HLS 22RS-3874 ORIGINAL

2022 Regular Session

1

HOUSE STUDY REQUEST NO. 1

BY REPRESENTATIVE DAVIS

WATER/RESOURCES: Request a study of the ethical governance and membership needs of the Capital Area Groundwater Conservation District

A STUDY REQUEST

2	To the House Committee on Natural Resources and Environment to study the ethical
3	governance and membership needs of the Capital Area Groundwater Conservation
4	District and to report its findings to the House of Representatives prior to the
5	convening of the 2023 Regular Session of the Legislature of Louisiana.
6	WHEREAS, a May 9, 2019, Louisiana Legislative Auditor's Report, titled
7	"Regulation of Groundwater Resources, Greater Baton Rouge Area, Capital Area
8	Groundwater Conservation Commission", (the report) concluded that the Capital Area
9	Groundwater Conservation Commission (the commission) does not effectively regulate the
10	withdrawal of water from the Southern Hills Aquifer to reduce saltwater encroachment in
11	order to sustain the supply of fresh water in the aquifer; and
12	WHEREAS, the report found that, for the two thousand two hundred fifty-five out
13	of two thousand six hundred wells under its jurisdiction, the commission lacked the data
14	necessary to determine how much water those two thousand two hundred fifty-five wells
15	were pumping on a daily basis; and
16	WHEREAS, the report found that the commission relies on self-reported production
17	amounts when assessing fees on well owners but fails to conduct inspections to verify the
18	reported amounts; and
19	WHEREAS, the report found that the commission neither charges fees for issuing
20	permits nor imposes penalties on well owners who drill wells before obtaining permits; and

1	WHEREAS, the report found that the commission failed to begin regulating or
2	collecting fees from wells located in Ascension Parish more than one year after adding that
3	parish to its district in 2018, and further exceeded its statutory limit of seventeen commission
4	members when the commissioner from the newly added Ascension Parish became its
5	eighteenth commissioner; and
6	WHEREAS, R.S. 38:3074(A)(6) specifies that one member of the board of
7	commissioners of the commission shall be appointed from nominations by the Louisiana
8	Farm Bureau Federation and the Louisiana Cattlemen's Association despite the fact that R.S.
9	38:3076(D) prohibits the district from exercising any regulatory authority over wells from
10	which the production is used exclusively for bona fide agricultural or horticultural purposes;
11	and
12	WHEREAS, notwithstanding the addition of Ascension Parish to the district in 2018,
13	there remain at least two parishes that have not been added to the district where substantial
14	quantities of Southern Hills Aquifer groundwater are withdrawn from the aquifer by wells
15	drilled by entities which the district is statutorily authorized to regulate; and
16	WHEREAS, the Southern Hills Aquifer extends under St. Helena, Livingston,
17	Tangipahoa, Washington, and St. Tammany Parishes, and these areas are significant to the
18	health and well-being of the aquifer as they are the aquifer's recharge areas; and
19	WHEREAS, these five parishes are currently not within the district; and
20	WHEREAS, the report found that some commission members receive salaries or
21	benefits from entities that are regulated by the commission, in possible violation of state law;
22	and
23	WHEREAS, in response to this finding in the report, the Board of Ethics commenced
24	a formal inquiry into potential conflicts of interest by several members of the commission;
25	and
26	WHEREAS, in response to the commencement of that conflict-of-interest inquiry by
27	the Board of Ethics, in the 2021 Regular Session, Senator Mack "Bodi" White authored
28	Senate Bill 203 which passed both houses and was subsequently vetoed by the governor; and
29	WHEREAS, Senate Bill 203 of the 2021 Regular Session sought to and Senate Bill
30	197 of the 2022 Regular Session seeks to add a new exception, R.S. 42:1123(47), to the

1	Code of Government Ethics, to explicitly permit individuals to serve as members of the
2	board of commissioners of a groundwater district who are nominated by an industrial user
3	or a privately owned entity that furnishes water for rural or municipal use within the district
4	and who, at the time of their nomination, are employed by or rendering compensated
5	services to or participating in transactions with their nominating entity; and
6	WHEREAS, during a 2021 legislative committee hearing on Senate Bill 203, Senator
7	White asserted both that the district required the expertise of commissioners who were
8	familiar with the production processes and water needs of the industrial users by whom they
9	were both nominated and employed while serving as commissioners and that they could not
10	exercise undue influence over other commissioners because they constituted only three out
11	of the eighteen commissioners; and
12	WHEREAS, the commission can benefit from any necessary industry-specific
13	expertise by simply calling relevant, knowledgeable, and current industrial user-employees
14	as expert witnesses in the course of commission proceedings without compromising the
15	integrity of the commission by creating actual conflicts of interest based upon their service
16	as industry employed and appointed commissioners; and
17	WHEREAS, during the 2022 Regular Session, Senate Bill 197 passed the Senate by
18	a vote of 36-0 and is pending House final passage.
19	THEREFORE, the House of Representatives of the Legislature of Louisiana requests
20	the House Committee on Natural Resources and Environment to study the ethical
21	governance and membership needs of the Capital Area Groundwater Conservation District
22	and to report its findings to the House of Representatives prior to the convening of the 2023
23	Regular Session of the Legislature of Louisiana.

DIGEST

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HSR 1 Original

2022 Regular Session

Davis

Requests the House Committee on Natural Resources and Environment to study the ethical governance and membership needs of the Capital Area Groundwater Conservation District and to report its findings to the House of Representatives prior to the convening of the 2023 R.S.