

Regular Session, 2014

HOUSE BILL NO. 782

BY REPRESENTATIVE THOMPSON

WATER/RESOURCES: Deposits proceeds collected by the state from the use or withdrawal of surface water into the Aquatic Plant Control Fund for aquatic weed control and eradication

## 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 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 ~~Fair~~ Except when water is withdrawn from bodies of water  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,

1 employment, and increased tax revenues created by the activities associated with the  
2 withdrawal of running surface water. No such cooperative endeavor agreement to  
3 withdraw running surface water shall be valid unless and until such agreement is  
4 approved by the secretary following the submission of an application for approval,  
5 which the secretary shall develop and prescribe. The secretary shall conduct the  
6 evaluation provided for in Subsection D of this Section and take action on the  
7 application within sixty days of the application being deemed complete. If the  
8 secretary denies the application, the secretary shall provide written reasons for the  
9 denial at the time of the denial.

10 \* \* \*

11 J. The state shall be reimbursed at fair market value for all use or withdrawal  
12 of running surface water from bodies of water managed by the Department of  
13 Wildlife and Fisheries and determined by the office of fisheries to be negatively  
14 impacted by invasive aquatic vegetation. Fair market value as used in this  
15 Subsection shall be dollars per volume of water, and shall not include the economic  
16 development, employment, and increased tax revenues created by the activities  
17 associated with the withdrawal of running surface water.

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

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

23 §10.1. Aquatic Plant Control Fund; creation; uses

24 \* \* \*

25 B. After compliance with the requirements of Article VII, Section 9(B) of  
26 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,  
27 and after a sufficient amount is allocated from that fund to pay all of the obligations  
28 secured by the full faith and credit of the state which become due and payable within  
29 any fiscal year, the treasurer shall pay into the Aquatic Plant Control Fund an amount

1 equal to the monies received by the state treasury pursuant to the provisions of R.S.  
2 47:462(B)(2)(c) and R.S. 30:961(K). The monies in this fund shall be used solely  
3 as provided in Subsection C of this Section and only in the amount appropriated by  
4 the legislature. All unexpended and unencumbered monies remaining in this fund  
5 at the end of the fiscal year shall remain in the fund. The monies in the fund shall  
6 be invested by the state treasurer in the same manner as monies in the state general  
7 fund and all returns of such investment shall be deposited to the fund.

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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)]

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Thompson

HB No. 782

**Abstract:** Provides that monies collected by the state from the use or withdrawal of surface water owned by the state shall be deposited into the Aquatic Plant Control Fund to be used for the control and eradication of aquatic weed in Louisiana's water bodies.

Present law authorizes the Department of Natural Resources to collect monies from entities that use or remove surface waters of the state. Present law allows entities who withdraw water from the state to reimburse the state at a fair market value that includes certain economic considerations. Proposed law requires that entities who remove water from bodies, determined by the Department of Wildlife and Fisheries to be negatively impacted by invasive aquatic vegetation, to reimburse the state at fair market value with no consideration for economic development or other considerations as provided in present law.

Present law establishes the Aquatic Plant Control Fund and deposits into the fund monies from boat trailer registration fees. Present law further provides that monies in the fund shall be used to control and eradicate aquatic weeds. Proposed law retains present law and further deposits monies collected from the use or withdrawal of surface water owned by the state into the Aquatic Plant Control Fund. Proposed law further provides that revenues deposited into the fund from the use of water from bodies with aquatic weed should be used preferably in the treatment of aquatic weed on those bodies of water from which the revenue was generated.

(Amends R.S. 30:961(B) and R.S. 56:10.1(B); Adds R.S. 30:691(J) and (K))