

2026 Regular Session

HOUSE BILL NO. 1209

BY REPRESENTATIVE FIRMENT

WATER/RESOURCES: Provides for the withdrawal of surface water

1 AN ACT

2 To amend and reenact R.S. 30:961, relative to cooperative endeavor agreements for the
3 withdrawal of surface water; to provide for legislative intent and findings; to provide
4 a sunset date for surface water withdrawal agreements; to require the secretary to
5 consider potential introduction of invasive vegetation or wildlife species when
6 forming agreements; to provide for reporting to appropriate legislative committees;
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 30:961 is hereby amended and reenacted to read as follows:

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

11 A. Legislative intent and findings

12 (1) The legislature hereby finds and declares that the surface waters of the
13 state of Louisiana are among its most valuable natural resources and are essential to
14 the state's economy, environment, public safety, and quality of life.

15 (2) The legislature further finds that the responsible management of surface
16 water resources requires a balanced approach that supports economic development
17 while ensuring the long-term sustainability and usability of the state's waterways.

18 (3) The legislature recognizes that invasive aquatic vegetation and species
19 including but not limited to giant salvinia, water hyacinth, and hydrilla pose a
20 significant and growing threat to Louisiana's lakes, rivers, and other water bodies by
21 impairing navigation, increasing flood risk, degrading wildlife habitat, and limiting
22 public access.

1 (4) The legislature further finds that aquatic vegetation overgrowth and
2 invasive species infestations can render water bodies unusable for commerce,
3 recreation, and resource management if not effectively controlled.

4 (5) Therefore, it is the intent of the legislature to:

5 (a) Ensure that the use and withdrawal of surface water resources contributes
6 to the preservation and maintenance of those resources.

7 (b) Support a statewide, coordinated approach to aquatic vegetation
8 management and invasive species control.

9 (c) Provide for research, monitoring, and long-term management strategies
10 to address invasive aquatic species.

11 (d) Establish sustainable funding mechanisms to assist in the protection and
12 restoration of Louisiana's waterways for the benefit of present and future
13 generations.

14 B. As provided by this Chapter and except as otherwise provided by law, a
15 person or entity may enter into a cooperative endeavor agreement to withdraw
16 running surface water as described in this Chapter. The cooperative endeavor
17 agreement shall prohibit the resale of withdrawn running surface water for a price
18 greater than provided for in the agreement; however, a person or entity may receive
19 compensation for the transportation, manufacturing, or processing of withdrawn
20 running surface water. Unless otherwise provided by law, all cooperative endeavor
21 agreements to withdraw running surface water, and any assignment of such
22 agreement, shall be approved by the secretary as provided in this Chapter. No
23 provision contained in this Chapter should be construed as a requirement for any
24 person or entity to enter into any cooperative endeavor agreement to withdraw
25 running surface water. This Chapter shall have no effect on the rights provided for
26 in Civil Code Articles 657 and 658 or any rights held by riparian owners in
27 accordance with the laws of this state. It is also the intent of the legislature that
28 should any portion of this Chapter be found to be unconstitutional that the remaining
29 parts shall continue in force and effect.

1 ~~B~~: C. No agency or subdivision of the state otherwise authorized to enter into
2 a cooperative endeavor agreement to withdraw running surface water, or assignment
3 of such shall do so unless the agreement is in writing, provides for fair market value
4 to the state, is in the public interest, and is contained on a uniform form developed
5 and prescribed by the State Mineral and Energy Board and approved by the attorney
6 general. Except when water is withdrawn from bodies of water managed by the
7 Department of Wildlife and Fisheries and determined by the office of fisheries to be
8 negatively impacted by invasive aquatic vegetation, fair market value to the state
9 shall include but not be limited to the economic development, employment, and
10 increased tax revenues created by the activities associated with the withdrawal of
11 running surface water. No such cooperative endeavor agreement to withdraw
12 running surface water shall be valid unless and until such agreement is approved by
13 the secretary following the submission of an application for approval, which the
14 secretary shall develop and prescribe. The secretary shall conduct the evaluation
15 provided for in Subsection ~~D~~ E of this Section and take action on the application
16 within sixty days of the application being deemed complete. If the secretary denies
17 the application, the secretary shall provide written reasons for the denial at the time
18 of the denial.

19 ~~C~~: D. Unless otherwise provided by law, the secretary is authorized to enter
20 into any cooperative endeavor agreement to withdraw running surface water,
21 provided that any such agreement complies with the prohibition against gratuitous
22 donation of state property by ensuring that the state receives fair market value for
23 any water removed, and the substance of the agreement is contained within a written
24 cooperative endeavor agreement as provided for in Article VII, Section 14 of the
25 Constitution of Louisiana.

26 ~~D~~: E. The secretary shall evaluate each application for a cooperative
27 endeavor agreement to withdraw running surface water and each such cooperative
28 endeavor that he may enter to ensure that each is in the public interest. The secretary
29 shall ensure the proposed agreement is based on best management practices and

1 sound science, and is consistent with the required balancing of environmental and
2 ecological impacts with the economic and social benefits found in Article IX,
3 Section 1 of the Constitution of Louisiana. In his evaluation, the secretary shall also
4 ensure that all cooperative endeavor agreements to withdraw running surface water,
5 or assignments of such, adequately consider the potential and real effects of such
6 contracted activity on the sustainability of the water body and on navigation. Any
7 assignment of any such cooperative endeavor agreement to withdraw running surface
8 water may be approved by the secretary in the same manner as an agreement as
9 provided in this Section, unless otherwise provided for by law.

10 E. F.(1) A cooperative endeavor agreement to withdraw running surface
11 water, or an assignment of such, entered into pursuant to the provisions of this
12 Chapter shall have an initial term not to exceed two years. No new cooperative
13 endeavor agreement shall be entered into for any application that was received by the
14 department after December 31, 2026; however, except as otherwise provided in this
15 Subsection, Existing existing agreements may be renewed in two-year increments
16 but shall terminate no later than December 31, 2036.

17 (2) A person or entity who has entered into a cooperative endeavor
18 agreement to withdraw running surface waters or has obtained an assignment of
19 such, may terminate such agreement after December 31, ~~2022~~ 2028. In order to be
20 effective, the person or entity seeking to terminate shall provide written notice by
21 certified mail to the secretary at least thirty days prior to termination.

22 F. G. The secretary may act to protect the natural resources of the state by
23 reducing any withdrawal of water from the running surface waters of the state
24 otherwise agreed to be withdrawn pursuant to an agreement entered into pursuant to
25 this Chapter, or make other conditions, including the suspension or termination of
26 such withdrawal of water when such an action is required to protect the resource and
27 to maintain sustainability and environmental and ecological balance. If the secretary
28 acts to reduce or suspend the volume of water agreed to be withdrawn, he shall do
29 so in such a manner that the total necessary reductions are proportionally borne by

1 all users of the running surface waters, subject to this Chapter, in the area for which
2 a reduction is required. Prior to approval, the secretary shall ensure that each
3 contract or agreement or assignment thereof that involved the withdrawal of the
4 running surface waters of the state provides for the secretary's authority, without
5 liability for damages, in this regard.

6 ~~G.~~ H.(1) The secretary, in deciding whether to approve or require changes
7 in an application for a cooperative endeavor agreement to withdraw running surface
8 water, or assignment of such, shall consider the various existing and potential users
9 of the resource and shall give appropriate consideration and priority to the following
10 users or uses in the following order of priority:

11 (a) Human consumption by means of a public water system or a private water
12 system that provides domestic potable water service.

13 (b) Agricultural uses that provide sustenance to animals or irrigation to
14 plants.

15 (c) Any commercial purpose or other industrial or mining activity.

16 (2) The secretary shall also consider the impact of any proposed contract,
17 agreement, assignment, or use on resource planning. By way of illustration but not
18 limitation, these would include any potential project or use that impacts:

19 (a) Stream or water flow energy.

20 (b) Sediment load and distribution.

21 (c) Navigation.

22 (d) Aquatic life.

23 (e) ~~Other vegetation or wildlife~~ Aquatic vegetation and wildlife impacts,
24 including the presence, proliferation, management, control, mitigation, and potential
25 eradication of invasive aquatic vegetation and species including but not limited to
26 giant salvinia, water hyacinth, hydrilla, alligator weed, and other invasive or noxious
27 aquatic plants or organisms that may impair water flow, navigation, flood control,
28 ecological balance, or public use of state waters.

1 (3) The management of cooperative endeavor agreements to withdraw
2 running surface water shall be consistent with the comprehensive master plan for
3 coastal restoration and protection as approved by the Coastal Protection and
4 Restoration Authority Board and the legislature.

5 H. I. Approval of an application for a cooperative endeavor agreement to
6 withdraw running surface water or assignment of such pursuant to this Chapter does
7 not obviate the need for other permits or authorizations required by law for any
8 proposed activity.

9 F. J. Any cooperative endeavor agreement approved or entered into by the
10 secretary pursuant to the Section which provides for the withdrawal of running
11 surface water for use outside the boundaries of the state of Louisiana shall require
12 the approval of the House Committee on Natural Resources and Environment and
13 the Senate Committee on Natural Resources. In determining whether to approve
14 such agreement, the committees shall consider the reasonableness of the withdrawal,
15 whether the withdrawal is contrary to the conservation and uses of the running
16 surface water, and whether the withdrawal is detrimental to the environment or the
17 public welfare.

18 J. K. The state shall be reimbursed at fair market value for all use or
19 withdrawal of running surface water from bodies of water managed by the
20 Department of Wildlife and Fisheries and determined by the office of fisheries to be
21 negatively impacted by invasive aquatic vegetation. Fair market value as used in this
22 Subsection shall be at a rate of not more than fifteen cents per thousand gallons, and
23 shall not include the economic development, employment, and increased tax
24 revenues created by the activities associated with the withdrawal of running surface
25 water.

26 ~~K. L.~~ All monies collected by the state pursuant to this Chapter as a result
27 of the use or withdrawal of surface water shall be deposited into the Aquatic Plant
28 Control Dedicated Fund Account as established in R.S. 56:10.1, ~~and shall be used~~
29 ~~for the treatment of aquatic weed, preferably on the body of water from which~~

1 ~~revenues were generated~~ shall be used for the management, control, mitigation, and
2 eradication of invasive aquatic vegetation and species throughout the state, as
3 determined by the Department of Wildlife and Fisheries based on priority need and
4 scientific assessment.

5 M. The secretary shall submit an annual report to the House Committee on
6 Natural Resources and Environment and the Senate Committee on Natural Resources
7 no later than March 1st of each year, which shall include:

8 (1) The number of active cooperative endeavor agreements.

9 (2) The volume of water authorized under each agreement and the volume
10 of water actually withdrawn.

11 (3) The total revenue generated under the agreement, including monetary and
12 nonmonetary consideration and a description of any nonmonetary consideration.

13 (4) The amount of monetary revenue deposited into the Aquatic Plant
14 Control Dedicated Fund Account.

15 (5) A summary of expenditures for aquatic vegetation management.

16 (6) An identification of any agreements utilizing nonmonetary consideration.

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)]

HB 1209 Engrossed

2026 Regular Session

Firment

Abstract: Provides legislative findings and intent, a sunset date for surface water withdrawal cooperative endeavor agreements, for the secretary's consideration of potential introduction of invasive vegetation or wildlife species when entering agreements, and for reporting of revenue deposited to and spent from the Aquatic Plant Control Dedicated Fund Account to appropriate committees.

Present law provides for cooperative endeavor agreements to withdraw running surface water with requirement for the approval by the secretary and prohibition for the resale of withdrawn water, reserving the rights provided under present law and stating the intent of the legislature for severability of provisions.

Proposed law retains present law provisions and adds further legislative intent and findings to recognize the importance of the surface waters of the state on the economy and lives of La. residents and to acknowledge the impact to surface waters and the aquatic habitat of their withdrawal.

Present law provides for cooperative endeavor agreements to withdraw running surface water entered into pursuant to present law to have an initial term not to exceed two years and to be renewable in two-year increments.

Proposed law prohibits new agreements to be entered for which an application is received by the dept. after Dec. 31, 2026.

Proposed law retains the provision of present law for contracts to be renewed in two-year increments, but adds a required termination date of Dec. 31, 2036.

Present law provides for the secretary to consider the impact of entering withdrawal of surface water cooperative endeavor agreements on vegetation or wildlife.

Proposed law adds further specificity to present law impacts including the presence, proliferation, management, control, mitigation, and potential eradication of invasive aquatic vegetation and species such as giant salvinia, water hyacinth, hydrilla, alligator weed, and other invasive or noxious aquatic plants or organisms that may impair water flow, navigation, flood control, ecological balance, or public use of state waters.

Present law provides for funds collected for the withdrawal of surface water to be deposited into the Aquatic Plant Control Dedicated Fund Account and to be used for the treatment of aquatic weed with preference given to the body of water from which revenue was generated.

Proposed law retains provisions for collecting funds and depositing them into the Aquatic Plant Control Dedicated Fund Account, but removes the preference provision and adds reporting requirement for certain data, including collection and expenditure of the funds, to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources.

(Amends R.S. 30:961)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Clarify that monies in the Aquatic Plant Control Dedicated Fund Account must be used for the management, control, mitigation, and eradication of invasive aquatic vegetation and species throughout the state, as determined by the Department of Wildlife and Fisheries based on priority and scientific assessment.
2. Add requirement for annual reporting of data to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources to include:
 - a. The number of active cooperative endeavor agreements.
 - b. The volume of water authorized and withdrawn under agreements.
 - c. The total revenue generated under the agreement.
 - d. Monies deposited into the Aquatic Plant Control Dedicated Fund.
 - e. A summary of the expenditures for aquatic vegetation management.
 - f. Identification of agreements using nonmonetary consideration.
3. Make technical changes.