

Regular Session, 2001

SCA adopted by the Committee on 4/3/01

SENATE BILL NO. 1

BY SENATORS CAIN, CRAVINS, HOLLIS, IRONS, MARIONNEAUX
AND MCPHERSON AND REPRESENTATIVES
DAMICO, BAUDOIN, K. CARTER, CROWE, DURAND,
HEBERT, HILL, LEBLANC AND POWELL

WATER/WATERWAYS. Creates a public policy for groundwater conservation to insure the protection of the state's fresh water aquifers in order that the state will have a sufficient supply of clean drinking water for residents and enough irrigation water for agriculture. (gov sig) (2/3-CA7s2.1(A))

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AN ACT

To enact Chapter 4-A of Title 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 30:2090.1 through 2090.16, relative to the state groundwater conservation policy; to create the Louisiana Groundwater Stewardship and Conservation Board; to provide for the powers, duties, functions, and responsibilities of the board; to authorize the board to grant permits for certain groundwater wells, and provide exemptions from such permits; to authorize the board to impose fines for permit violations; to provide incentives to convert from groundwater to surface water or other means; and to provide for related matters;

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 4-A of Title 30 of the Louisiana Revised Statutes of 1950, comprised of R.S. 30:2090.1 through 2090.16, is hereby enacted to read as follows:

CHAPTER 4-A. GROUNDWATER STEWARDSHIP AND
CONSERVATION ACT

1 **Chapter 4-A is all proposed new law.**

2 §2090.1. Legislative findings and purpose

3 **R.S. 30:2090.1 is all proposed new law.**

4 Most Louisiana residents rely on groundwater from fresh water
5 aquifers for personal consumption and for growing crops. The public
6 policy of the state, as contained in Article IX, Section 1 of the
7 Louisiana Constitution, states that water is a natural resource which
8 must "be protected, conserved, and replenished insofar as possible and
9 consistent with the health, safety, and welfare of the people." A
10 statewide policy is necessary to protect, conserve, and allow for
11 replenishment of fresh water aquifers in the state which is consistent
12 with the health, safety, and welfare of its citizens.

13 §2090.2. Definitions

14 **R.S. 30:2090.2 is all proposed new law.**

15 As used in this Chapter, the following terms shall have the
16 following meanings:

17 (1) "Agriculture" means the commercial production or
18 processing of any crop, livestock, poultry, aquacultural product, flora
19 cultural product, silvicultural product, or viticultural product.

20 (2) "Beneficial use" means the use of water in such quantity as
21 is economical and efficient and which use is for a purpose and in a
22 manner which is reasonable, not wasteful, and is compatible with the
23 public interest.

24 (3) "Black water" means waste water which contains toilet waste
25 which has been produced by a municipality or other source.

26 (4) "Board" means the Louisiana Groundwater Stewardship and
27 Conservation Board.

1 (5) "Contiguous site" means a neighboring or adjoining tract
2 touching at a point or along a boundary. A site is separated or traversed
3 by a public or private roadway, servitude, right-of-way, waterway or
4 political subdivision boundary shall still be considered a "contiguous
5 site". Non-contiguous properties connected by a right-of-way to which
6 the public does not have access are also considered a "contiguous site."

7 (6) "Domestic use" means the use of water for ordinary
8 household purposes, including human consumption, washing, the
9 watering of domestic livestock, poultry, and animals, and the watering
10 of home gardens for consumption by the household.

11 (7) "Fresh water aquifer" means a permeable, water-bearing
12 stratum of rock, sand, or gravel that is a suitable source of potable
13 water.

14 (8) "Grey water" means all waste water, except toilet waste,
15 which has been produced by a municipality or other source.

16 (9) "Groundwater" means water beneath the surface of the
17 ground held in a fresh water aquifer.

18 (10) "Historical user" means any corporate subsidiary, ancillary
19 corporation or member of a business cooperative that was once a
20 combined corporate entity, which is located on a contiguous site and
21 has historically used the same groundwater well or wells.

22 (11) "Person" means any natural person, corporation,
23 partnership, firm, association, or other legal entity.

24 (12) "Water year" means the twelve-month period beginning
25 January first and ending the next December thirty-first.

26 (13) "Well" means any hole dug, drilled, or otherwise
27 constructed in the ground, for the purpose of withdrawing groundwater.

1 §2090.3. Groundwater policy and priorities

2 **R.S. 30:2090.3 is all proposed new law.**

3 A. Drinking water from fresh water aquifers is one of
4 Louisiana's most valuable natural resources and is to be conserved.

5 B. The water policy of the state shall be implemented by the
6 board pursuant to this Chapter based on the following priorities, where
7 reasonable, for the production of groundwater:

8 (1) First priority is production for domestic use.

9 (2) Second priority is production for agricultural purposes.

10 (3) Third priority is production for industrial use.

11 §2090.4. Board; creation; membership; terms; compensation;
12 jurisdiction

13 **R.S. 30:2090.4 is all proposed new law.**

14 A. The Louisiana Groundwater Stewardship and Conservation
15 Board is hereby created within the office of the governor. The board
16 shall be composed of nine members appointed as follows:

17 (1) One member appointed by the governor who is a geologist
18 or an engineer with expertise in groundwater resource management.

19 The governor's designee shall be an ex officio, full voting member of
20 the board.

21 (2) One member appointed by the secretary of the State Board
22 of Commerce and Industry.

23 (3) One member appointed by the secretary of the Department
24 of Transportation and Development from the engineering staff in the
25 office of public works and intermodal transportation, public works and
26 water resources division.

27 (4) One member who is a geologist appointed by the director of

1 the Louisiana Geological Survey at Louisiana State University.

2 (5)(a) One rotating member appointed for a one year term as
3 provided in Paragraphs (5)(b), (c), (d), and(e) of this Subsection.

4 (b) The first member appointed to the board pursuant to this
5 Paragraph to serve a one year term shall be appointed by the board of
6 directors of Louisiana Farm Bureau and shall be a person engaged in
7 farming and whose primary source of income is derived from such
8 farming activities.

9 (c) The second member appointed to the board pursuant to this
10 Paragraph for a one year term shall be appointed by the board of
11 directors of the Louisiana Cattlemen's Association.

12 (d) The third member appointed to the board pursuant to this
13 Paragraph to serve a one year term shall be appointed by the board of
14 directors of the Louisiana Rice Growers Association.

15 (e) Thereafter, the member appointed under this Paragraph shall
16 rotate between members appointed by the Louisiana Farm Bureau, the
17 Louisiana Cattlemen's Association, and the Louisiana Rice Growers
18 Association in the same order as is designated in Paragraphs (5)(b), (c)
19 and (d) of this Subsection.

20 (6) One member appointed by the board of directors of the
21 Louisiana Association of Business and Industry.

22 (7) One member appointed by the chancellor of the Louisiana
23 State University Agricultural Center.

24 (8) One member appointed by the environmental subcommittee
25 of The League of Women Voter's of Louisiana.

26 (9) The president of the parish governing authority in which the
27 facility is to be cited or a water well is to be drilled shall be an ex

1 officio, full voting member of the board.

2 B. (1) Except as provided in this Section, the terms of the board
3 members who are not ex officio members of the board shall be four
4 years. The designee of the governor shall serve a term concurrent with
5 that of the governor making the appointment.

6 (2) At its initial meeting, the board shall determine by a majority
7 vote from those members appointed pursuant to Paragraphs (A)(2)
8 through (A)(8), four members to serve initial terms of two years.
9 Thereafter, except as provided in Paragraph (5) of Subsection A of this
10 Section, each member shall be appointed for a term of four years.

11 (3) All appointments to the board, except for ex officio
12 members, shall be subject to Senate confirmation.

13 C. A vacancy in the membership of the board shall be filled for
14 the unexpired term in the same manner as the original appointment. No
15 member shall serve more than two consecutive full terms except that
16 each member shall serve until his successor has been appointed and
17 begins serving. If a vacancy occurs and a successor is not appointed
18 within sixty days of the vacancy, the governor shall appoint a successor
19 to the board for the unexpired term.

20 D. The board shall be domiciled in Baton Rouge, but may hold
21 public meetings elsewhere in the state. Five members shall constitute
22 a quorum for the transaction of any and all business at any regular or
23 special meeting of the board. A majority of the members of the board
24 present and voting shall be required to grant or deny a permit pursuant
25 to R.S. 30:2090.9(E).

26 E. The board shall elect a chairman from among its membership
27 who shall serve a term of two years. The board may elect other officers

1 as it deems necessary from among its membership. No member
2 appointed pursuant to R.S. 30:2090.4(A)(1) or (9) shall serve as a
3 chairman of the board or be elected to serve as an officer of the board.

4 F. Members of the board shall receive no compensation for
5 serving on the board. However, except for the governor, each member
6 shall be reimbursed for vouchered travel, lodging, and other expenses
7 for attendance at board meetings at the rate established by the division
8 of administration for state employees.

9 §2090.5. Powers, duties, and functions of the board

10 **R.S. 30:2090.5 is all proposed new law.**

11 A. The Louisiana Groundwater Stewardship and Conservation
12 Board shall administer and enforce the provisions of this Chapter and
13 shall promulgate such rules or regulations necessary to implement the
14 provisions of this Chapter pursuant to the Administrative Procedure
15 Act. The board shall perform the following activities:

16 (1) Establish rules and regulations for groundwater use, water
17 well spacing, and issuance of permits for groundwater wells.

18 (2) Conduct all hearings consistent with the open meetings law.

19 (3) Establish time periods for notification of all interested parties
20 of board decisions.

21 (4) Establish a schedule for assessment of civil penalties by the
22 board for permit violations or failure of a permit holder to comply with
23 permit requirements.

24 (5) Take testimony under oath from any person appearing before
25 the board at any hearing, investigation, or proceeding before the board.

26 B. The board may request assistance from the Department of
27 Transportation and Development, the Department of Environmental

1 Quality, the Department of Health and Hospitals, and such other state
2 agencies, boards, commissions, or departments as may be necessary to
3 obtain data and such other information as may be necessary to assist the
4 board in implementing the provisions of this Chapter. Each state
5 agency, board, commission, or department shall provide such assistance
6 as requested by the board.

7 C.(1) The board shall classify groundwater wells into three
8 categories based on usage according to rules and regulations adopted
9 by the board. The categories for classifying groundwater wells shall be
10 as follows:

11 (a) Domestic use.

12 (b) Agricultural.

13 (c) Industrial use.

14 (2) Any permit issued by the board shall stipulate the category
15 for which it is issued and a permit issued for a particular category of
16 well shall not be used for another category of well without board
17 approval.

18 (3) If two or more applications are filed which appear to conflict
19 with one another, the board may consider the priorities listed in R.S.
20 30:2090.3(B) and beneficial use.

21 D. The actions of the board shall supersede the authority of any
22 local or regional groundwater conservation district which is established
23 in Title 38, Chapter 13.

24 (1) If a local groundwater conservation district issues or denies
25 any permit, the board shall hear all administrative appeals filed by any
26 aggrieved party.

27 (2) The board shall promulgate rules pursuant to the

1 Administrative Procedure Act setting forth the time limits and rules for
2 conducting such administrative appeals. Any party aggrieved by the
3 board's administrative review ruling, may then file an application for
4 review of the board's action in the Nineteenth Judicial District court for
5 the parish of East Baton Rouge no later than fifteen days after the board
6 renders its written ruling.

7 E. The board shall prepare a comprehensive water management
8 plan for presentation and recommendation to the legislature on or
9 before January, 2003. The board shall formulate the plan in
10 conjunction with the advisory committee in R.S. 30:2090.14.

11 §2090.6. Limitations to powers of board

12 **R.S. 30:2090.6 is all proposed new law.**

13 A. There shall be no reduction or limitation of the withdrawal
14 of groundwater from existing wells for a well which is exempt from
15 this Chapter pursuant to R.S. 30:2090.7(A).

16 B. There shall be no regulation of the withdrawal of
17 groundwater from individual household wells used exclusively for
18 domestic use.

19 C. There shall be no regulation of the withdrawal of
20 groundwater from a water well which is operated as part of a public
21 water system to provide potable water and which is subject to
22 inspection and regulation by the state through the office of public
23 health pursuant to Part I of Chapter 1 of Title 40 of the Louisiana
24 Revised Statutes of 1950, except for industrial and electro-thermal
25 cooling.

26 D. There shall be no regulation of withdrawal of groundwater
27 from proposed wells which have a maximum potential flow rate of less

1 than one million gallons per day.

2 E. There shall be no regulation of the withdrawal of
3 groundwater from proposed wells which will produce a yearly average
4 of less than one million gallons per day, with the average being
5 calculated on the basis of the water year.

6 F. A person seeking to drill multiple water wells in order to
7 provide groundwater for a single industrial enterprise, a single business
8 enterprise, or for a single farm, shall consider those multiple wells as
9 one well for purposes of making calculations pursuant to Subsection
10 (D) and (E) of this Section.

11 §2090.7. Existing wells; grandfathered

12 **R.S. 30:2090.7 is all proposed new law.**

13 A. All wells which have been registered pursuant to R.S.
14 38:3094(A)(1) and (2) on or before January 31, 2002, shall not be
15 subject to the Chapter and shall not be required to obtain a permit for
16 groundwater use.

17 B. The board shall verify each well registered pursuant to R.S.
18 38:3094(A)(1) or (2) and each verified well shall be considered by the
19 board as having a permit issued pursuant to this Chapter.

20 C. No well registered pursuant to R.S. 38:3094(A)(1) or (2) shall
21 produce water in excess of the amount reported in the year prior to
22 January 31, 2002 or an average of the three years prior to January 31,
23 2002, whichever is greater, unless a permit is issued by the board under
24 this Chapter for such excess production. The production capacity of a
25 well registered pursuant to R.S. 38:3094(A)(1) or (2) which has not
26 been in use for one year on January 31, 2002, shall be the maximum
27 amount that the well may produce unless a permit is issued pursuant to

1 this Chapter for excess production.

2 D. No person, except persons engaged in the business of selling
3 or furnishing bottled water from wells located in this state, who has a
4 well exempt under the provisions of this Section shall sell or transfer
5 water to another person.

6 E. No person, except persons who withdraw groundwater as part
7 of public water system to and which is subject to provide potable water
8 inspection and regulation by the state through the office of public
9 health pursuant to Part I of Chapter 1 of Title 40 of the Louisiana
10 Revised Statutes of 1950, having a well subject to the provisions of this
11 Section shall transport water to a point outside the parish from which
12 the water is extracted unless approved by the board.

13 F. The provision of Subsection D of this Section shall not apply
14 to a historical user on a contiguous site that may be owned or operated
15 by one or more persons where one person sells, provides or transfers
16 water to other persons who are historical users on the contiguous site.
17 The provision of Subsection F of this Section shall not apply to
18 historical users located on a contiguous site that is located in more than
19 one parish.

20 §2090.8. Replacement wells

21 **R.S. 30:2090.8 is all proposed new law.**

22 A. The owner of an existing water well on which a permit is
23 issued by the board or an owner that is issued a permit pursuant to R.S.
24 30:2090.7(B) may construct or drill a replacement water well provided
25 the owner converts the existing well to a nonregulated use or plugs the
26 existing well in a manner prescribed by the board immediately after
27 completion of construction or drilling of the replacement well and the

1 replacement well becomes operational.

2 B. To transfer the permit for an existing well to the replacement
3 well under this Section, the owner of the existing well shall submit to
4 the board a notice of construction of the replacement well stating the
5 location and ownership interests of the existing well and the
6 replacement well and such other information as the board may require.

7 §2090.9. New well applications and permits

8 **R.S. 30:2090.9 is all proposed new law.**

9 A. Except as provided in R.S. 30:2090.7, no person shall drill a
10 groundwater well and no person shall extract one million gallons of
11 water, or more, per day from any freshwater aquifer unless drilled or
12 extracted pursuant to a permit issued under this Chapter.

13 B. No application to drill a groundwater well or extract water
14 from a freshwater aquifer shall be issued by the board except as
15 provided in this Section. Each application to drill a well or extract
16 water under this Chapter shall be filed with the board on such form as
17 may be approved by the board. Each application shall contain the
18 following information and such other information as the board deems
19 necessary:

20 (1) The projected well capacity, the maximum amount of
21 groundwater to be extracted from each well per day and the maximum
22 amount of water to be extracted from each well per water year.

23 (2) An affidavit from the applicant stating that it is infeasible to
24 use an alternative source of water, including surface water or grey
25 water, or to use air or some other element in lieu of its intended use of
26 the groundwater, and that the reasons why alternative sources to
27 groundwater cannot be feasibly used by the applicant.

1 C. (1) The board shall hold a public hearing on each application
2 within sixty days after the filing of a completed application with the
3 board.

4 (2) Notice of the public hearing on an application filed with the
5 board shall be published over the Internet, in the official journal of the
6 state, and in the official journal of the parish in which the well is
7 located or will be drilled. In addition, notice of such public hearing
8 shall be forwarded by certified mail, return receipt requested, to the
9 parish governing authority of the parish in which the well is located or
10 is to be drilled.

11 D. Prior to issuance of any permit to drill a water well under this
12 Chapter, the board shall consider the spacing and location of the new
13 well to existing wells and the effect of depletion of the aquifer, in
14 operability, or other detrimental effects such existing wells.

15 E. Upon completion of the hearing, the board shall issue a
16 written report summarizing the pertinent facts in each application
17 before the board, the determination of the board as to each application,
18 the ruling of the board on each application, and the reasons in support
19 of such ruling. Such information shall be made available to the public
20 and shall be available on the Internet through a site maintained by the
21 board or other appropriate state agency. If the proposed well is to be
22 located in an area that is within the jurisdiction of a groundwater
23 conservation district established pursuant to Louisiana Revised Statutes
24 Title 38, the board shall consider any written opinion of that local
25 groundwater conservation district in its ruling. As to any application
26 filed under this Section, the board shall within ninety days after the
27 filing of a completed application with board, do one of the following:

1 (1) Grant the permit to drill a well or extract water from the
2 aquifer.

3 (2) Deny the permit to drill a well or extract water from the
4 aquifer.

5 (3) Grant a conditional permit to drill a well or extract water
6 from the aquifer subject to such reductions or conditions as may be
7 imposed by the board. Failure of an applicant to comply with a
8 reduction or condition imposed by the board within the time period
9 prescribed by the board shall revoke the conditional permit.

10 F. An application by a person seeking a permit to drill or
11 maintain multiple water wells in order to provide groundwater for a
12 single industrial enterprise, a single business enterprise, or for a single
13 farm, shall be considered an application for one well for purposes of
14 this Section, however, the application filed under this Section shall
15 include the total number of wells to be drilled or maintained by the
16 applicant.

17 §2090.10. Groundwater well permits

18 **R.S. 30:2090.10 is all proposed new law.**

19 A. Every permit granted by the board for a groundwater well
20 permit shall be for a beneficial use only.

21 B. Every holder of a permit to drill a groundwater well or to
22 extract groundwater shall be limited in the withdrawal of groundwater
23 under their permit to the quantity of water prescribed in the permit.
24 Each holder of a permit issued by the board shall report annual use by
25 a meter or other reliable method for each permitted well in order to
26 monitor the daily and annual withdrawal of water from that well. The
27 Louisiana Geological Survey shall be responsible for monitoring and

1 collecting such data from each well and report such findings, on a
2 periodic basis, to the board. Permit holders do not have to install
3 individual meters on wells if the owner can demonstrate to the
4 Louisiana Geological Survey that the estimate reported production
5 figures are reasonably accurate.

6 §2090.11. Permit cancellation; penalties imposed

7 **R.S. 30:2090.11 is all proposed new law.**

8 A. The board may cancel any permit issued under this Chapter
9 if it is determined that water from the permitted well is being used for
10 a purpose other than the purpose stated in the permit or that water is
11 being extracted from the aquifer by the permitted well in amounts
12 greater than the amount authorized under the permit.

13 B. Any holder of a permit shall apply to the board seeking a
14 change in the use of water obtained under their permit and the board
15 may grant such a change in use to the holder of the permit as long as
16 such change is not inconsistent with the provisions of this Chapter.

17 C. A groundwater permit issued under this Chapter may be
18 canceled by the board for the following reasons:

19 (1) Nonuse or failure of the holder of the permit to use the water
20 for a reasonable beneficial use with a reasonable period of time
21 following issuance of such permit by the board unless the nonuse or
22 failure to use for a beneficial use is due to the implementation of water
23 conservation measures, crop rotation, conversion to surface water
24 sources, or climatic conditions.

25 (2) Failure by the holder of the permit to report water usage as
26 required under this Chapter for two consecutive years.

27 D. No person shall operate a groundwater well in violation of

1 the provisions of this Chapter. The board shall adopt rules in
2 accordance with the Administrative Procedure Act which define
3 specific classifications of violations, articulate factors in assessing civil
4 fines including mitigating circumstances, and explain the treatment of
5 continuing and repeat deficiencies. A schedule of civil fines by class
6 of violation shall be as follows:

7 (1) Violation that creates direct harm to other users within a
8 twenty-five mile radius of the violating well shall be subject to civil
9 fines not to exceed one thousand dollars per day for the first violation
10 and shall not exceed five thousand dollars per day for subsequent
11 violations.

12 (2) Violations other than those described in Paragraph (1) of this
13 Subsection shall be subject to civil fines not to exceed one hundred
14 fifty dollars per day for the first violation and shall not exceed one
15 hundred dollars per day for subsequent violations.

16 §2090.12. Water transfer and transportation; prohibited

17 **R.S. 30:2090.12 is all proposed new law.**

18 A. Except as otherwise provided in R.S. 30:2090.7(D), (E) and
19 (F), no groundwater shall be sold or transferred except as provided in
20 this Section.

21 B. Except as provided in Subsections (C) and (D) of this
22 Section, groundwater obtained under a permit issued by the board shall
23 only be used on the property, realty, or place of use described in the
24 groundwater permit.

25 C. The board, under emergency situations determined by the
26 board, may authorize the use of water on property, realty or place other
27 than that described in the groundwater permit for a period of time to be

1 determined by the board.

2 D. The provisions of this Chapter shall not be construed to
3 prohibit any individual, person, partnership, corporation, or other entity
4 from engaging in the business of selling or furnishing any one of the
5 following:

6 (1) Bottled water from wells which are located in this state.

7 (2) Water from those water wells which produce for water
8 systems that are inspected by the office of public health, pursuant to
9 Part 1 of Chapter 1 of Title 40 of the Louisiana Revised Statutes of
10 1950.

11 (3) Water from those water wells which are classified for
12 agricultural use and which sell or transfer water to other farms for use
13 in agriculture.

14 (4) Water from those wells which produce water for historical
15 users as is provided for in R.S. 30:2090.7(F).

16 E. Any holder of a groundwater permit who acquires or leases
17 additional property or realty contiguous to the property for which a
18 permit is granted shall be entitled to an amended groundwater permit
19 encompassing such additional property or realty.

20 F. Each groundwater permit is a real right which attaches to and
21 runs with the property on which the well is drilled. No holder of a
22 groundwater permit shall convey or otherwise market or transfer the
23 ability to mine or use the groundwater separate and apart from the
24 property, realty, or place described in the groundwater permit.

25 G. The authority to mine and use groundwater shall be an
26 incident of surface ownership of the property or realty and, upon notice
27 to the board, shall be transferred to the person acquiring the ownership

1 of such property or realty.

2 §2090.13. Water conservation; incentives

3 **R.S. 30:2090.13 is all proposed new law.**

4 A. The legislature shall develop, implement, and enact tax
5 incentives, credits, or rebates to be granted current industrial or
6 agricultural users of groundwater who reduce their use of groundwater
7 by twenty percent from the previous year through the use of any one of
8 the following:

9 (1) The use of surface water.

10 (2) The use of grey water.

11 (3) The use of air.

12 (4) The use of black water or solid waste or any other matter
13 which can be substituted for groundwater.

14 (5) The use of water conservation plan employing generally
15 accepted water conservation practices approved by the board.

16 B. Each industrial or agriculture user of groundwater shall
17 submit documentation to the board who shall then determine whether
18 a twenty percent reduction has occurred in order for the user to
19 participate in the tax incentive, credit, or rebate, developed,
20 implemented and authorized pursuant to this Section.

21 §2090.14. Groundwater management advisory task force

22 **R.S. 30:2090.14 is all proposed new law.**

23 A. A Groundwater Management Advisory Task Force is hereby
24 created with membership as follows:

25 (1) The secretary of the Department of Environmental Quality
26 or his designee.

27 (2) The secretary of the Department of Natural Resources or his

1 designee.

2 (3) The secretary of the Department of Hospitals or his designee.

3 (4) One member appointed by the board of directors of the
4 Association of Electric Utilities.

5 (5) One member appointed by the board of directors of the
6 Louisiana Chemical Association.

7 (6) One member appointed by the board of directors of the
8 Louisiana Rural Water Association.

9 (7) One member appointed by the board of directors of the
10 Louisiana Pulp and Paper Association.

11 (8) One member appointed by the district chief, United States
12 Geological Survey, Water Resources division or his designee.

13 (9) One member appointed by the board of directors of the Mid
14 Continent Oil and Gas Association.

15 (10) One member appointed by the board of directors of the
16 Louisiana Groundwater Association.

17 (11) One member appointed by the Sparta Groundwater
18 Conservation District Board of Commissioners.

19 (12) One member appointed by the Capital Area Groundwater
20 Conservation District Board of Commissioners.

21 (13) One member appointed by the board of directors of the
22 Louisiana Wildlife Federation or his designee.

23 (14) One member appointed by the board of directors of the
24 Louisiana Cattlemen's Association.

25 (15) One member appointed by the board of directors of the
26 Louisiana Farm Bureau.

27 (16) One member appointed by the board of directors of the

1 Louisiana Rice Growers Association.

2 (17) One member appointed by the board of directors of the
3 Louisiana Home Builders Association.

4 B. The Groundwater Management Advisory Task Force shall
5 serve in an advisory capacity for the development of the short term
6 management and long term management plan to be adopted by the
7 board pursuant to R.S. 30:2090.15.

8 C. The Groundwater Management Advisory Task Force shall
9 elect a chairman from among its membership who shall serve for one
10 year. The chairman of the Groundwater Management Advisory Task
11 Force will serve in the place of the ex officio member listed in R.S.
12 30:2090.4(A)(9) and shall be a full voting member regarding all policy
13 decisions and determinations for developing the short term management
14 and long term management plan set forth in R.S. 30:2090.15.

15 §2090.15. Short term management and long term plan.

16 **R.S. 30:2090.15 is all proposed new law.**

17 A. Short term critical area management. The board shall define
18 the term "critical area" and designate an agency, agencies or state
19 employee with expertise in groundwater to begin collecting data and
20 conducting parish-wide aquifer characterization studies in order to
21 determine and designate critical areas in the state's aquifers and to
22 prepare recommendations for preserving and managing a critical area.
23 Each parish within the aquifer shall be divided into areas of ten square-
24 mile sections and each of those sections shall be designated critical or
25 non-critical. The critical area data and study for the entire state shall
26 be compiled and completed no later than January, 2003. Each year, an
27 interim report shall be compiled for the legislature that contains the

1 accumulated data and study information which has been collected and
2 prepared in the previous year.

3 B. Long term water management plan. The board and the
4 Groundwater Management Advisory Task Force created herein, and
5 any local or regional advisory entities which are created or designated
6 by the Ground Water Management Commission, shall develop a
7 comprehensive water management system plan. Such water
8 management system shall include, but is not limited to, an evaluation
9 of the state's ground water resources including current and projected
10 demands on the aquifers of the state; determination of data necessary
11 to manage the state's water resources and sources of such data; a
12 definition of sustain ability of aquifers which can be used to predict
13 critical ground water areas; development of alternatives to ground water
14 use; evaluation of the state's surface water resources available for
15 development; use of surface water, recycling of used or treated waters,
16 identification and development of surface water projects to meet
17 current and future demands; incentives for conservation of surface
18 water resources; use of alternative technologies; development of an
19 education and conservation program; development of a program to
20 provide mitigation for loss of ground water resources and incentives to
21 transfer use from groundwater sources to surface water sources or
22 alternative sources where such transfer will not harm the surface water
23 sources; and a designation of the appropriate state agency or entity to
24 consolidate the management of the state's water resources.

25 (1) The statewide comprehensive water management system
26 plan shall be presented to the legislature in January 2003, and any
27 portions of that system which requires statutory implementation shall

1 be prepared for legislative consideration during the 2003 Regular
2 Session of the Legislature.

3 §2090.16. Surface water development.

4 **R.S. 30:2090.16 is all proposed new law.**

5 The board shall receive grants and enter into contacts to develop surface
6 water resources in the state.

7 Section 2. This Act shall become effective upon signature by the
8 governor or, if not signed by the governor, upon expiration of the time for bills
9 to become law without signature by the governor, as provided by Article III,
10 Section 18 of the Constitution of Louisiana. If vetoed by the governor and
11 subsequently approved by the legislature, this Act shall become effective on
12 the day following such approval.