
DIGEST

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HB 430 Original

2018 Regular Session

Shadoin

Abstract: Provides for the membership, duties, and power of the board of commissioners of the Sparta Groundwater Conservation District.

Present law creates the Sparta Groundwater Conservation District to study and survey the use of the Sparta aquifer and how to provide for the efficient administration, conservation, and orderly development of groundwater resources in the parishes of Bienville, Bossier, Caddo, Caldwell, Claiborne, Jackson, LaSalle, Lincoln, Morehouse, Natchitoches, Ouachita, Richland, Sabine, Union, Webster, and Winn.

Present law creates the board of commissioners to be commissioned by the governor. The 19 voting members of the board are as follows:

- (1) Nine members, consisting of one member from each of the parishes of Bienville, Claiborne, Jackson, Lincoln, Morehouse, Ouachita, Union, Webster, and Winn.
- (2) One member from one of the parishes of Bossier, Caddo, Caldwell, LaSalle, Natchitoches, Richland, and Sabine, to serve on a rotating basis.
- (3) Three members from the nominees of user groups of wood product industry users, agricultural users, and other industrial users.
- (4) Six members from the municipalities within the district which have a minimum use of 500,000 gallons per day.

Proposed law changes the membership of the board as follows:

- (1) Changes from a member each from each of the nine listed parishes to each major use parish having a member each. Defines a "major use parish" as any parish within the district with either a majority of the parish's geographic area providing access to the Sparta aquifer or usage from within the parish equal to or greater than the median usage of water from the Sparta aquifer of the parishes within the district based on the latest data supplied by the U.S. Geological Survey (USGS).
- (2) Changes from one member serving a one-year term from the listed parishes on a rotating basis to one member serving a three-year term from a list of three persons nominated by the

minor use parishes. Defines a "minor use parish" as any parish in the district that is not a major use parish.

- (3) Changes from three members from the nominees of user groups of wood product industry users, agricultural users, and other industrial users to one member nominated by the La. Pulp and Paper Association from a mill using the Sparta aquifer, one member nominated by the La. Farm Bureau, and one member nominated by the La. Poultry Federation.
- (4) Adds one member from a list of three nominated by the La. Mid-Continent Oil and Gas Association and the La. Oil and Gas Association.
- (5) Changes from six members from the nominees of municipalities in the district which have a minimum of 500,000 gallons per day (gpd) to six members from the nominees of each of the six municipalities that use a minimum of 500,000 gpd and have the largest population.

Proposed law provides that any membership change based on USGS or census data will not change until the end of the affected member's term.

Present law further provides for the following non-voting members:

- (1) The secretary of the Dept. of Environmental Quality or his designee.
- (2) The commissioner of the Dept. of Agriculture and Forestry or his designee.
- (3) A representative of the USGS.
- (4) The secretary of the Dept. of Wildlife and Fisheries or his designee.
- (5) The secretary of the Dept. of Natural Resources or his designee.
- (6) A representative of the La. Rural Water Association.
- (7) A representative of the La. Cattlemen's Association.
- (8) A representative of the La. Farm Bureau Federation.
- (9) Each senator whose senatorial district includes any portion of any parish included within the district or his designee.
- (10) Each member of the House of Representatives whose representative district includes any portion of any parish included within the district or his designee.
- (11) One or more representatives of industrial users of the groundwater appointed by the board to serve at its pleasure.

- (12) The secretary of La. Dept. of Health.
- (13) A representative from each university located within the district.

Proposed law retains present law.

Present law provides for the powers of the board. Requires the board to conduct a study and survey of the groundwater resources in the district. Requires the board to hold hearings. Authorizes the board to cooperate with and enter into agreements with other governmental units and agencies of this state, other states, and with private agencies or other groundwater conservation districts to achieve these purposes. Authorizes the board to receive and expend funds from any source, public or private, to achieve these purposes. Authorizes the board to hire personnel and retain consultants as reasonably necessary and to consult with the commissioner of conservation.

Proposed law adds to the board's powers by authorizing the following:

- (1) To do all things necessary to prevent waste of groundwater resources, and to prevent or alleviate damaging or potentially damaging subsidence of the land surface caused by withdrawal of groundwater within the district.
- (2) Establishing groundwater use priorities under conditions supported by research data that indicates depletion of water.
- (3) Assess against all users within the district either a fee on each meter installed or a charge based on the annual rate of use of each user. A user may be charged either a metering fee or a pumping charge, but not both.
- (4) Receive grants and enter into contracts for groundwater resource development.
- (5) Conduct studies and investigations of all problems concerning groundwater resources of the district.
- (6) After notice and hearing, adopt and enforce reasonable rules, regulations, or orders necessary from time to time.

Proposed law requires that the meter fee or pumping charge be uniform as to all users and sufficient to meet costs and expenses of operation. Specifies that charges based on rate of use will be assessed on the basis of units of water used without distinctions as the relative usage compared to other users.

Proposed law requires any income from charges assessed be used only to defray the costs and expenses of conservation measures. Further requires the board to make every effort to reduce expenses in order to keep fees and charges to a minimum.

Proposed law requires any metering fee or pumping charge assessed be fixed annually upon at least 30 days notice to each user within the district and general notice by publication. Further requires a

public hearing held for the purpose of fixing the metering fee or pumping charges with an opportunity for the submission of data and testimony prior to a rate increase.

Proposed law requires any user intending to make a presentation at the hearing to consider an assessment of pumping charges to advise the board at least five days in advance.

Proposed law provides that any person who knowingly and willfully violates, or aids or abets a person in the violation of any groundwater conservation laws, regulations, rules, or orders is subject to a civil penalty of not more than \$1,000 for each day of violation and for each act of violation. Provides that such enforcement actions are to be brought at the option of the board in the district court of the parish of residence of any one of the defendants or where the violation occurred. Further provides that such suits are to be brought at the direction of the board by the attorney general or the district attorney of the parish under the direction of the attorney general.

Proposed law provides that any person filing or maintaining a false public record or injuring a public record in violation of present law may be prosecuted by the appropriate district attorney.

(Amends R.S. 38:3087.134(A) and 3087.136; Adds R.S. 38:3087.133(9) and (10), 3087.138, and 3087.139)