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HOUSE FLOOR AMENDMENTS

2025 Regular Session

Amendments proposed by Representative McFarland to Reengrossed Senate Bill No. 244
by Senator Hensgens

1 AMENDMENT NO. 1

2 On page 3, line 19, after "and (C)," delete the remainder of the line and on line 20, delete
3 "paragraph of R.S. 38:3076(A), 3076(A(24) and (C)," and insert "R.S. 38:3072, 3073(8),
4 introductory paragraph of 3076(A), (A)(3), (4), (7), (8), (9), (14)(b), and (24), (C), (D), (E),
5 introductory paragraph of (F)(1), (F)(1)(b), and (2), 3077, 3078, 3079, 3081, 3083,"

6 AMENDMENT NO. 2

7 On page 4, at the beginning of line 2, change "136.3(B)(6)" to "136.3(B)(6) and (7)," and at
8 the end of the line, delete "and"

9 AMENDMENT NO. 3

10 On page 4, line 3, after "and (D)," and before "R.S. 38:3098(G)" insert "and 359(D)"

11 AMENDMENT NO. 4

12 On page 4, line 5, after "2474, and" and before "3097.7," delete "R.S. 38:3097.4," and insert
13 "R.S. 38:3073(2), 3074, 3075, 3080, 3097.4,"

14 AMENDMENT NO. 5

15 On page 6, line 21, after "124.1," and before "209(6)," change "136.3(B)(6)," to "136.3(B)(6)
16 and (7)"

17 AMENDMENT NO. 6

18 On page 109, between lines 19 and 20, insert the following:

19 "(7) All revenue, income, fees, or other collections collected by or on
20 behalf of the Capital Area Groundwater Conservation District (R.S. 38:3087 et
21 seq.). The department shall maintain separate accounting of such revenues for
22 auditing and reporting purposes."

23 AMENDMENT NO. 7

24 On page 109, line 29, after "activities." and before "deposited" delete "Additionally, monies"
25 and insert "**Monies**"

26 AMENDMENT NO. 8

27 On Page 110, at the at the end of line 2, insert "**Monies deposited into the fund pursuant**
28 **to Paragraph (B)(7) of this Section shall be used solely for the administration,**
29 **regulation, enforcement, and oversight of groundwater resources and related activities**
30 **within the geographical boundaries served by the Capital Area Groundwater**

1 **Conservation District. These monies shall not be used for any purpose outside of that**
2 **jurisdiction.**"

3 AMENDMENT NO. 9

4 On page 178, line 27, after "and (D)" and before "are" insert a comma "," and "and 359(D)"

5 AMENDMENT NO. 10

6 On page 196, between lines 7 and 8 insert the following:

7 **"D. The Capital Area Groundwater Conservation District (R.S. 38:3071**
8 **et seq.) is transferred to the Department of Conservation and Energy and shall**
9 **perform its powers, duties, functions, and responsibilities in accordance with**
10 **the provisions of R.S. 36:851, et seq."**

11 AMENDMENT NO. 11

12 On page 196, line 8, after "Section 4." delete the remainder of the line and insert "R.S.
13 38:3072, 3073(8), the introductory paragraph of 3076(A), (A)(3), (4), (7), (8), (9), (14)(b),
14 and (24), (C), (D), (E), the introductory paragraph of (F)(1), (F)(1)(b), and (2), 3077, 3078,
15 3079, 3081, 3083,"

16 AMENDMENT NO. 12

17 On page 196, between lines 16 and 17, insert the following:

18 "§3072. District ~~and board~~; creation
19 A. There is hereby created the Capital Area Groundwater Conservation
20 District, hereinafter called "district," which shall be a ~~body politic and corporate and~~
21 ~~a political subdivision of the state of Louisiana and shall be~~ composed of the parishes
22 of Ascension, East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge,
23 and West Feliciana.

24 ~~B. There is hereby created a board of commissioners for the Capital Area~~
25 ~~Groundwater Conservation District who shall administer the affairs of the district.~~
26 ~~The membership of the board shall be as provided by R.S. 38:3074.~~

27 §3073. Definitions
28 Unless the context otherwise requires, the following terms shall have the
29 following meanings for purposes of this Part:

30 * * *
31 (8) "Just and equitable share" of the groundwater underlying a tract within
32 an area subject to an order limiting pumping rates means that portion of the
33 recoverable groundwater within an aquifer which is to be apportioned to such tract
34 on the basis of demonstrable geologic and hydrologic data taking into consideration
35 the volume of groundwater in storage, the maximum perennial recharge potential,
36 and any groundwater use priorities established by the **board district**.
37 * * *"

38
39 AMENDMENT NO. 13

40 On page 196, delete lines 17 through 29 and on page 197, delete lines 1 through 8 and insert
41 the following in lieu thereof:

42 "§3076. Powers of the **board district**
43 A. The **board district** shall work with the ~~commissioner of conservation~~
44 **secretary of the Department of Conservation and Energy** in his responsibilities
45 to do all things necessary to prevent waste of groundwater resources, and to prevent
46 or alleviate damaging or potentially damaging subsidence of the land surface caused

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 by withdrawal of groundwater within the district. In conjunction with the
2 ~~commissioner of conservation~~ secretary, the ~~board~~ district shall have authority to
3 do, as required, the following:

4 * * *

5 (3) To require registration with the ~~board~~ district of all wells showing the
6 date drilled, the name of the driller, if available, and the current ownership together
7 with such other information as the ~~board~~ district may reasonably require to permit
8 it to accomplish the purposes of this legislation. No charge shall be assessed for such
9 registration.

10 (4) To require that all users of groundwater within the district register with
11 the ~~board~~ district showing the number, location, and capacity of wells owned or
12 operated by them or solely for their benefit and designating the beneficial use or uses
13 of that groundwater. The ~~board~~ district shall classify each user as an industrial user
14 or as a commercial, rural or municipal user of groundwater upon the basis of such
15 information. The ~~board~~ district shall have authority in its discretion to require
16 periodical renewals of registrations to determine alterations in uses of water within
17 the district. Such registrations may be required on an annual basis or such greater
18 periods of time as the ~~board~~ district may deem appropriate.

19 * * *

20 (7) To require well owners who are users, well owners providing water to
21 other users, and users of groundwater who are not well owners to keep and furnish,
22 on request, information necessary to carry out the provisions of this part pertinent to
23 wells, drawdowns, grouting, casing sizes, property descriptions and other pertinent
24 information reasonably required by the ~~board~~ district, provided that as to wells in
25 existence on the effective date of this part such information is available.

26 (8) To collect data; to make investigations and inspections; to examine
27 properties, papers, books, and records relevant to groundwater use or conservation;
28 to examine, survey, check test, and gauge all water wells within the district; to
29 require well owners who are users or well owners providing water to other users, at
30 their own expense, to meter wells to permit accurate determination of rates of use.
31 Metering may be required on a continuous or periodic basis, and the ~~board~~ district
32 may require approval by it of metering devices; to provide for the keeping of records
33 and making of reports by owners of water wells providing water to users, and users
34 of groundwater within the district.

35 (9) To require that authorized representative of the ~~board~~ district be enabled
36 to enter property at reasonable times and under reasonable conditions to inspect
37 wells, perform tests and examine records.

38 * * *

39 (14) To assess the following:

40 * * *

41 (b) Costs for capital expenditures assessed to users based on either annual
42 flows or specific costs for wells to individual users based on capital, debt service,
43 and operation and maintenance costs. Costs may include specific systems and
44 technologies to allow for remote monitoring of flows, water levels, water quality,
45 and other parameters considered necessary by the ~~board~~ district to conserve and
46 protect groundwater resources and may include but are not limited to monitoring
47 wells, scavenger wells, reclaimed water systems, pressure differential systems, water
48 treatment systems, and other subsurface systems related to the protection of the
49 aquifers.

50 * * *

51 (24) To advise and consult with the ~~commissioner of conservation and the~~
52 Water secretary of the Department of Conservation and Energy and the Natural
53 Resources Commission on matters that impact water resources within the ~~board's~~
54 district's jurisdiction.

55 * * *

56 C. Anything herein to the contrary notwithstanding, the ~~board~~ district
57 formed hereunder shall have no authority to regulate water produced from
58 formations producing oil or gas or both for commercial purposes or to issue any rule,

1 regulation, or order conflicting with regulation of drilling to and production from or
2 disposition of water from such formations by the ~~commissioner of conservation~~
3 **secretary of the Department of Conservation and Energy**. Nor shall the ~~board~~
4 **district** formed hereunder have authority to regulate the production of salt water
5 used for pressure maintenance, secondary recovery operations, or other operations
6 for the production of oil or gas.

7 D. Anything herein to the contrary notwithstanding, the ~~board~~ **district** shall
8 have no regulatory power over and no authority to assess pumping charges for a well
9 or wells with a total depth of less than four hundred feet or wells in the Mississippi
10 River alluvial aquifer; or wells from which the production is used exclusively for
11 bona fide agricultural or horticultural purposes or for domestic use of persons
12 resident upon the same premises and capable of producing not more than fifty
13 thousand gallons per day in the aggregate.

14 E. The ~~board~~ **district** shall have authority to make, after notice and hearing
15 and to enforce reasonable rules, regulations, or orders necessary from time to time
16 to achieve the purposes and powers as outlined in this Part, and such rules,
17 regulations and orders shall be effective and enforceable immediately upon
18 promulgation in the official journal of each parish affected.

19 F.(1) The ~~board~~ **district** shall not require users to undertake the installation
20 of additional metering devices or prescribe new requirements thereof if the user's
21 installation of metering devices meets all of the following criteria:

22 * * *

23 (b) Measures flow data at least hourly for each well, for each stratum from
24 which the well draws, and reports the data to the ~~board~~ **district** monthly.

25 * * *

26 (2) The ~~board~~ **district** shall have authority to audit the performance of flow
27 measurement devices installed and maintained by users. Audits of the flow
28 measurement devices of all users other than nuclear electric generating stations may
29 include temporary installation of a flow measurement device and other necessary
30 equipment by the ~~board~~ **district**, at the ~~board's~~ **district's** expense, in order to verify
31 performance of a user-installed flow measurement device. Each user-installed flow
32 measurement device may be audited once per calendar year.

33 §3077. Suits and failure to bring suit

34 A. Whenever it appears that a person is violating or is threatening to violate
35 any provision of this part or a rule, regulation, or order made hereunder, the ~~board~~
36 **district** shall bring suit to restrain that person from continuing the violation or from
37 carrying out the threat.

38 B. Venue shall be in the district court in the parish in which the ~~board~~
39 **district** is domiciled.

40 C. In any such suit, the ~~board~~ **district** may obtain injunctions, prohibitory
41 and mandatory, including temporary restraining orders and preliminary injunctions
42 as the facts warrant.

43 D. If the ~~board~~ **district** fails to bring suit within ten days to restrain a
44 violation of this part or any rule, regulation, or order issued hereunder, any person
45 in interest adversely affected by the violation who has notified the ~~board~~ **district** in
46 writing of the violation or threat thereof and has requested the ~~board~~ **district** to sue,
47 may bring suit to prevent any or further violations, in the district court of the parish
48 in which the ~~board~~ **district** is domiciled. If the court holds that injunctive relief
49 should be granted, the ~~board~~ **district** shall be made a party and shall be substituted
50 for the person who brought the suit, and the injunction shall be issued as if the ~~board~~
51 **district** has at all times been the complaining party.

52 §3078. Limiting rate of production; notice

53 Any order limiting rates of production of groundwater, except emergency
54 orders issued as hereinafter provided, shall be issued only after sixty days notice and
55 a public hearing. The ~~board~~ **district** shall give notice by registered mail to all users
56 of groundwater reasonably known to it within the district within which pumping is
57 to be limited. In addition, the ~~board~~ **district** may give notice to such other individual
58 landowners and well owners as it deems appropriate. However, the ~~board~~ **district**

1 shall also give notice by publication as hereinafter provided of the hearing on the
2 prospective order.

3 §3079. Pumping charges

4 A. The pumping charge assessed against each user of groundwater within the
5 district shall be fixed annually upon at least thirty days notice to each user within the
6 district known to the ~~board~~ **district** and general notice by publication; however, the
7 charges assessed against users of groundwater shall not be increased without a public
8 hearing held for the purpose of fixing the pumping charges and opportunity for the
9 submission of all pertinent data concerning total rates of consumption of
10 groundwater within the district, estimated rates of consumption by users within the
11 district, the costs and expenses which must be met during the coming year, costs and
12 expenses which must be met by the pumping charge, and the manner in which the
13 computation of the pumping charge is made. Any user within the district shall have
14 the right to make a presentation by testimony and adduction of evidence and exhibits,
15 and any other interested person shall have the right to be heard by making a personal
16 statement of reasonable length. Any user intending to make a presentation at the
17 hearing resulting in the assessment of pumping charges shall so advise the ~~board~~
18 **district** at least five days in advance of the hearing and shall indicate the estimated
19 time to be consumed by his presentation. When necessary, in its discretion, the
20 ~~board~~ **district** may limit the time allotted users for their presentations. Further, no
21 pumping charge shall be made against the quantity of water pumped from wells
22 screened in the Mississippi River alluvial aquifer, wells with a total depth of less
23 than four hundred feet, wells used exclusively for bona fide agricultural or
24 horticultural purposes, or wells not capable of producing fifty thousand gallons or
25 more per day.

26 B. Pumping charges may be made payable by users monthly or on any other
27 reasonable basis set by the ~~board~~ **district**.

28 * * *

29 §3081. Court review and injunctive relief

30 A. Any aggrieved person of the district may, within thirty days after the
31 adoption of any rule, regulation, order or taking of other action by the ~~board~~ **district**,
32 file suit in the district court in which the ~~board~~ **district** is domiciled, to contest the
33 said rule, regulation, order or other action taken. The court may affirm the decision
34 of the ~~board~~ **district** or remand the case for further proceedings. The court may
35 reverse or modify the decision if substantial rights of the appellant have been
36 prejudiced because the administrative findings, inferences, conclusions, or decisions
37 are any of the following:

- 38 (1) In violation of constitutional or statutory provisions;
- 39 (2) In excess of the statutory authority of the ~~board~~ **district**;
- 40 (3) Made upon lawful procedure;
- 41 (4) Affected by other error of law;
- 42 (5) Arbitrary or capricious or characterized by abuse of discretion or clearly
43 unwarranted exercise of discretion; ~~or~~.

44 (6) Manifestly erroneous in view of the reliable, probative, and substantial
45 evidence on the whole record. In the application of the rule, where the ~~board~~ **district**
46 has the opportunity to judge of the credibility of witnesses by firsthand observation
47 of demeanor on the witness stand and the reviewing court does not, due regard shall
48 be given to the ~~board's~~ **district's** determination of credibility issues.

49 **B.** On institution of any such suit, the court shall issue an order setting the
50 matter for trial, as by summary process, and such suit shall be tried in term time, or
51 in vacation, with the greatest possible dispatch. Pending a hearing, the court may
52 grant a temporary restraining order suspending the action of the ~~board~~ **district** upon
53 a showing of immediate and irreparable injury in accordance with the provisions of
54 Louisiana Code of Civil Procedure Article 3603.

55 * * *

56 §3083. Violations; penalty; jurisdiction; attorney general to conduct suit; complicity

57 A. Whoever knowingly and willfully violates a provision of this part or a
58 rule, regulation, or order of the ~~board~~ **district** made hereunder, shall be subject to a
59 civil penalty of not more than one thousand dollars a day for each day of violation

1 and for each act of violation, if a penalty for the violation is not otherwise provided
2 in this part.

3 (1) The place of suit to recover this penalty shall be selected by the ~~board~~
4 district, as may be appropriate, in the district court of the parish of the residence of
5 any one of the defendants, or in the district court of the parish where the violation
6 took place.

7 (2) Suit shall be at the direction of the ~~board~~ district, and shall be instituted
8 and conducted in its name by the attorney general or by the district attorney of the
9 district under the direction of the attorney general."

10 AMENDMENT NO. 14

11 On page 212, line 26, after "2474, and" and before "3097.7" delete "R.S. 38:3097.4," and
12 insert "R.S. 38:3073(2), 3074, 3075, 3080, 3097.4,"