

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~~ sixteen members who
3 shall be appointed ~~and commissioned~~ by the governor. Each appointment by the
4 governor shall be submitted to the Senate for confirmation. The ~~following~~ members
5 shall be appointed ~~and commissioned within ninety days after the effective date of~~
6 ~~this Part~~ 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 members shall be appointed from ~~the nominees of the users in the~~
13 ~~district, whether~~ nominations by privately or publicly owned, ~~furnishing the entities~~
14 that furnish water supply for rural; or municipal use in within the district ~~with the~~
15 ~~condition that at least one.~~ One of said three members shall ~~always~~ be from ~~the~~
16 ~~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 (5) One member, being the assistant secretary shall be the commissioner of
21 conservation, or his designee, who shall be a member of his staff designated by him,
22 ~~shall be appointed and shall represent the office of conservation of the Department~~
23 ~~of Natural Resources as well as other state institutions which are users of~~
24 ~~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

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 retains present law.

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

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 that 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 in which 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 in excess of 400,000, according to the most recent federal decennial census, 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.)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill.

1. Added the director of the Dept. of Public Works of the city of Baton Rouge, or his designee, as the sixteenth member of the Capital Area Groundwater Commission.
2. Made a technical change.