

1 (6) "~~Director~~" "Commissioner" means the ~~director of the Department of~~
 2 ~~Public Works of the State of Louisiana~~ commissioner of conservation.

3 (7) "Office" means the office of conservation, Department of Natural
 4 Resources.

5 §3093. Administration; authority

6 This chapter shall be administered by the ~~director of the Louisiana~~
 7 ~~Department of Public Works~~ commissioner of conservation, who shall have authority
 8 to enforce the provisions of this Chapter.

9 ~~The director shall have authority to enforce the provision of this chapter.~~

10 §3094. Rules and regulations; powers of ~~director~~ commissioner

11 A. The ~~director~~ commissioner shall make reasonable rules and regulations
 12 for the following purposes:

13 (1) To require registration of all wells producing in excess of fifty thousand
 14 gallons per day with the ~~director~~ commissioner showing the date drilled, the name
 15 of the driller, if available, and the current ownership together with such other
 16 information as the ~~director~~ commissioner may reasonably require. The ~~director~~
 17 commissioner may, at his discretion, require registration of smaller wells.

18 (2) To require that all users of ground water within the state register with the
 19 ~~director~~ commissioner showing the number, location, and capacity of wells owned
 20 or operated by them or solely for their benefit and designating the beneficial use or
 21 uses of ground water by them. The ~~director~~ commissioner shall classify each user
 22 as a domestic, municipal, industrial, agricultural, or recreational or therapeutic user
 23 of ground water upon the basis of such information. The ~~director~~ commissioner shall
 24 have authority in his discretion to require periodic renewals of registrations to
 25 determine alterations in uses of water within the state; such registrations may be
 26 required on an annual basis or such greater periods of time as the ~~director~~
 27 commissioner may deem appropriate.

28 (3) To establish regulations governing standards for the construction of all
 29 wells drilled after July 26, 1972, except that where authority is exercised by the
 30 ~~Louisiana State Board of Health~~ Department of Health and Hospitals, the ~~director~~

1 commissioner shall work cooperatively with that department in the establishment of
2 standards for construction.

3 (4) To require well owners to furnish, on request, information pertinent to
4 wells, such as well logs, chemical analyses, strata samples, water levels, water uses,
5 drawdowns, grouting, casing sizes, property descriptions, and other pertinent
6 information reasonably required by the ~~director~~ commissioner, provided that as to
7 wells in existence on July 26, 1972, such information is available.

8 (5) To gather data with respect to existing and future ~~flowing~~ wells.

9 * * *

10 B. In addition to the specific regulatory matters set forth in Subsection A of
11 this ~~section~~ Section, the ~~director~~ commissioner shall have authority to do, as
12 required, the following:

13 * * *

14 (7) To require records to be kept and reports to be made of the drilling,
15 equipping, and completion of wells into any aquifer or aquifers and the taking and
16 use of ground water therefrom and to require accurate drillers' logs to be kept of such
17 wells and a copy thereof and of any electric logs made of such wells to be filed with
18 the ~~director~~ commissioner.

19 C. To provide for uniform protection of public water supply users in the
20 state, the ~~director~~ commissioner with the concurrence and approval of the
21 Department of Health and Hospitals shall be authorized as follows:

22 (1) To assure that all community public water supply systems within the
23 state are developed so as to provide for the proper utilization of the ground water
24 aquifers and are organized to provide proper operation and maintenance of the
25 system. It shall be the responsibility of the ~~director~~ commissioner, with assistance
26 from the Department of Health and Hospitals, to promulgate rules and regulations
27 in accordance with the Administrative Procedure Act, so as to ensure the safety and
28 welfare of the general public utilizing such systems.

29 * * *

1 §3097.3. Commissioner of conservation; powers and duties

2 * * *

3 C. The commissioner has authority to make, after notice and public hearings
4 in accordance with the Administrative Procedure Act, any reasonable rules,
5 regulations, and orders that are necessary from time to time in the proper
6 administration and enforcement of this Chapter, including rules, regulations, or
7 orders for the following purposes:

8 * * *

9 (4)(a) Require registration of all new wells by the owners. Such registration
10 shall at a minimum require the date drilled or the estimated date to be drilled, the
11 name of the driller, the current ownership, and the projected location of the well in
12 latitude, longitude, and depth, and casing size together with such other information
13 as the commissioner may reasonably require. ~~The commissioner and the Department~~
14 ~~of Transportation and Development shall cooperate to ensure the efficient and~~
15 ~~effective collection of well data.~~ Registration shall be in the form of a notice of
16 intent to drill submitted to the commissioner at least sixty days prior to drilling the
17 well, except for the following types of wells which shall be registered no later than
18 sixty days after completing the well:

19 * * *

20 F.(1) The commissioner, upon determining that a violation of ~~this Chapter~~
21 Chapters 13-A, 13-A-1, or 13-B of this Title or the regulations adopted ~~hereunder~~
22 thereunder has occurred, may impose a civil penalty as provided in this Chapter.
23 Additionally, upon determining that a violation of Chapters 13-A, 13-A-1, or 13-B
24 of this Title ~~this Chapter~~ or the rules and regulations made pursuant to ~~this Chapter~~
25 Chapters 13-A, 13-A-1, or 13-B of this Title has occurred, the commissioner may
26 issue an order requiring compliance. Any such order shall state, with reasonable
27 specificity, the nature of the violation, any cessation of activities or affirmative
28 operations required to achieve compliance, and a time limit within which compliance
29 with the order must be achieved. Noncompliance with any such order to comply
30 shall constitute a violation of ~~this Chapter~~ Chapters 13-A, 13-A-1, or 13-B of this

1 Title, and the commissioner may impose a civil penalty for such violation. Any
2 person subjected to a civil penalty shall have the right to a public hearing if requested
3 in writing, which written request shall suspend the imposition of penalty until final
4 action is taken by the commissioner.

5 (2) The commissioner is hereby authorized to assess civil penalties for each
6 day of violation of the provisions of ~~this Chapter~~ Chapters 13-A, 13-A-1, or 13-B
7 of this Title as follows:

8 * * *

9 (h) For violations of Chapter 13-A of this Title and not otherwise specified
10 in that Chapter:

- 11 (i) First offense – between one and two hundred dollars.
- 12 (ii) Second offense – between two hundred one and four hundred dollars.
- 13 (iii) Third offense and subsequent offenses – between four hundred one and
14 one thousand dollars.

15 (i) For violations of Chapter 13-B of this Title and not otherwise specified
16 in that Chapter:

- 17 (i) First offense – between one hundred and one thousand dollars.
- 18 (ii) Second offense – between one thousand one and two thousand five
19 hundred dollars.
- 20 (iii) Third and subsequent offenses – between two thousand five hundred one
21 and five thousand dollars.

22 * * *

23 §3098. Licensing of water well and other drillers

24 A. Every person, firm, or corporation engaged or desiring to engage in the
25 business of drilling water wells for underground water, drilling monitoring wells,
26 geotechnical bore holes, heat pump wells, cathodic protection holes, and/or seismic
27 shot holes, as well as reworking water wells, or plugging and abandoning wells or
28 bore holes, excluding oil and gas wells, in the state of Louisiana shall file an
29 application with the ~~Department of Transportation and Development,~~ office for a
30 drilling license, using forms prepared by the ~~department~~ office, setting out

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

1 qualifications therefor and such other information including any examination, oral
2 or written, as may be required by the ~~department~~ office. The fees for such license
3 and renewal shall be as follows:

4 * * *

5 B. All licenses shall expire on June thirtieth of each year, and shall not be
6 transferable, and shall be renewable annually, upon completion of six hours of
7 continuing education as approved by the ~~Department of Transportation and~~
8 ~~Development~~ office and upon payment of the required fee. ~~Any person, firm, or~~
9 ~~corporation engaged in the business of drilling wells for underground water on April~~
10 ~~21, 1980, upon request made to the licensing authority before June 30, 1981, shall~~
11 ~~have a license issued and shall not be required to take an examination therefor.~~

12 * * *

13 §3098.1. Qualifications for license

14 In order to be licensed as a drilling contractor, as provided in R.S. 38:3098,
15 in the state of Louisiana, the applicant must possess the following qualifications:

16 * * *

17 (4) Demonstrate to the satisfaction of the ~~Department of Transportation and~~
18 ~~Development~~ office a reasonable knowledge of this Chapter and the rules and
19 regulations adopted by the ~~department~~ office under the provisions of this Chapter.

20 §3098.2. Powers of the ~~Department of Transportation and Development~~ Department
21 of Natural Resources, office of conservation resources

22 A. In carrying out the provisions of this Chapter, the ~~Department of~~
23 ~~Transportation and Development~~ office is empowered but not limited to do the
24 following:

25 * * *

26 (2) Prepare required forms and establish other procedures to govern the
27 submission of applications, reports, and other information authorized to be sent to
28 the ~~department~~ office as required by this Chapter.

29 * * *

1 §3098.6. Advisory committee

2 A. The Department of Natural Resources is hereby authorized to appoint a
 3 committee to serve in an advisory capacity and to make recommendations for the
 4 regulation and control of water well drillers as defined in this Chapter. This advisory
 5 committee shall consist of ~~ten members as follows~~ the following members:

6 ~~(1) the secretary of the Department of Transportation and Development,~~
 7 ~~office of public works~~ The commissioner of conservation, or his designee.

8 ~~(2) the~~ The secretary of the Department of Natural Resources or his
 9 designee.

10 ~~(3) the~~ The president of the Louisiana Engineering Society or his designee.

11 ~~(4) the~~ The secretary of the Department of Health and Hospitals or his
 12 designee.

13 ~~(5) one~~ One representative of the United States Geological Survey.

14 ~~(6) three drillers selected by the governor as follows:~~ One domestic well
 15 driller selected by the governor from a list of three submitted by the Louisiana
 16 Ground Water Well Diggers Association.

17 ~~(7) one~~ One municipal and industrial driller selected by the governor from a
 18 list of three submitted by the Louisiana Ground Water Well Drillers Association.

19 ~~(8) one~~ One irrigation driller selected by the governor from a list of three
 20 submitted by the Louisiana Ground Water Well Drillers Association.

21 ~~(9) and two~~ Two drillers at large selected by the ~~secretary for the Department~~
 22 ~~of Transportation and Development, office of public works,~~ commissioner of
 23 conservation from the industry as a whole.

24 B. The first appointment of the domestic well driller and one at large driller
 25 shall be for one year; the first appointment of the irrigation well driller and one at
 26 large driller shall be for two years; the first appointment of the municipal and
 27 industrial driller shall be for three years; thereafter, all appointments shall be for four
 28 year terms.

29 C. The chairman and vice chairman shall be selected by the members of the
 30 committee.

1 Section 4. This Act shall become effective on January 1, 2010.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____