

ACT No. 994

HOUSE BILL NO. 1449

BY REPRESENTATIVES FANNIN, ANDERS, ARNOLD, AUBERT, BALDONE, BURFORD, CARMODY, CHAMPAGNE, CHANDLER, CHANEY, DOWNS, EDWARDS, ELLINGTON, GISCLAIR, GUILLORY, GUINN, HARDY, HAZEL, HENRY, HOFFMANN, JOHNSON, SAM JONES, KATZ, LEBAS, LEGER, LITTLE, MONTOUCET, NOWLIN, PEARSON, PUGH, RICHARD, RITCHIE, ROY, SCHRODER, SIMON, GARY SMITH, ST. GERMAIN, THIBAUT, TUCKER, WADDELL, WHITE, AND WOOTON AND SENATOR THOMPSON

1 AN ACT

2 To enact R.S. 9:1103, relative to the right of riparian owners; to provide for the assignment
3 of rights to access the running waters of the state; to provide a statement of public
4 policy; to provide for the transfer for agricultural and aquacultural use by public
5 entities; to prohibit fees charged by the state; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:1103 is hereby enacted to read as follows:

8 §1103. Riparian owners, use of surface water; fees prohibited; legislative finding
9 and intent

10 A. The Legislature of Louisiana finds that waters used in agricultural or
11 aquacultural pursuits are not consumed, rather they are merely used, and the
12 movement of the water ultimately provides value to the resource in several ways as
13 these uses provide for additional pathways for integration of the water into the
14 hydrological cycle. Some of these value-adding processes include recharging
15 aquifers by percolation into the groundwater, entry into the cycle as water vapor
16 through the evaporation from movement of the surface water, from the absorption
17 into crops, providing nourishment to living organisms that indirectly support
18 agriculture and aquaculture, from the hydration of livestock, and also through
19 providing habitat and sustenance for the fish and wildlife resources of the state. The
20 direct and indirect effects that result from these uses bring a positive impact on the
21 resource and the environment that yields a value far in excess of the value of the
22 resource as mere running water, and as such the Legislature of Louisiana specifically

1 finds that there is no prohibited donation by agricultural and aquacultural uses of
2 these sorts. The public purpose served by the enactment and implementation of this
3 Section is the protection and conservation of the water as a resource of the state in
4 such a way that the health, safety, and welfare of the people of the state are protected
5 and benefitted.

6 B. A riparian owner may assign access rights equal to his own for the surface
7 water adjacent to his riparian land for any agricultural or aquacultural purpose within
8 the state of Louisiana by the non-riparian owner without restriction as to the form of
9 any such agreement to another, provided that the withdrawal of running surface
10 waters is environmentally and ecologically sound and is consistent with the required
11 balancing of environmental and ecological impacts with the economic and social
12 benefits found in Article IX, Section 1 of the Constitution of Louisiana. No riparian
13 owner shall authorize the withdrawal of running waters for non-riparian use where
14 the use of the water would significantly adversely impact the sustainability of the
15 water body, or have undue impacts on navigation, public drinking water supplies,
16 stream or water flow energy, sediment load and distribution, and on the environment
17 and ecology balanced against the social and economic benefits of a contract of sale
18 or withdrawal, or sale of agreement, or right to withdraw running surface water for
19 agricultural and aquacultural purposes.

20 C. For purposes of this Section, "agricultural or aquacultural purpose" means
21 any use by a riparian owner or an assignee of a riparian owner of running surface
22 waters withdrawn and used for the purpose of directly sustaining life or providing
23 habitat to sustain life of living organisms that are customarily or actually intended
24 to be brought to market for sale.

25 D. The state shall not charge any fee for the water usage, except where the
26 state, including its political subdivisions, contracts or assigns rights for withdrawal
27 as provided for in Subsection B of this Section.

28 E. This Section shall become null and of no effect on January 12, 2035.

29 Section 2. This Act shall become effective upon signature by the governor or, if not
30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____