

Regular Session, 2012

SENATE BILL NO. 436

BY SENATORS LONG, AMEDEE, BROWN, CORTEZ, CROWE, GUILLORY, JOHNS,  
KOSTELKA, MORRELL, MORRISH, MURRAY, PEACOCK, RISER,  
JOHN SMITH, TARVER, THOMPSON, WALSWORTH AND WHITE  
AND REPRESENTATIVE HOWARD

WATER/WATERWAYS. Requires the Sabine River Authority to obtain legislative committee and certain local government approval for out-of-state water sales. (8/1/12)

1 AN ACT

2 To amend and reenact R.S. 38:2325(A)(16), relative to the Sabine River Authority; to  
3 provide for the powers and duties of the authority; to provide rules, conditions, and  
4 requirement for the sale, utilization, distribution, or consumption of water outside the  
5 state; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:2325(A)(16) is hereby amended and reenacted to read as follows:

8 §2325. Powers

9 A. Said authority shall have the power:

10 \* \* \*

11 (16)(a) To enter into any and all contracts and other agreements with any  
12 person, real or artificial, any public or private entity, any government or  
13 governmental agency, including the United States of America, the state of Texas, the  
14 Sabine River Authority of Texas, the state of Louisiana, and the agencies, bureaus,  
15 departments, and political subdivisions thereof, which contracts and other  
16 agreements may provide for the sale, conservation, storage, utilization, preservation,  
17 distribution, or consumption, whether within or without the state of Louisiana, of the

1 waters over which the ~~A~~authority has jurisdiction or over which the ~~A~~authority has  
 2 legal control;

3 ~~(b) however, the~~ **The** written concurrence of the governor shall be required  
 4 for any contracts and other agreements which provide for the sale, utilization,  
 5 distribution, or consumption, outside of the boundaries of the state of Louisiana, of  
 6 the waters over which the ~~Authority~~ **authority** has jurisdiction or control.

7 **(c) The written concurrence of the Senate Committee on Natural**  
 8 **Resources and the House Committee on Natural Resources and Environment**  
 9 **shall be required for any contracts and other agreements which provide for the**  
 10 **sale, utilization, distribution, or consumption, outside of the boundaries of the**  
 11 **state of Louisiana, of the waters over which the authority has jurisdiction or**  
 12 **control.**

13 **(d) The written concurrence, by resolution and two-thirds vote, of the**  
 14 **local governing authority of each parish in the territory of the Sabine River**  
 15 **Authority shall be required for any contracts and other agreements which**  
 16 **provide for the sale, utilization, distribution, or consumption, outside of the**  
 17 **boundaries of the state of Louisiana, of the waters over which the authority has**  
 18 **jurisdiction or control. In addition, at least two-thirds of all the local governing**  
 19 **authorities in the territory of the Sabine River Authority shall concur before the**  
 20 **authority can enter into any such contract or other agreements.**

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The original instrument was prepared by McHenry Lee. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy R. Wells.

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#### DIGEST

Long (SB 436)

Present law authorizes the Sabine River Authority to enter into contracts which provide for the sale, utilization, distribution, or consumption of water outside the boundaries of the state and requires the written consent of the governor for such contracts.

Proposed law retains present law but also requires the written concurrence by the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment for any contracts and other agreements which provide for the sale, utilization, distribution, or consumption, outside of the boundaries of the state of Louisiana, of the

waters over which the Sabine River Authority has jurisdiction or control.

Proposed law further requires the written concurrence by two-thirds vote of the local governing authority of each parish in the territory of the authority and the concurrence of at least two-thirds of all the local governing authorities in the territory of the Sabine River Authority for any contracts and other agreements which provide for the sale, utilization, distribution, or consumption, outside of the boundaries of the state of Louisiana.

Effective August 1, 2012.

(Amends R.S. 38:2325(A)(16))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill

1. Requires the authority to receive approval by the legislative committees on natural resources for certain water sales.
2. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Requires written concurrence by two-thirds vote of the local governing authority of each parish in the territory of the authority and the concurrence of at least two-thirds of all the local governing authorities in the territory of the Sabine River Authority for water sales outside the boundaries of the state in addition to the approval by certain legislative committees.