
DIGEST

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Cortez

HB No. 829

Abstract: Transfers responsibilities relating to ground water resources and water well drillers from Dept. of Transportation and Development, office of public works, to the office of conservation, Dept. of Natural Resources.

Present law provides that the Dept. of Transportation and Development, office of public works, has responsibilities relative to administering certain laws, rules and regulations and gathering certain data concerning ground water resources, ground water resource management and subsurface water well drillers.

Proposed law transfers responsibilities relative to administering certain laws, rules and regulations and gathering certain data concerning ground water resources, ground water resource management and subsurface water well drillers from the Dept. of Transportation and Development, office of public works, to the office of conservation, Dept. of Natural Resources.

Present law provides that the commissioner of conservation can enforce certain penalties for violations of Chapter 13-A-1 of Title 38 of the L.R.S. of 1950.

Proposed law provides that the commissioner of conservation can enforce certain penalties for violations of Chapters 13-A, 13-A-1, and 13-B of Title 38 of the L.R.S. of 1950 and revises those penalties.

Present law provides that whoever violates provisions of Chapter 13-A of Title 38 of the L.R.S. of 1950 or rules and regulations relative to ground water resources is subject to civil penalty and that the state may bring suit.

Proposed law repeals present law.

Present law states the director does not have authority to regulate water produced from formation producing oil or gas or form any district to regulate salt water used for certain purposes.

Proposed law repeals present law.

Present law provides that DOTD, office of public works, can put persons on notice for violations of Title 38 of Chapter 13-B of the L.R.S. of 1950 and pursue such violations through suit.

Proposed law repeals present law.

Proposed law provides that DOTD shall give suspected violators of any provision of Chapter 13-B of Title 38 of the L.R.S. of 1950 notice and time to remedy their actions.

Proposed law repeals present law.

Proposed law requires the secretaries of the Dept. of Natural Resources and the Dept. of Transportation and Development to execute a memorandum of understanding no later than January 1, 2010, providing for the transition of responsibilities relating to water wells and drillers.

(Amends R.S. 38:3092(6), 3093, 3094(A)(intro. para.) and (1) through (5), (B)(intro. para.) and (7), (C)(intro. para.) and (1), 3097.3(C)(4)(a) and (F)(1) and (2)(intro. para.), 3098(A)(intro. para.) and (B), 3098.1(4), 3098.2(A)(intro. para.), (2), and (5) and (B), 3098.4(7), 3098.5, 3098.6, and 3098.7(B); Adds R.S. 38:3092(7) and 3097.3(F)(2)(h) and (i); Repeals R.S. 38:3096, 3097, 3098.3, and 3098.7(C))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill.

1. Requires a Memorandum of Understanding to be entered into prior to Jan. 1, 2010, among the secretary of DOTD, the secretary of DNR, and the commissioner of conservation to delineate the details of responsibility for the oversight of water well drillers and the management of ground water resources.
2. Provides for shared enforcement between DOTD and DNR for enforcement of the laws relative to water well drilling and ground water resources management.

House Floor Amendments to the engrossed bill.

1. Removes requirement that the access to premises by water well inspectors shall only be allowed pursuant to authority of the landowner as a court order.
2. Removes the secretary of the Dept. of Transportation and Development or his designee and adds the commissioner of conservation, or his designee as a member of the advisor committee on water well drillers matters.
3. Changes the nominating body for three members of the committee from the Louisiana Water Well Drillers Association to the Louisiana Ground Water Association.
4. Changes the selection of two members from selected by the secretary of the Dept. of Transportation and Development to selected by the commissioner of conservation.

5. Changes requirements of the contents of the Memorandum of Understanding between the Dept. of Transportation and Development and the Dept. of Natural Resources.