

2022 Regular Session

HOUSE BILL NO. 154

BY REPRESENTATIVE TURNER AND SENATOR CATHEY

DISTRICTS/WATERSHED: Provides relative to the authorization of the Bayou D'Arbonne Lake Watershed District to prohibit the operation of certain motor vessels on Lake D'Arbonne when the lake is above flood stage

1 AN ACT

2 To amend and reenact R.S. 34:851.25(A) and to enact R.S. 38:2558(11)(f), relative to the
3 powers of the Bayou D'Arbonne Lake Watershed District; to prohibit the operation
4 of certain motor vessels when Lake D'Arbonne is above flood stage; to prohibit the
5 operation of certain motor vessels when the operation may cause flooding to certain
6 structures; and to provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 34:851.25(A) is hereby amended and reenacted to read as follows:

12 §851.25. Prohibited operation

13 A.(1) Notwithstanding any provisions of law to the contrary, the governing
14 authority of any parish or municipality may prohibit the operation of any motor
15 vessel in an area that is inundated from a body of water that is above flood stage
16 when the operation of such motor vessel causes or may cause inundations of
17 dwellings, camps, business establishments or similar structures.

18 (2) Notwithstanding any provisions of law to the contrary, the governing
19 authority of the Bayou D'Arbonne Lake Watershed District may prohibit the
20 operation of any motor vessel in an area that is inundated from Lake D'Arbonne

1 when it is above flood stage and when the operation of such motor vessel causes or
2 may cause inundations of dwellings, camps, business establishments, or similar
3 structures.

4 * * *

5 Section 2. R.S. 38:2558(11)(f) is hereby enacted to read as follows:

6 §2558. Powers of board

7 In order to accomplish the purposes for which the district is created, the board
8 of commissioners may:

9 * * *

10 (11) The board of commissioners of the Bayou D'Arbonne Lake Watershed
11 District shall have the care, management and control of the said lake or reservoir
12 formed by the damming of Bayou D'Arbonne and its property and finances. They
13 shall have power:

14 * * *

15 (f) To prohibit the operation of any motor vessel in an area that is inundated
16 from Lake D'Arbonne when it is above flood stage and when the operation of such
17 motor vessel causes or may cause inundations of dwellings, camps, business
18 establishments, or similar structures.

19 * * *

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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Abstract: Provides for the authority of the Bayou D'Arbonne Lake Watershed District to prohibit the operation of certain motor vessels on Lake D'Arbonne when the lake is above flood stage.

Present law authorizes the governing authority of any parish or municipality to prohibit the operation of any motor vessel in an area that is flooded from a body of water that is above flood stage and when the operation of the motor vessel may cause flooding of dwellings, camps, business establishments, or similar structures.

Present law provides an exception for law enforcement officers, members of the National Guard, commercial fishermen, and members of a rescue or disaster relief organization or

group when any such persons are in the exercise of their duties. Specifies that the provisions of present law do not apply to a person who resides or owns property in or adjacent to the flooded area or his representatives while engaged in caring for his life, family, or property, or the lives, families, or property of his neighbors. Further specifies that the provisions of present law do not apply to a company which operates in or adjacent to the flooded area or its representatives engaged in caring for the lives of its employees or its property, provided entry is not denied by a law enforcement officer or other person authorized to be within the area in the exercise of his duties.

Present law authorizes the governing authority of any parish or municipality to establish penalties for violations of such ordinances in accordance with law.

Proposed law maintains present law and authorizes the Bayou D'Arbonne Lake Watershed District to prohibit the operation of any motor vessel in an area that is flooded from Lake D'Arbonne when the lake is above flood stage and when the operation of the motor vessel may cause flooding of dwellings, camps, business establishments, or similar structures.

(Amends R.S. 34:851.25(A); Adds R.S. 38:2558(11)(f))