

Regular Session, 2013

SENATE BILL NO. 203

BY SENATOR CLAITOR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WATER/WATERWAYS. Establishes withdrawal limits on the use of groundwater.  
(8/1/13)

1 AN ACT

2 To amend and reenact R.S. 30:4(L) and R.S. 38:3097.3(F) and to enact R.S. 30:4(M) and

3 R.S. 38:3097.3(G), relative to water; to provide relative to duties pursuant to Article

4 IX, Section 1 of the Constitution of Louisiana; to establish withdrawal limits on the

5 use of groundwater; to provide certain restrictions; to provide terms, conditions and

6 requirements; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:4(L) is hereby amended and reenacted and R.S. 30:4(M) is hereby  
9 enacted to read as follows:

10 §4. Jurisdiction, duties, and powers of the assistant secretary; rules and regulations

11 \* \* \*

12 L.(1) Article IX, Section 1 of the Constitution of Louisiana mandates that

13 the legislature shall enact laws to protect, conserve and replenish the natural

14 resources of the state, specifically water. The legislature must ensure that the

15 groundwater of the state is conserved and replenished for future generations.

16 In order to accomplish this constitutional requirement, the legislature must be

17 diligent in enacting legislation that will accomplish the purposes of the

1 constitutional requirement. For these reasons, the provisions of this Paragraph  
2 shall be known and may be cited as the "Constitution of Louisiana Article IX,  
3 Section 1 Water Policy Enforcement Act of 2013".

4 (2)(a) From August 1, 2013, to July 31, 2014, the commissioner shall not  
5 authorize, issue or reissue any permit which allows the use or withdrawal of  
6 forty million gallons or more of groundwater per day.

7 (b) From August 1, 2014, to July 31, 2015, the commissioner shall not  
8 authorize, issue or reissue any permit which allows the use or withdrawal of  
9 thirty-five million gallons or more of groundwater per day.

10 (c) From August 1, 2015, to July 31, 2016, the commissioner shall not  
11 authorize, issue or reissue any permit which allows the use or withdrawal of  
12 thirty million gallons or more of groundwater per day.

13 (d) From August 1, 2016, to July 31, 2017, the commissioner shall not  
14 authorize, issue or reissue any permit which allows the use or withdrawal of  
15 twenty-five million gallons or more of groundwater per day.

16 (e) Beginning August 1, 2017, the commissioner shall not authorize, issue  
17 or reissue any permit which allows the use or withdrawal of twenty million  
18 gallons or more of groundwater per day.

19 (3) The provisions of Paragraph (L)(2) of this Section shall not apply to  
20 agricultural or residential uses.

21 M. (1) The commissioner shall make, after notice and hearings as provided  
22 in this Chapter, any reasonable rules, regulations, and orders that are necessary to  
23 require the operator of a well, which utilizes the application of fluids with force or  
24 pressure in order to create artificial fractures in the formation for the purpose of  
25 improving the capacity to produce hydrocarbons, to report no later than twenty days  
26 following the completion of hydraulic fracturing stimulation operations and in a  
27 manner determined by the commissioner the following:

28 \* \* \*

29 Section 2. R.S. 38:3097.3(F) is hereby amended and reenacted and R.S.

1 38:3097.3(G) is hereby enacted to read as follows:

2 §3097.3. Commissioner of conservation; powers and duties

3 \* \* \*

4 **F.(1) Article IX, Section 1 of the Constitution of Louisiana mandates that**  
5 **the legislature shall enact laws to protect, conserve and replenish the natural**  
6 **resources of the state, specifically water. The legislature must ensure that the**  
7 **groundwater of the state is conserved and replenished for future generations.**  
8 **In order to accomplish this constitutional requirement, the legislature must be**  
9 **diligent in enacting legislation that will accomplish the purposes of the**  
10 **constitutional requirement. For these reasons, the provisions of this Subsection**  
11 **shall be known and may be cited as the "Constitution of Louisiana Article IX,**  
12 **Section 1 Water Policy Enforcement Act of 2013".**

13 **(2)(a) From August 1, 2013, to July 31, 2014, the commissioner shall not**  
14 **authorize, issue or reissue any permit which allows the use or withdrawal of**  
15 **forty million gallons or more of groundwater per day.**

16 **(b) From August 1, 2014, to July 31, 2015, the commissioner shall not**  
17 **authorize, issue or reissue any permit which allows the use or withdrawal of**  
18 **thirty-five million gallons or more of groundwater per day.**

19 **(c) From August 1, 2015, to July 31, 2016, the commissioner shall not**  
20 **authorize, issue or reissue any permit which allows the use or withdrawal of**  
21 **thirty million gallons or more of groundwater per day.**

22 **(d) From August 1, 2016, to July 31, 2017, the commissioner shall not**  
23 **authorize, issue or reissue any permit which allows the use or withdrawal of**  
24 **twenty-five million gallons or more of groundwater per day.**

25 **(e) Beginning August 1, 2017, the commissioner shall not authorize, issue**  
26 **or reissue any permit which allows the use or withdrawal of twenty million**  
27 **gallons or more of groundwater per day.**

28 **(3) The provisions of Paragraph (F)(2) of this Section shall not apply to**  
29 **agricultural or residential uses.**

1                    G.(1) The commissioner, upon determining that a violation of Chapters 13-A,  
2                    13-A-1, or 13-B of this Title or the regulations adopted thereunder has occurred, may  
3                    impose a civil penalty as provided in this Chapter. Additionally, upon determining  
4                    that a violation of Chapters 13-A, 13-A-1, or 13-B of this Title or the rules and  
5                    regulations made pursuant to Chapters 13-A, 13-A-1, or 13-B of this Title has  
6                    occurred, the commissioner may issue an order requiring compliance. Any such  
7                    order shall state, with reasonable specificity, the nature of the violation, any  
8                    cessation of activities or affirmative operations required to achieve compliance, and  
9                    a time limit within which compliance with the order must be achieved.  
10                   Noncompliance with any such order to comply shall constitute a violation of  
11                   Chapters 13-A, 13-A-1, or 13-B of this Title, and the commissioner may impose a  
12                   civil penalty for such violation. Any person subjected to a civil penalty shall have the  
13                   right to a public hearing if requested in writing, which written request shall suspend  
14                   the imposition of penalty until final action is taken by the commissioner.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by J. W. Wiley.

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#### DIGEST

Proposed law provides for certain groundwater restrictions as follows:

- (1) From August 1, 2013, to July 31, 2014, the commissioner must not authorize, issue or re-issue any permit which allows the use or withdrawal of 40 million gallons or more of groundwater per day.
- (2) From August 1, 2014, to July 31, 2015, the commissioner must not authorize, issue or re-issue any permit which allows the use or withdrawal of 35 million gallons or more of groundwater per day.
- (3) From August 1, 2015, to July 31, 2016, the commissioner must not authorize, issue or re-issue any permit which allows the use or withdrawal of 30 million gallons or more of groundwater per day.
- (4) From August 1, 2016, to July 31, 2017, the commissioner must not authorize, issue or re-issue any permit which allows the use or withdrawal of 25 million gallons or more of groundwater per day.
- (5) Beginning August 1, 2017, the commissioner must not authorize, issue or re-issue any permit which allows the use or withdrawal of 20 million gallons or more of groundwater per day.

Proposed law exempts agricultural or residential uses from proposed law.

Effective August 1, 2013.

(Amends R.S. 30:4(L) and R.S. 38:3097.3(F); adds R.S. 30:4(M) and R.S. 38:3097.3(G))