

2016 Regular Session

HOUSE BILL NO. 528

BY REPRESENTATIVE ROBBY CARTER

WATER/RESOURCES: Prohibits certain uses of ground water and certain surface water

1 AN ACT

2 To enact R.S. 30:961(L) and R.S. 38:3097.3(C)(11), relative to water management; to
3 prohibit the withdrawal of water from a natural and scenic river or ground water for
4 certain purposes; to prohibit certain cooperative endeavor agreements with the
5 secretary of the Department of Natural Resources; to provide for the authority of the
6 commissioner of conservation; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:961(L) is hereby enacted to read as follows:

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

10 * * *

11 L. Withdrawal of water from a river, or segments of a river, designated as
12 a natural and scenic river pursuant to R.S. 56:1847 for the purpose of conducting
13 hydraulic fracturing stimulation for the exploration or production of hydrocarbons
14 is hereby prohibited. The secretary shall not authorize the withdrawal nor shall he
15 enter into any cooperative endeavor agreement that authorizes the withdrawal of
16 water from such rivers or river segments for such purpose provided for in this
17 Subsection.

18 Section 2. R.S. 38:3097.3(C)(11) is hereby enacted to read as follows:

1 §3097.3. Commissioner of conservation; powers and duties

2 * * *

3 C. The commissioner has authority to make, after notice and public hearings
4 in accordance with the Administrative Procedure Act, any reasonable rules,
5 regulations, and orders that are necessary from time to time in the proper
6 administration and enforcement of this Chapter, including rules, regulations, or
7 orders for the following purposes:

8 * * *

9 (11) Prohibit the withdrawal of ground water for the purpose of conducting
10 hydraulic fracturing stimulation for the exploration or production of hydrocarbons.

11 The withdrawal of ground water for such purpose is hereby prohibited.

12 * * *

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 528 Original

2016 Regular Session

Robby Carter

Abstract: Prohibits the withdrawal of water from a natural and scenic river or ground water for the purpose of hydraulic fracturing.

Present law allows a person or entity to enter into a cooperative endeavor agreement with the secretary of the Dept. of Natural Resources to withdraw running surface water.

Proposed law prohibits the withdrawal of water from a natural and scenic river for the purpose of hydraulic fracturing. Proposed law prohibits the secretary from entering into cooperative endeavor agreements for such withdrawals.

Present law requires the commissioner, through the office of conservation, to administer all matters related to the management of the state's ground water resources by providing for the most "advantageous use" of the resource consistent with the protection, conservation, and replenishment thereof.

Proposed law authorizes the commissioner to make rules, regulations, or orders to prohibit the withdrawal of ground water for the purpose of conducting hydraulic fracturing stimulation for the exploration or production of hydrocarbons.

(Adds R.S. 30:961(L) and R.S. 38:3097.3(C)(11))