

PART XXII. SPARTA GROUNDWATER CONSERVATION DISTRICT (updated through 2006)

RS 38:§3087.131. Legislative finding; purpose

The increasing use of water for municipal, industrial, agricultural, recreational, and other purposes in North Central Louisiana is a matter of great public interest; the continued uncontrolled use of groundwater from Sparta and other aquifers may create critical problems; the public welfare requires that such water be put to the highest beneficial use; and there is a need to study these matters and how to provide for the efficient administration, conservation, and orderly development of groundwater resources in the parishes of Bienville, Bossier, Caddo, Caldwell, Claiborne, Jackson, LaSalle, Lincoln, Morehouse, Natchitoches, Ouachita, Richland, Sabine, Union, Webster, and Winn.

Acts 1999, No. 1228, §1.

RS 38:§3087.132. District and board; creation

A. The Sparta Groundwater Conservation District is hereby established as a political subdivision of the state.

B. The district shall be administered by a board of commissioners whose members shall be commissioned as provided by R.S. 38:3087.134.

Acts 1999, No. 1228, §1.

RS 38:§3087.133. Definitions

Unless the context otherwise requires, the following terms shall have the following meanings for purposes of this Part:

(1) "Beneficial purpose" or "beneficial use" means the use of groundwater for domestic, municipal, industrial, agricultural, recreational, or therapeutic purposes or any other advantageous use.

(2) "Board" means the board of commissioners of the district.

(3) "Commissioner" means a member of the board of the district who has been commissioned in accordance with this Part.

(4) "District" means the Sparta Groundwater Conservation District.

(5) "Governing body" means the police jury, commission, council, or other legislative body of a parish.

(6) "Groundwater" is water suitable for any beneficial purpose percolating below the earth's surface.

(7) "User" means any person who produces groundwater in the district in excess of fifty thousand gallons for any day during any calendar year from a well or wells owned or operated by such person or from a well or wells owned or operated solely for the production of water used by such person.

(8) "Well" or "water well" means any well drilled or constructed for the principal purpose of producing groundwater.

Acts 1999, No. 1228, §1.

RS 38:§3087.134. Board of commissioners; tenure; replacement; compensation

A. The board of commissioners for the district shall consist of nineteen voting members commissioned by the governor as follows:

(1) One member each from the parishes of Bienville, Claiborne, Jackson, Lincoln, Morehouse, Ouachita, Union, Webster, and Winn, respectively. The governor shall designate the term of office for each member appointed pursuant to this Subparagraph so that, insofar as possible, one-third of the initial members shall serve a one-year term, one-third a two-year term, and one-third a three-year term.

(2) One member, to serve a one-year term, from one of the following parishes: Bossier, Caddo, Caldwell, LaSalle, Natchitoches, Richland, and Sabine. The parish nominating the member shall be on a rotating basis in the order listed herein.

(3) Three members from the nominees of the user groups of wood product industry users, agricultural users, and other industrial users, respectively, in the district commissioned in such manner that the wood products industry, agriculture, and other industries are each represented by one member. The governor shall designate the term of office for each member appointed pursuant to this Paragraph so that one member shall serve a one-year term, one shall serve for a two-year term, and one shall serve a three-year term.

(4) Six members from the nominees of municipalities within the district which have a minimum use of five hundred thousand gallons per day. The governor shall designate the term of office for each member

commissioned pursuant to this Paragraph so that one member shall serve a one-year term, one member shall serve a two-year term, and one member shall serve a three-year term.

B. The initial voting members shall be nominated by the appropriate nominating entity or group and presented to the governor on or before September 15, 1999. The members shall be commissioned by the governor on or before October 15, 1999.

C. Commissions pursuant to Paragraphs A(1), (3), and (4), other than the initial commissions, shall be for three-year terms.

D. Each commission by the governor shall be submitted to the Senate for confirmation.

E. In addition, the following may serve at their pleasure as ex officio nonvoting members of the board and shall not be considered in determining a quorum for the purpose of board meetings:

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

(2) The commissioner of agriculture and forestry or his designee.

(3) A representative of the United States Geological Survey.

(4) The secretary of the Department of Wildlife and Fisheries or his designee.

(5) The secretary of the Department of Transportation and Development or his designee.

(6) A representative of the Louisiana Rural Water Association appointed by the association.

(7) A representative of the Louisiana Cattlemen's Association appointed by the association.

(8) A representative of the Louisiana Farm Bureau Federation appointed by the federation.

(9) Each senator whose senatorial district includes any portion of any parish included within the district or his designee.

(10) Each member of the House of Representatives whose representative district includes any portion of any parish included within the district or his designee.

(11) One or more representatives of industrial users of the groundwater appointed by the board to serve at its pleasure.

(12) The secretary of the Department of Health and Hospitals.

(13) One representative from each university located within any portion of the district.

F. (1) Terms of members commissioned pursuant to Subsection A of this section shall commence for those initially commissioned on October 15, 1999. Terms for commissioners subsequently commissioned shall commence on each October fifteenth thereafter.

(2) Notwithstanding the provisions of R.S. 42:2, a commissioner shall not continue to discharge the duties of his office upon expiration of his term.

G.(1) Sixty days prior to the expiration of the term of any voting member, the board shall notify the appropriate nominating entity or group entitled to make nomination for the member's successor.

(2) In case a vacancy occurs more than ninety days prior to the end of the member's term, the governor shall commission a replacement within thirty days of its occurrence to fill the unexpired term, such replacement to be the nominee of the appropriate nominating entity or group.

(3) In case a vacancy occurs ninety or less days prior to the end of the member's term, the position shall remain vacant for the remainder of the term.

H. Commissioners shall not be compensated for their services, except that the board may, by regulation, provide for the payment of expenses for travel outside the district on official business.

I. A member of a parish governing authority within the district may serve as a commissioner.

Acts 1999, No. 1228, §1; ACTS 2006, No. 22, §1*

*Act No. 22 Was House Bill No. 65 by Reps. Fannin, McDonald, and Walsworth

RS 38:§3087.135. Meetings; election of officers

A. On or before November 15, 1999, the board shall meet at the call of the governor, and it shall meet at its domicile no less than quarterly thereafter. At its organizational meeting, the board shall:

(1) Elect a chairman, vice chairman, secretary, and treasurer.

(2) Establish its domicile within the district.

(3) Begin consideration of the study required by R.S. 38:3087.136.

B. The board shall meet at least once per quarter and the location of the meetings shall rotate between the parishes of Bienville, Claiborne, Jackson, Lincoln, Ouachita, Union, Webster, and Winn. Once a meeting has been held in a parish, no other board meeting shall be held in that parish until a meeting has been held in each

of the other parishes. However, the board may hold a meeting in any of the aforementioned parishes to address concerns particular to that parish.

Acts 1999, No. 1228, §1; Acts 2006, No. 367, §1*

* Act No. 367 was House Bill No. 66 by Reps. Fannin, McDonald, and Walsworth

RS 38:§3087.136. Powers of the board

The board shall conduct a study and survey of the groundwater resources in the district, including but not limited to consideration of what is necessary or advisable to conserve groundwater resources and where appropriate, prevent or alleviate damaging or potentially damaging drawdowns, land surface subsidence and groundwater quality degradation. For this purpose, the board shall hold hearings and may:

(1) Cooperate with and enter into contracts or cooperative agreements with other governmental units and agencies of this state, with governments and agencies of other states and of the United States, and with private agencies or other groundwater conservation districts for the achievement of the purposes of this Part.

(2) Receive and expend funds from any source, public or private, for the achievement of the purposes of this Part.

(3) Hire such personnel and retain such consultants as shall be reasonably necessary to the performance of its functions. Personnel from other agencies shall be used wherever practical and possible.

(4) Advise and consult with the commissioner of conservation and the Ground Water Resources Commission on matters that impact water resources within the board's jurisdiction.

Acts 1999, No. 1228, §1; Acts 2003, No. 49, §2, eff. July 1, 2003.

RS 38:§3087.137. Hearings

A. At hearings conducted by the board, members of the board or members of its staff may testify and present exhibits or other evidence.

B. Notice of hearings by the board must be given by publication in the official journal of each parish within the district.

C. When authorized by the board, the chairman of the board may subpoena witnesses and require their attendance and testimony before the board. The chairman may require the production of any books, papers, or records material to the questions lawfully before the board. Subpoenas shall be served by any agent of the board, by the sheriff, or by any other officer authorized by law to serve process in this state. No person shall be excused from attending and testifying or producing books, papers, or records, or from obeying the subpoena of the board or of a court of record on the ground that the testimony or evidence required by such person may tend to incriminate or subject the person to penalty or forfeiture. Nothing in this Section shall be construed as requiring any person to produce books, papers, or records, or to testify in response to any inquiry not pertinent to some question lawfully before the board or a court for determination. No natural person shall be subject to criminal prosecution or to any penalty or forfeiture relative to any testimony or evidence required to be provided to the board or a court. However, no person testifying shall be exempt from prosecution and punishment for perjury.

D. In the case of failure or refusal of a person to comply with a subpoena issued by the chairman of the board, or in the case of the refusal of a witness to testify or answer as to a matter regarding which the person may be lawfully interrogated, any district court on application of the board may, in term time or in vacation, issue an attachment to compel the person to comply with the subpoena and to appear before the board with the requested documents and to give testimony upon whatever matters are lawfully required. The court may punish for contempt those disobeying its orders as in the case of disobedience of a subpoena issued by the court or refusal to testify therein.

E. The board shall make a record of all hearings which shall be available for public inspection at the office of the board during reasonable office hours.

Acts 1999, No. 1228, §1.