

1 WHEREAS, the report found that the commission failed to begin regulating or
2 collecting fees from wells located in Ascension Parish more than one year after adding that
3 parish to its district in 2018, and further exceeded its statutory limit of seventeen commission
4 members when the commissioner from the newly added Ascension Parish became its
5 eighteenth commissioner; and

6 WHEREAS, R.S. 38:3074(A)(6) specifies that one member of the board of
7 commissioners of the commission shall be appointed from nominations by the Louisiana
8 Farm Bureau Federation and the Louisiana Cattlemen's Association despite the fact that R.S.
9 38:3076(D) prohibits the district from exercising any regulatory authority over wells from
10 which the production is used exclusively for bona fide agricultural or horticultural purposes;
11 and

12 WHEREAS, notwithstanding the addition of Ascension Parish to the district in 2018,
13 there remain at least two parishes that have not been added to the district where substantial
14 quantities of Southern Hills Aquifer groundwater are withdrawn from the aquifer by wells
15 drilled by entities which the district is statutorily authorized to regulate; and

16 WHEREAS, the Southern Hills Aquifer extends under St. Helena, Livingston,
17 Tangipahoa, Washington, and St. Tammany Parishes, and these areas are significant to the
18 health and well-being of the aquifer as they are the aquifer's recharge areas; and

19 WHEREAS, these five parishes are currently not within the district; and

20 WHEREAS, the report found that some commission members receive salaries or
21 benefits from entities that are regulated by the commission, in possible violation of state law;
22 and

23 WHEREAS, in response to this finding in the report, the Board of Ethics commenced
24 a formal inquiry into potential conflicts of interest by several members of the commission;
25 and

26 WHEREAS, in response to the commencement of that conflict-of-interest inquiry by
27 the Board of Ethics, in the 2021 Regular Session, Senator Mack "Bodi" White authored
28 Senate Bill 203 which passed both houses and was subsequently vetoed by the governor; and

29 WHEREAS, Senate Bill 203 of the 2021 Regular Session sought to and Senate Bill
30 197 of the 2022 Regular Session seeks to add a new exception, R.S. 42:1123(47), to the

1 Code of Government Ethics, to explicitly permit individuals to serve as members of the
2 board of commissioners of a groundwater district who are nominated by an industrial user
3 or a privately owned entity that furnishes water for rural or municipal use within the district
4 and who, at the time of their nomination, are employed by or rendering compensated
5 services to or participating in transactions with their nominating entity; and

6 WHEREAS, during a 2021 legislative committee hearing on Senate Bill 203, Senator
7 White asserted both that the district required the expertise of commissioners who were
8 familiar with the production processes and water needs of the industrial users by whom they
9 were both nominated and employed while serving as commissioners and that they could not
10 exercise undue influence over other commissioners because they constituted only three out
11 of the eighteen commissioners; and

12 WHEREAS, the commission can benefit from any necessary industry-specific
13 expertise by simply calling relevant, knowledgeable, and current industrial user-employees
14 as expert witnesses in the course of commission proceedings without compromising the
15 integrity of the commission by creating actual conflicts of interest based upon their service
16 as industry employed and appointed commissioners; and

17 WHEREAS, during the 2022 Regular Session, Senate Bill 197 passed the Senate by
18 a vote of 36-0 and is pending House final passage.

19 THEREFORE, the House of Representatives of the Legislature of Louisiana requests
20 the House Committee on Natural Resources and Environment to study the ethical
21 governance and membership needs of the Capital Area Groundwater Conservation District
22 and to report its findings to the House of Representatives prior to the convening of the 2023
23 Regular Session of the Legislature of Louisiana.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HSR 1 Original

2022 Regular Session

Davis

Requests the House Committee on Natural Resources and Environment to study the ethical governance and membership needs of the Capital Area Groundwater Conservation District and to report its findings to the House of Representatives prior to the convening of the 2023 R.S.