

Regular Session, 2014

SENATE BILL NO. 634

BY SENATOR CLAITOR

WATER/WATERWAYS. Provides relative to groundwater and surface water. (8/1/14)

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AN ACT

To enact Part I-B of Chapter 1 of Code Title 1 of Code Book II of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:1116.1 through 1116.3, relative to water; to provide relative to groundwater and surface water; to provide relative to water rights and use; to provide certain terms, conditions, procedures, requirements, and effects; to provide relative to certain studies; to provide relative to creation of a Louisiana Water Code and comprehensive provisions governing water resources and use; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part I-B of Chapter 1 of Code Title 1 of Code Book II of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:1116.1 through 1116.3, is hereby enacted to read as follows:

PART I-B. LOUISIANA WATER CODE

§1116.1. Short title

This Part shall be known as the "Louisiana Water Code".

§1116.2. Legislative findings

A. The Legislature finds there is a significant public interest and need for

1 the development of a comprehensive water code to govern Louisiana's water
2 resources and their use. This includes surface water, groundwater, the nature
3 and scope of riparian rights, and the need for the state to successfully manage
4 and conserve its water resources.

5 B. To that end, the Louisiana State Law Institute is hereby directed to
6 form a Water Code Committee. The committee shall be an interdisciplinary
7 committee, and shall include academicians, practitioner, scientists with
8 expertise in hydrology, and government representatives with expertise in
9 Louisiana's water resources and the state's existing administrative system of
10 water management.

11 C. Not later than January 1, 2017, the Water Code Committee shall
12 present proposed legislation to the Legislature providing comprehensive Water
13 Code provisions governing Louisiana's water resources and their use. The
14 Water Code provisions shall include and address surface water, groundwater,
15 the nature and scope of riparian rights, and the management and conservation
16 of water resources by the state.

17 §1116.3. Withdrawal limits on the use of groundwater

18 A. Article IX, Section 1 of the Constitution of Louisiana mandates that
19 the legislature shall enact laws to protect, conserve and replenish the natural
20 resources of the state, specifically water. The legislature must ensure that the
21 groundwater of the state is conserved and replenished for future generations.
22 In order to accomplish this constitutional requirement, the legislature must be
23 diligent in enacting legislation that will accomplish the purposes of the
24 constitutional requirement.

25 B.(1) From August 1, 2017, to July 31, 2018, the commissioner of
26 conservation shall not authorize, issue or reissue any permit which allows the
27 use or withdrawal of forty million gallons or more of groundwater per day.

28 (2) From August 1, 2018, to July 31, 2019, the commissioner shall not
29 authorize, issue or reissue any permit which allows the use or withdrawal of

- 1 **thirty-five million gallons or more of groundwater per day.**
- 2 **(3) From August 1, 2019, to July 31, 2020, the commissioner shall not**
- 3 **authorize, issue or reissue any permit which allows the use or withdrawal of**
- 4 **thirty million gallons or more of groundwater per day.**
- 5 **(4) Beginning August 1, 2020, the commissioner shall not authorize, issue**
- 6 **or reissue any permit which allows the use or withdrawal of twenty-five million**
- 7 **gallons or more of groundwater per day.**
- 8 **(5) The provisions of this Subsection shall not apply to agricultural or**
- 9 **residential uses.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

DIGEST

Claitor (SB 634)

Proposed law creates Louisiana Water Code.

Proposed law provides that the Legislature finds there is a significant public interest and need for the development of a comprehensive water code to govern Louisiana's water resources and their use. This includes surface water, groundwater, the nature and scope of riparian rights, and the need for the state to successfully manage and conserve its water resources.

Proposed law further provides that, to that end, the Louisiana State Law Institute is hereby directed to form a Water Code Committee. The committee shall be an interdisciplinary committee, and shall include academicians, practitioner, scientists with expertise in hydrology, and government representatives with expertise in Louisiana's water resources and the state's existing administrative system of water management.

Proposed law further provides that not later than January 1, 2017, the Water Code Committee shall present proposed legislation to the Legislature providing for comprehensive Water Code provisions governing Louisiana's water resources and their use. The Water Code shall include and address surface water, groundwater, the nature and scope of riparian rights, and the management and conservation of water resources by the state.

Proposed law also provides certain limits on the use of groundwater. Provides that Article IX, Section 1 of the Constitution of Louisiana mandates that the legislature shall enact laws to protect, conserve and replenish the natural resources of the state, specifically water. The legislature must ensure that the groundwater of the state is conserved and replenished for future generations. In order to accomplish such constitutional requirement, the legislature must be diligent in enacting legislation that will accomplish the purposes of the constitutional requirement.

Proposed law provides that from August 1, 2017, to July 31, 2018, the commissioner of conservation shall not authorize, issue or reissue any permit which allows the use or withdrawal of 40 million gallons or more of groundwater per day. From August 1, 2018, to July 31, 2019, the commissioner shall not authorize, issue or reissue any permit which allows the use or withdrawal of 35 million gallons or more of groundwater per day. From

August 1, 2019, to July 31, 2020, the commissioner shall not authorize, issue or reissue any permit which allows the use or withdrawal of 30 million gallons or more of groundwater per day. Beginning August 1, 2020, the commissioner shall not authorize, issue or reissue any permit which allows the use or withdrawal of 25 million gallons or more of groundwater per day. Proposed law also provides that such prohibitions shall not apply to agricultural or residential uses.

Effective August 1, 2014.

(Adds R.S. 9:1116.1-1116.3)