

Regular Session, 2011

HOUSE BILL NO. 321

BY REPRESENTATIVES DOERGE, HENRY BURNS, FANNIN, MCVEA, MORRIS,  
JANE SMITH, AND WILLIAMS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WATER/RESOURCES: Provides for the authority to sell the surface waters of Lake  
Bistineau

1 AN ACT

2 To enact R.S. 33:3839, relative to Lake Bistineau; to provide for the authority of certain  
3 parish governing authorities to enter into a cooperative endeavor agreement to sell  
4 the waters of Lake Bistineau and its tributaries; to provide for terms; to provide for  
5 uses of revenue; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:3839 is hereby enacted to read as follows:

8 §3839. Cooperative endeavor agreement; Lake Bistineau

9 A. The governing authorities of all parishes in which a portion of Lake  
10 Bistineau is located are hereby authorized to enter into a cooperative endeavor  
11 agreement with each other for the purpose of selling the surface waters of Lake  
12 Bistineau and its tributaries for irrigation, municipal, or industrial uses. The  
13 agreement shall provide that the sales shall not be in conflict with any statewide laws  
14 for the management, protection, or regulation of surface water and shall comply with  
15 the provisions of R.S. 30:961(B).

16 B. The cooperative endeavor agreement shall provide for the establishment  
17 of an advisory board which membership shall consist of one elected official from  
18 each signatory of the agreement and one member appointed by the secretary of the  
19 Department of Wildlife and Fisheries.

1           C. The funds generated from the sale of water pursuant to this Section shall  
 2           be expended solely for the benefit of Lake Bistineau and its tributaries, including but  
 3           not limited to the waters, wildlife, and fish and the construction and maintenance of  
 4           improvements in and around the lake. Any such funds shall be in addition to any  
 5           other appropriation of monies from any source for the benefit of Lake Bistineau and  
 6           its tributaries.

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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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Doerge

HB No. 321

**Abstract:** Authorizes all parish governing authorities that contain a portion of Lake Bistineau to enter a cooperative endeavor agreement with each other to sell the surface waters of Lake Bistineau and its tributaries.

Proposed law authorizes all parish governing authorities that contain a portion of Lake Bistineau to enter a cooperative endeavor agreement with each other to sell the surface waters of Lake Bistineau and its tributaries.

Proposed law requires that such agreement provides that such sales not be in conflict with any statewide laws for the management, protection, or regulation of surface water and comply with provisions of present law.

Present law requires that a cooperative endeavor agreement with an agency or subdivision of the state to withdraw running surface water be in writing, for fair market value, in the public interest, on a uniform form prescribed by the State Mineral and Energy Board, and approved by the attorney general and the secretary of the Dept. of Natural Resources. Provides that fair market value includes the economic development, employment, and increased tax revenues created by the activities associated with the withdrawal of running surface water.

Proposed law further requires that the cooperative endeavor agreement provide for the establishment of an advisory board which shall consist of one elected official from each signatory of the agreement and one member appointed by the secretary of the Dept. of Wildlife and Fisheries.

Proposed law requires that the funds from the sale of surface waters pursuant to proposed law only be expended for the benefit of Lake Bistineau and its tributaries, including but not limited to the waters, wildlife, and fish and the construction and maintenance of improvements in and around the lake. Provides that the funds generated from proposed law shall be in addition to any other appropriation of monies from any source for the benefit of Lake Bistineau and its tributaries.

(Adds R.S. 33:3839)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill.

1. Specifies that governing authorities of all parishes that contain a portion of Lake Bistineau may enter into a cooperative endeavor agreement with each other.
2. Removes provisions that authorize, pursuant to the cooperative endeavor agreement, the establishment of an administrative office and the retention of administrative fees by the office.