

Regular Session, 2014

HOUSE BILL NO. 793

BY REPRESENTATIVE ST. GERMAIN

WATER/RESOURCES: Provides for the membership of the Capital Area Groundwater Commission

1 AN ACT

2 To amend and reenact R.S. 38:3074(A), (B)(3), (4), and (5), (C), and (D)(introductory
3 paragraph), to enact R.S. 38:3073(14), and to repeal R.S. 38:3074(D)(1) through (9)
4 and Act No. 177 of the 2013 Regular Session of the Legislature, relative to the
5 Capital Area Groundwater Conservation District; to provide for the membership and
6 terms of the board of commissioners; to provide for vacancies; and to provide for
7 related matters.

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 38:3074(A), (B)(3), (4), and (5), (C), and (D)(introductory
13 paragraph) are hereby amended and reenacted and R.S. 38:3073(14) is hereby enacted to
14 read as follows:

15 §3073. Definitions

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

18 * * *

19 (14) "Department of Public Works" means the department of public works
20 of the city of Baton Rouge.

1 §3074. Board of commissioners; appointments; tenure; replacement; compensation

2 A. The board of commissioners shall consist of fifteen members who shall
3 be appointed ~~and commissioned~~ by the governor. Each appointment by the governor
4 shall be submitted to the Senate for confirmation. The ~~following~~ members shall be
5 appointed ~~and commissioned within ninety days after the effective date of this Part~~
6 as follows:

7 (1) One member ~~each~~ shall be appointed from ~~the parishes~~ each parish
8 composing the district; with the ~~nominee~~ representative of each parish to be
9 nominated by the governing authority of such parish.

10 (2) Three members shall be appointed from ~~the nominees of~~ nominations by
11 the industrial users in the district.

12 (3) ~~Three~~ Two members shall be appointed from ~~the nominees of the users~~
13 ~~in the district, whether~~ nominations by privately or publicly owned, ~~furnishing the~~
14 entities that furnish water ~~supply~~ for rural; or municipal use ~~in~~ within the district ~~with~~
15 ~~the condition that at least one.~~ One of said ~~three~~ two members shall always be from
16 ~~the nominees of~~ nominations by privately owned users furnishing a municipal water
17 supply.

18 (4) One member shall be the director of the Department of Public Works, or
19 his designee.

20 ~~(4)~~ (5) One member, ~~being the assistant secretary~~ shall be the commissioner
21 of conservation, or his designee, who shall be a member of his staff ~~designated by~~
22 ~~him, shall be appointed and shall represent the office of conservation of the~~
23 ~~Department of Natural Resources as well as other state institutions which are users~~
24 ~~of groundwater.~~

25 ~~(5)~~ (6) One member shall be appointed from ~~the nominees of~~ nominations
26 by the Louisiana Farm Bureau Federation and the Louisiana Cattlemen's Association.

27 ~~(6)~~ (7) One ~~general~~ member shall be appointed, ~~he being the executive~~
28 ~~secretary of the Louisiana Stream Control Commission~~ the secretary of the

1 Department of Environmental Quality, or his designee, who shall be a member of his
2 staff designated by the executive secretary.

3 ~~(7)~~ (8) One member being the nominee shall be appointed from the
4 nomination by the members of the board (. For the purposes of this Paragraph
5 "board" meaning shall mean the members appointed in pursuant to Paragraphs (1)
6 through (6) for purposes of the first nomination and all members thereafter) shall be
7 appointed (7) of this Subsection.

8 ~~Within sixty days after the effective date of this Part, the nominees as~~
9 ~~described in Paragraphs (1) through (6) shall be presented to the governor.~~

10 ~~Within thirty days after the list of nominees is presented to him, the governor~~
11 ~~shall appoint and commission one member each from the nominees from each of the~~
12 ~~parishes composing the district; three members from the list nominated by industrial~~
13 ~~users; three members from the list nominated by the users furnishing water supply~~
14 ~~for municipalities, with at least one being from the nominees supplied by a privately~~
15 ~~owned water utility, the one member being, or nominated by, the director of the~~
16 ~~Department of Public Works; one member from the joint lists submitted by the~~
17 ~~Louisiana Farm Bureau Federation and the Louisiana Cattlemen's Association; and~~
18 ~~one member being the executive secretary of the Louisiana Stream Control~~
19 ~~Commission or his designee. The governor shall immediately appoint and~~
20 ~~commission the member nominated by the board when his name is submitted by the~~
21 ~~board.~~

22 B. The governor shall designate the term of office for each member of the
23 initial board so that:

24 * * *

25 (3) From those members appointed to represent users furnishing water for
26 municipalities, one shall be appointed for a term of one year; and one for a term of
27 two years; ~~and one for a term of three years.~~

1 (4) ~~The member representing the Department of Public Works shall serve a~~
2 ~~term of three years and shall be eligible to succeed himself for an unrestricted~~
3 ~~number of terms.~~

4 (5) All other members shall serve a an initial term of three years.

5 (5) After the initial term, all terms shall be three years, except the terms for
6 members representing governmental entities whose term shall be contemporaneous
7 with their office.

8 C. No commissioner shall be entitled to serve more than two consecutive
9 regular terms, with the exception of ~~the representative of the Department of Public~~
10 ~~Works and the Louisiana Stream Control Commission~~ members representing
11 governmental entities. Terms shall commence for those initially appointed on the
12 date of implementation of the district. Terms for commissioners subsequently
13 elected shall commence on the anniversary date of the date of implementation.

14 D. ~~The board shall procure replacements for those members whose terms~~
15 ~~expire by the following procedure:~~ Vacancies shall be filled by appointment by the
16 governor in the manner provided by Subsection A of this Section.

17 * * *

18 Section 2. R.S. 38:3074(D)(1) through (9) and Act No. 177 of the 2013 Regular
19 Session of the Legislature are hereby repealed in their entirety.

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)]

St. Germain

HB No. 793

Abstract: Provides for the membership of the board of commissioners of the Capital Area Groundwater Commission.

Present law provides that the board of commissioners of the Capital Area Groundwater Commission shall consist of 15 members appointed by the governor and confirmed by the Senate.

Proposed law retains present law.

Present law provides one member shall be appointed from each parish in the district as nominated by the parish governing authorities. The parishes in the district are East Baton

Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana. Proposed law retains present law.

Present law provides three members shall be appointed from nominations by industrial users in the district. Proposed law retains present law.

Present law provides three members shall be appointed from nominations by privately or publicly owned entities furnishing water for rural or municipal use within the district, with one of the three always being appointed from nominations by privately owned users furnishing a municipal water supply. Proposed law reduces the members to two while retaining that one member shall be appointed from nominations by a private owner furnishing municipal supply.

Proposed law adds the director of the Dept. of Public Works of the city of Baton Rouge, or his designee, as a member.

Present law provides that one member shall be the assistant secretary of the Dept. of Natural Resources or his designee who shall be a member of his staff. Proposed law retains present law.

Present law provides the one member shall be appointed from nominations by the La. Farm Bureau Federation and the La. Cattlemen's Association. Proposed law retains present law.

Present law provides that one member shall be the executive secretary of the La. Stream Control Commission or a member of his staff. Proposed law provides that one member shall be the secretary of the Dept. of Environmental Quality or his designee who shall be a member of his staff.

Present law provides that one member shall be appointed from nomination by the members of the board. Proposed law retains present law.

Present law provides for a time line for the appointment of the initial members after the effective date of present law. Proposed law removes time lines for the initial appointment.

Present law provides for staggered terms of the initial members. Proposed law retains present law and provides that after the initial term all terms shall be three years, except the terms for members representing governmental entities whose term shall be contemporaneous with their office.

Present law provides that no member may serve more than two consecutive terms, except the members representing the Dept. of Public Works and the La. Stream Control Commission. Proposed law retains the two-term limit except for members representing governmental entities.

Present law provides terms begin for the initial appointees on the date of implementation of the district and that subsequent terms begin on the anniversary date of the date of implementation. Proposed law retains present law.

Present law provides for a procedure to replace members by notifying the nominating entities 60 days prior to the expiration of a term.

Proposed law repeals present law and provides that vacancies shall be filled by appointment by the governor in the manner that member was appointed in proposed law.

Present law requires that in any provision of law applicable to a groundwater conservation district located in a parish with population, according to the most recent federal decennial census, in excess of 400,000, the term "director of the Dept. of Public Works" means the

director of the municipal Dept. of Public Works for the municipality located in the district with the greatest population.

Proposed law repeals present law and defines the Dept. of Public Works as the dept. of public works of the city of Baton Rouge.

(Amends R.S. 38:3074(A), (B)(3), (4), and (5), (C), and (D)(intro. para.); Adds R.S. 38:3073(14); Repeals R.S. 38:3074(D)(1)-(9) and Act No. 177 of the 2013 R.S.)