

ACT No. 556

Regular Session, 2014

HOUSE BILL NO. 782

BY REPRESENTATIVE THOMPSON

1 AN ACT

2 To amend and reenact R.S. 30:961(B) and R.S. 56:10.1(B) and to enact R.S. 30:961(J) and
3 (K), relative to the proceeds of surface water owned by the state; to provide for
4 reimbursement to the state for withdrawal and use of water from certain bodies of
5 water; to provide for the deposit of monies collected by the state from the withdrawal
6 or use of surface water; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:961(B) is hereby amended and reenacted to read as follows and
9 R.S. 30:961(J) and (K) are hereby enacted to read as follows:

10 §961. Cooperative endeavor agreements; withdrawal of surface water; intent

11 * * *

12 B. No agency or subdivision of the state otherwise authorized to enter into
13 a cooperative endeavor agreement to withdraw running surface water, or assignment
14 of such shall do so unless the ~~said~~ agreement is in writing, provides for fair market
15 value to the state, is in the public interest, and is contained on ~~an~~ a uniform form
16 developed and prescribed by the State Mineral and Energy Board and approved by
17 the attorney general. ~~Fair~~ Except when water is withdrawn from bodies of water
18 managed by the Department of Wildlife and Fisheries and determined by the office
19 of fisheries to be negatively impacted by invasive aquatic vegetation, fair market
20 value to the state shall include but not be limited to the economic development,
21 employment, and increased tax revenues created by the activities associated with the
22 withdrawal of running surface water. No such cooperative endeavor agreement to
23 withdraw running surface water shall be valid unless and until such agreement is
24 approved by the secretary following the submission of an application for approval,

1 which the secretary shall develop and prescribe. The secretary shall conduct the
2 evaluation provided for in Subsection D of this Section and take action on the
3 application within sixty days of the application being deemed complete. If the
4 secretary denies the application, the secretary shall provide written reasons for the
5 denial at the time of the denial.

6 * * *

7 J. The state shall be reimbursed at fair market value for all use or withdrawal
8 of running surface water from bodies of water managed by the Department of
9 Wildlife and Fisheries and determined by the office of fisheries to be negatively
10 impacted by invasive aquatic vegetation. Fair market value as used in this
11 Subsection shall be at a rate of not more than fifteen cents per thousand gallons, and
12 shall not include the economic development, employment, and increased tax
13 revenues created by the activities associated with the withdrawal of running surface
14 water.

15 K. All monies collected by the state pursuant to this Chapter as a result of
16 the use or withdrawal of surface water shall be deposited into the Aquatic Plant
17 Control Fund as established in R.S. 56:10.1, and shall be used for the treatment of
18 aquatic weed, preferably on the body of water from which revenues were generated.

19 Section 2. R.S. 56:10.1(B) is hereby amended and reenacted to read as follows:

20 §10.1. Aquatic Plant Control Fund; creation; uses

21 * * *

22 B. After compliance with the requirements of Article VII, Section 9(B) of
23 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
24 and after a sufficient amount is allocated from that fund to pay all of the obligations
25 secured by the full faith and credit of the state which become due and payable within
26 any fiscal year, the treasurer shall pay into the Aquatic Plant Control Fund an amount
27 equal to the monies received by the state treasury pursuant to the provisions of R.S.
28 47:462(B)(2)(c) and R.S. 30:961(K). The monies in this fund shall be used solely
29 as provided in Subsection C of this Section and only in the amount appropriated by
30 the legislature. All unexpended and unencumbered monies remaining in this fund

1 at the end of the fiscal year shall remain in the fund. The monies in the fund shall
2 be invested by the state treasurer in the same manner as monies in the state general
3 fund and all returns of such investment shall be deposited to the fund.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____