

Regular Session, 2013

SENATE BILL NO. 203

BY SENATOR CLAITOR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WATER/WATERWAYS. Establishes withdrawal limits on the use of groundwater.
(8/1/13)

1 AN ACT

2 To amend and reenact R.S. 30:4(L) and R.S. 38:3097.3(F) and to enact R.S. 30:4(M) and

3 R.S. 38:3097.3(G), relative to water; to provide relative to duties pursuant to Article

4 IX, Section 1 of the Constitution of Louisiana; to establish withdrawal limits on the

5 use of groundwater; to provide certain restrictions; to provide terms, conditions and

6 requirements; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:4(L) is hereby amended and reenacted and R.S. 30:4(M) is hereby
9 enacted to read as follows:

10 §4. Jurisdiction, duties, and powers of the assistant secretary; rules and regulations

11 * * *

12 L.(1) Article IX, Section 1 of the Constitution of Louisiana mandates that

13 the legislature shall enact laws to protect, conserve and replenish the natural

14 resources of the state, specifically water. The legislature must ensure that the

15 groundwater of the state is conserved and replenished for future generations.

16 In order to accomplish this constitutional requirement, the legislature must be

17 diligent in enacting legislation that will accomplish the purposes of the

1 constitutional requirement. For these reasons, the provisions of this Paragraph
2 shall be known and may be cited as the "Constitution of Louisiana Article IX,
3 Section 1 Water Policy Enforcement Act of 2013".

4 (2)(a) From August 1, 2013, to July 31, 2014, the commissioner shall not
5 authorize, issue or reissue any permit which allows the use or withdrawal of
6 forty million gallons or more of groundwater per day.

7 (b) From August 1, 2014, to July 31, 2015, the commissioner shall not
8 authorize, issue or reissue any permit which allows the use or withdrawal of
9 thirty-five million gallons or more of groundwater per day.

10 (c) From August 1, 2015, to July 31, 2016, the commissioner shall not
11 authorize, issue or reissue any permit which allows the use or withdrawal of
12 thirty million gallons or more of groundwater per day.

13 (d) From August 1, 2016, to July 31, 2017, the commissioner shall not
14 authorize, issue or reissue any permit which allows the use or withdrawal of
15 twenty-five million gallons or more of groundwater per day.

16 (e) Beginning August 1, 2017, the commissioner shall not authorize, issue
17 or reissue any permit which allows the use or withdrawal of twenty million
18 gallons or more of groundwater per day.

19 (3) The provisions of Paragraph (L)(2) of this Section shall not apply to
20 agricultural or residential uses.

21 M. (1) The commissioner shall make, after notice and hearings as provided
22 in this Chapter, any reasonable rules, regulations, and orders that are necessary to
23 require the operator of a well, which utilizes the application of fluids with force or
24 pressure in order to create artificial fractures in the formation for the purpose of
25 improving the capacity to produce hydrocarbons, to report no later than twenty days
26 following the completion of hydraulic fracturing stimulation operations and in a
27 manner determined by the commissioner the following:

28 * * *

29 Section 2. R.S. 38:3097.3(F) is hereby amended and reenacted and R.S.

1 38:3097.3(G) is hereby enacted to read as follows:

2 §3097.3. Commissioner of conservation; powers and duties

3 * * *

4 F.(1) Article IX, Section 1 of the Constitution of Louisiana mandates that
5 the legislature shall enact laws to protect, conserve and replenish the natural
6 resources of the state, specifically water. The legislature must ensure that the
7 groundwater of the state is conserved and replenished for future generations.
8 In order to accomplish this constitutional requirement, the legislature must be
9 diligent in enacting legislation that will accomplish the purposes of the
10 constitutional requirement. For these reasons, the provisions of this Subsection
11 shall be known and may be cited as the "Constitution of Louisiana Article IX,
12 Section 1 Water Policy Enforcement Act of 2013".

13 (2)(a) From August 1, 2013, to July 31, 2014, the commissioner shall not
14 authorize, issue or reissue any permit which allows the use or withdrawal of
15 forty million gallons or more of groundwater per day.

16 (b) From August 1, 2014, to July 31, 2015, the commissioner shall not
17 authorize, issue or reissue any permit which allows the use or withdrawal of
18 thirty-five million gallons or more of groundwater per day.

19 (c) From August 1, 2015, to July 31, 2016, the commissioner shall not
20 authorize, issue or reissue any permit which allows the use or withdrawal of
21 thirty million gallons or more of groundwater per day.

22 (d) From August 1, 2016, to July 31, 2017, the commissioner shall not
23 authorize, issue or reissue any permit which allows the use or withdrawal of
24 twenty-five million gallons or more of groundwater per day.

25 (e) Beginning August 1, 2017, the commissioner shall not authorize, issue
26 or reissue any permit which allows the use or withdrawal of twenty million
27 gallons or more of groundwater per day.

28 (3) The provisions of Paragraph (F)(2) of this Section shall not apply to
29 agricultural or residential uses.

Proposed law exempts agricultural or residential uses from proposed law.

Effective August 1, 2013.

(Amends R.S. 30:4(L) and R.S. 38:3097.3(F); adds R.S. 30:4(M) and R.S. 38:3097.3(G))