend funds from any source, public or private, for the  
 17           achievement of the purposes of this Part.

18           (5) Receive grants and enter into contracts for groundwater resource  
 19           development.

20           (6) Conduct studies and investigations of all problems concerning  
 21           groundwater resources of the district.

22           ~~(3)~~ (7) Hire such personnel and retain such consultants as shall be reasonably  
 23           necessary to the performance of its functions. Personnel from other agencies shall  
 24           be used wherever practical and possible.

25           (8) After notice and hearing, adopt and enforce reasonable rules, regulations,  
 26           or orders necessary from time to time to achieve the purposes and powers granted  
 27           pursuant to this Part, and such rules, regulations, and orders shall be effective and  
 28           enforceable immediately upon promulgation in the official journal of each parish  
 29           affected.



1 penalty of not more than one thousand dollars a day for each day of violation and for  
2 each act of violation.

3 C. At the option of the board, a suit to recover penalties pursuant to this  
4 Section may be instituted in the district court of the parish of the residence of any  
5 one of the defendants or in the district court of the parish where the violation  
6 occurred.

7 D. Suit shall be at the direction of the board and shall be instituted and  
8 conducted in its name by the attorney general or by the appropriate district attorney  
9 of the district under the direction of the attorney general.

10 E. Any person filing or maintaining a false public record or injuring a public  
11 record in violation of R.S. 14:132 and 133 associated with any requirement or duty  
12 pursuant to this Part may be prosecuted by the appropriate district attorney.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 430 Original

2018 Regular Session

Shadoin

**Abstract:** Provides for the membership, duties, and power of the board of commissioners of the Sparta Groundwater Conservation District.

Present law creates the Sparta Groundwater Conservation District to study and survey the use of the Sparta aquifer and how to provide for the efficient administration, conservation, and orderly development of groundwater resources in the parishes of Bienville, Bossier, Caddo, Caldwell, Claiborne, Jackson, LaSalle, Lincoln, Morehouse, Natchitoches, Ouachita, Richland, Sabine, Union, Webster, and Winn.

Present law creates the board of commissioners to be commissioned by the governor. The 19 voting members of the board are as follows:

- (1) Nine members, consisting of one member from each of the parishes of Bienville, Claiborne, Jackson, Lincoln, Morehouse, Ouachita, Union, Webster, and Winn.
- (2) One member from one of the parishes of Bossier, Caddo, Caldwell, LaSalle, Natchitoches, Richland, and Sabine, to serve on a rotating basis.
- (3) Three members from the nominees of user groups of wood product industry users, agricultural users, and other industrial users.
- (4) Six members from the municipalities within the district which have a minimum use of 500,000 gallons per day.

Proposed law changes the membership of the board as follows:

- (1) Changes from a member each from each of the nine listed parishes to each major use parish having a member each. Defines a "major use parish" as any parish within the district with either a majority of the parish's geographic area providing access to the Sparta aquifer or usage from within the parish equal to or greater than the median usage of water from the Sparta aquifer of the parishes within the district based on the latest data supplied by the U.S. Geological Survey (USGS).
- (2) Changes from one member serving a one-year term from the listed parishes on a rotating basis to one member serving a three-year term from a list of three persons nominated by the minor use parishes. Defines a "minor use parish" as any parish in the district that is not a major use parish.
- (3) Changes from three members from the nominees of user groups of wood product industry users, agricultural users, and other industrial users to one member nominated by the La. Pulp and Paper Association from a mill using the Sparta aquifer, one member nominated by the La. Farm Bureau, and one member nominated by the La. Poultry Federation.
- (4) Adds one member from a list of three nominated by the La. Mid-Continent Oil and Gas Association and the La. Oil and Gas Association.
- (5) Changes from six members from the nominees of municipalities in the district which have a minimum of 500,000 gallons per day (gpd) to six members from the nominees of each of the six municipalities that use a minimum of 500,000 gpd and have the largest population.

Proposed law provides that any membership change based on USGS or census data will not change until the end of the affected member's term.

Present law further provides for the following non-voting members:

- (1) The secretary of the Dept. of Environmental Quality or his designee.
- (2) The commissioner of the Dept. of Agriculture and Forestry or his designee.
- (3) A representative of the USGS.
- (4) The secretary of the Dept. of Wildlife and Fisheries or his designee.
- (5) The secretary of the Dept. of Natural Resources or his designee.
- (6) A representative of the La. Rural Water Association.
- (7) A representative of the La. Cattlemen's Association.
- (8) A representative of the La. Farm Bureau Federation.
- (9) Each senator whose senatorial district includes any portion of any parish included within the district or his designee.
- (10) Each member of the House of Representatives whose representative district includes any portion of any parish included within the district or his designee.
- (11) One or more representatives of industrial users of the groundwater appointed by the board to serve at its pleasure.

- (12) The secretary of La. Dept. of Health.
- (13) A representative from each university located within the district.

Proposed law retains present law.

Present law provides for the powers of the board. Requires the board to conduct a study and survey of the groundwater resources in the district. Requires the board to hold hearings. Authorizes the board to cooperate with and enter into agreements with other governmental units and agencies of this state, other states, and with private agencies or other groundwater conservation districts to achieve these purposes. Authorizes the board to receive and expend funds from any source, public or private, to achieve these purposes. Authorizes the board to hire personnel and retain consultants as reasonably necessary and to consult with the commissioner of conservation.

Proposed law adds to the board's powers by authorizing the following:

- (1) To do all things necessary to prevent waste of groundwater resources, and to prevent or alleviate damaging or potentially damaging subsidence of the land surface caused by withdrawal of groundwater within the district.
- (2) Establishing groundwater use priorities under conditions supported by research data that indicates depletion of water.
- (3) Assess against all users within the district either a fee on each meter installed or a charge based on the annual rate of use of each user. A user may be charged either a metering fee or a pumping charge, but not both.
- (4) Receive grants and enter into contracts for groundwater resource development.
- (5) Conduct studies and investigations of all problems concerning groundwater resources of the district.
- (6) After notice and hearing, adopt and enforce reasonable rules, regulations, or orders necessary from time to time.

Proposed law requires that the meter fee or pumping charge be uniform as to all users and sufficient to meet costs and expenses of operation. Specifies that charges based on rate of use will be assessed on the basis of units of water used without distinctions as the relative usage compared to other users.

Proposed law requires any income from charges assessed be used only to defray the costs and expenses of conservation measures. Further requires the board to make every effort to reduce expenses in order to keep fees and charges to a minimum.

Proposed law requires any metering fee or pumping charge assessed be fixed annually upon at least 30 days notice to each user within the district and general notice by publication. Further requires a public hearing held for the purpose of fixing the metering fee or pumping charges with an opportunity for the submission of data and testimony prior to a rate increase.

Proposed law requires any user intending to make a presentation at the hearing to consider an assessment of pumping charges to advise the board at least five days in advance.

Proposed law provides that any person who knowingly and willfully violates, or aids or abets a person in the violation of any groundwater conservation laws, regulations, rules, or orders is subject to a civil penalty of not more than \$1,000 for each day of violation and for each act of violation. Provides that such enforcement actions are to be brought at the option of the board in the district court of the parish of residence of any one of the defendants or where



the violation occurred. Further provides that such suits are to be brought at the direction of the board by the attorney general or the district attorney of the parish under the direction of the attorney general.

Proposed law provides that any person filing or maintaining a false public record or injuring a public record in violation of present law may be prosecuted by the appropriate district attorney.

(Amends R.S. 38:3087.134(A) and 3087.136; Adds R.S. 38:3087.133(9) and (10), 3087.138, and 3087.139)