

Regular Session, 2003

# ACT No. 295

HOUSE BILL NO. 1264

BY REPRESENTATIVES SALTER AND ILES AND SENATORS CAIN  
AND SMITH

## AN ACT

To amend and reenact R.S. 38:2325(A), relative to the powers of the Sabine River Authority; to establish a conservation pool level; to prohibit the generation of hydroelectric power under certain circumstances; to provide relative to limitations on other uses of water in the reservoir; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2325(A) is hereby amended and reenacted to read as follows:

### §2325. Powers

A. Said authority shall have the power:

~~(a)~~(1) To have a corporate seal.

~~(b)~~(2) To acquire by purchase, gift, devise, lease, expropriation or other mode of acquisition, to hold, pledge, encumber, lease and dispose of real and personal property of every kind within its territorial jurisdiction, whether or not subject to mortgage or any other lien.

~~(c)~~(3) To make and enter into contracts, conveyances, mortgages, deeds or ~~trust~~ trusts, bonds, and leases in the carrying out of its corporate objectives including but not limited to contracts for the legal services of a special counsel.

~~(d)~~(4) To let contracts for the construction or acquisition in any other manner of property and facilities incident to the carrying out of the corporate purposes of the Authority, which contracts shall be let in such manner as shall be determined by the board of commissioners.

~~(e)~~(5) To incur debts and borrow money, but no debt so incurred shall be payable from any source other than the revenues to be derived by the Authority from sources other than taxation.

~~(f)~~(6) To fix, maintain, collect, and revise rates, charges, and rentals for the facilities of the Authority and the services rendered thereby including but not limited to all charges for services and goods provided by or through the Sabine River Channel and Diversion System.

~~(g)~~(7) To pledge all or any part of its revenues.

~~(h)~~(8) To enter into agreements of any nature with any person or persons (natural or artificial), corporation, association, or other entity, including public corporations, political subdivisions, municipalities, and federal and state agencies and instrumentalities of every kind, for the operation of all or any part of the properties and facilities of the Authority.

~~(i)~~(9) To do all things necessary or convenient to carry out its functions.

~~(j)~~(10) To conserve, store, control, preserve, utilize, and distribute the waters of the rivers and streams of the Sabine watershed including but not limited to all waters flowing through the Sabine River

Channel and Diversion System; to drain and reclaim or cause to be drained and reclaimed, the undrained or partially drained marsh, swamp, and overflow lands in the district of said Authority, with the view of controlling floods and causing settlement and cultivation of such lands; and in addition to all of the aforementioned powers for the conservation and beneficial utilization of water resources, to control and employ such waters of the Sabine River and its tributaries in the state of Louisiana, including the storm and flood waters thereof, as are hereinafter set forth:

~~(1)~~(a) To provide through practical and legal means for the control and coordination of the regulation of the waters of the Sabine River and its tributary streams;

~~(2)~~(b) To provide by adequate organization and administration for the preservation of the equitable rights of the people of the different sections of the watershed area, in the beneficial use of the waters of the Sabine River and its tributary streams;

~~(3)~~(c) For storing, controlling, and conserving the waters of the Sabine River and its tributaries within and without the district, and the prevention of the escape of any such waters without the maximum of service to the public; for the prevention of devastation of lands from recurrent overflow and the protection of life and property in such district from uncontrolled flood waters;

~~(4)~~(d) For the conservation of the Sabine River and its tributaries essential for the domestic use of the people of the district, including all necessary water supplies of cities and towns;

~~(5)~~(e) For the irrigation of lands within the state of Louisiana where irrigation is required for agricultural purposes, or may be deemed helpful to more profitable agricultural production, and for the equitable distribution of said waters to the regional potential requirements for all uses, hydroelectric, domestic, municipal, manufacturing, and irrigation, provided that no generating capacity other than hydroelectric shall be installed by the Authority. The Authority shall have no power to construct, own, or lease any electric transmission or distribution lines. All plans and all works provided by said Authority shall have primary regard to the necessary and potential needs for water;

~~(6)~~(f) For the encouragement and development of drainage systems and for drainage of lands in the watershed of the Sabine River and its tributary streams needed for agricultural production; and drainage of other land in the watershed area of the Authority requiring drainage for the most advantageous use;

~~(7)~~(g) For the purpose of encouraging the conservation of all soils against destructive erosion and preventing the increased flood menace incidental thereto;

~~(8)~~(h) To control and make available for employment of said waters in the development of commercial and industrial enterprises in all sections of the area within the watershed of the Sabine River and its tributaries, to improve the Sabine River for navigation; to construct or otherwise acquire and operate navigation facilities and to make contracts with the United States with reference thereto;

~~(9)~~(i) For the control, storing, and employment of the waters of the watershed area of the Sabine River and its tributaries, including

storm and flood waters, in the development and distribution of hydroelectric powers.

~~(k)(11)(a)~~ To utilize the waters of the Sabine River for the generation of electric power, to sell the use of the water of said river for the production of electric power, to provide or furnish power and to that end to construct, maintain, operate, or lease any or all hydroelectric generating facilities within its territorial jurisdiction useful for such purpose. Rates set by the ~~authority~~ Authority shall be regulated by the Public Service Commission.

(b) Notwithstanding any other provisions of law to the contrary, the Authority shall not utilize or sell the use of the waters of the Toledo Bend Reservoir for the generation or production of hydroelectric power if the mean sea level of the reservoir is below one hundred sixty-eight feet, except under any one of the following circumstances:

(i) The Federal Energy Regulatory Commission or its successor orders or requires a reduction in the water level of the reservoir for purposes of inspecting or repairing the dam.

(ii) Failure to do so will result in an insufficient supply of electric power in relation to the demand for such power by its firm or non-interruptible power users.

(iii) Nonuse of the waters of the reservoir for the generation of hydroelectric power will result in the failure to satisfy minimum down river flow requirements necessary to meet water sales from the diversion canals of the Sabine River Channel and Diversion System and deter saltwater encroachment.

(iv) Nonuse of the waters of the reservoir for the generation of hydroelectric power will result in saltwater encroachment in the Sabine River Estuaries.

~~(11)~~(12) To purchase or construct all works and facilities necessary or convenient to the exercise of the foregoing powers and to accomplish the purposes specified in this Chapter, and to purchase or otherwise acquire, within its territorial jurisdiction all real and personal property necessary or convenient for carrying out such purposes.

~~(12)~~(13) To enter into an agreement with the Department of Wildlife and Fisheries for the permanent assignment of four commissioned wildlife officers and agents to the Toledo Bend Reservoir, wherein the authority shall be obligated to pay the salaries and related benefits, including all costs of equipment and land and water transportation for such officers for a period of two years, commencing September 1, 1992.

~~(13)~~(14) To do all things necessary to facilitate economic development and to promote recreation and tourism within its jurisdiction including the advertisement and publication of information relating to business opportunities, businesses, recreational activities, parks and other recreational facilities, and tourist attractions.

(15) Nothing in this Subsection is intended to restrict the use of water from the Toledo Bend Reservoir for any reason, other than hydroelectric power generation, when the mean sea level is below one hundred sixty-eight feet, provided however, that during any time period

that the Sabine River Authority restricts the use of water for electric generation, the utility shall not pay the Authority for power that it was prevented from generating.

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Section 2. This Act shall become effective on May 1, 2004; provided however that this Act shall become effective prior to such date if and when all contracts and other obligations to which the Authority is a party for the production of hydroelectric power are amended to allow for the accommodation of the restriction of the reservoir water level.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_