

ACT No. 795

Regular Session, 2014

HOUSE BILL NO. 793

BY REPRESENTATIVE ST. GERMAIN

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 and parish of East Baton Rouge.

21 §3074. Board of commissioners; appointments; tenure; replacement; compensation

22 A. The board of commissioners shall consist of ~~fifteen~~ sixteen members who
23 shall be appointed ~~and commissioned~~ by the governor. Each appointment by the
24 governor shall be submitted to the Senate for confirmation. The ~~following~~ members

1 shall be appointed ~~and commissioned within ninety days after the effective date of~~
2 ~~this Part~~ as follows:

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

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

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

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

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

21 (5)(6) One member shall be appointed from ~~the nominees of~~ nominations by
22 the Louisiana Farm Bureau Federation and the Louisiana Cattlemen's Association.

23 (6)(7) One ~~general~~ member shall be appointed, ~~he being the executive~~
24 ~~secretary of the Louisiana Stream Control Commission~~ the secretary of the
25 Department of Environmental Quality, or his designee, who shall be a member of his
26 ~~staff designated by the executive secretary.~~

27 (7)(8) One member ~~being the nominee~~ shall be appointed from the
28 nomination by the members of the board (. For the purposes of this Paragraph
29 "board" ~~meaning~~ shall mean the members appointed in pursuant to Paragraphs (1)

1 through ~~(6)~~ for purposes of the first nomination and all members thereafter) shall be
2 appointed (7) of this Subsection.

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

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

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

19 * * *

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

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

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

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

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

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

* * *

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____