

Regular Session, 2010

HOUSE BILL NO. 494

BY REPRESENTATIVE BILLIOT

LEVEES: Limits liability of levee districts for the permit or use of bicycle paths or walkways for recreational purposes by the public

1 AN ACT

2 To amend and reenact R.S. 38:301(E)(1) and to enact R.S. 38:301(A)(4) and (F), relative to
3 bicycle paths and walkways adjacent to flood control levees or structures; to
4 authorize public use of property along or adjacent to any flood control levee or
5 structure for recreational purposes; to authorize construction or permit bicycle paths
6 and walkways; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 38:301(E)(1) is hereby amended and reenacted and R.S.
9 38:301(A)(4) and (F) are hereby enacted to read as follows:

10 §301. Construction and maintenance of levees and drainage; care and inspection of
11 levees; measure of compensation; right of entry; bicycle paths and walkways

12 A.

13 * * *

14 (4) Along or adjacent to any flood control levee or flood control structure in
15 any parish, levee boards or levee and drainage boards, or the governing authority
16 where a levee district does not exist, may allow the public to utilize for recreational
17 purposes, property owned or controlled by the board and may construct or permit
18 bicycle paths and walkways.

19 * * *

1 E.(1) Neither a levee board nor a levee and drainage board nor a governing
2 authority where a levee district does not exist, or their employees, that constructs or
3 permits a bicycle path or walkway or allows the use for recreational purposes,
4 property owned or controlled by it as provided in Subsection A of this Section, nor
5 the owner, operator, or lessee of property utilized for levee and levee drainage
6 purposes nor the state shall be liable for any personal injury, property damage, or
7 other loss which occurs while a person enters onto such property to utilize the
8 bicycle path or walkway constructed or permitted by the levee board or the levee and
9 drainage board.

* * *

11 G. For purposes of this Section, "recreational purposes" includes but is not
12 limited to any of following or combination thereof: hunting, fishing, trapping,
13 swimming, boating, camping, picnicking, hiking, jogging, walking, horseback riding,
14 bicycle riding, motorized or non-motorized vehicle operation purposes, nature study,
15 bird watching, berry picking, kite flying, water skiing, ice skating, roller skating,
16 roller blading, skate boarding, sledding, snowmobiling, snow skiing, summer and
17 winter sports, or viewing or enjoying natural, historical, archaeological, scenic, or
18 scientific sites.

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)]

Billiot

HB No. 494

Abstract: Authorizes levee boards, levee and drainage boards, and governing authorities in any parish to allow public use of property along or adjacent to any flood control levees or structures and to construct or permit bicycle paths and walkways.

Present law authorizes levee boards and levee and drainage boards to construct bicycle paths and walkways along the top of the levees. Further provides that any legal servitude granted to a levee board or levee and drainage board shall include the construction of bicycle paths or walkways along the top of the levees.

Proposed law retains present law and further authorizes levee boards and levee and drainage boards or governing authorities where a levee district does not exist in any parish to allow public use of property along or adjacent to any flood control levees or structures and to construct or permit bicycle paths and walkways.

Present law provides that a levee board, a levee and drainage board, owner, operator, or lessee that constructs a bicycle path or walkway shall not be liable for any personal injury, property damage, or other loss which occurs while a person enters onto such property to utilize the bicycle path or walkway or enter onto the property for recreation.

Proposed law retains present law except that it limits liability for employees of the boards, governing authorities where a levee district does not exist, and the state and adds a provision to limit liability for the permit of a bicycle path or walkway and allows the use for recreational purposes.

Proposed law provides definition of "recreational purposes" for purposes of proposed law, to include but not be limited to any of following or combination thereof: hunting, fishing, trapping, swimming, boating, camping, picnicking, hiking, jogging, walking, horseback riding, bicycle riding, motorized or non-motorized vehicle operation purposes, nature study, bird watching, berry picking, kite flying, water skiing, ice skating, roller skating, roller blading, skate boarding, sledding, snowmobiling, snow skiing, summer and winter sports, or viewing or enjoying natural, historical, archaeological, scenic, or scientific sites.

(Amends R.S. 38:301(E)(1); Adds R.S. 38:301(A)(4))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill.

1. Changed the provision for public use of property in the parishes of Orleans, Jefferson, St. Bernard, and St. Charles to public use of property in any parish.
2. Added the provision to authorize governing authorities where levee districts do not exist to allow public use of property and to construct bike paths and walkways.
3. Limited liability for governing authorities where levee districts do not exist and the state of La.

House Floor Amendments to the engrossed bill.

1. Made technical amendments.
2. Added a definition of "recreational purposes".