

Regular Session, 2012

HOUSE BILL NO. 918

BY REPRESENTATIVE GUINN

WATERWAYS/SALT INTRUSION: Provides for the imposition of fines and penalties upon persons who tamper with water control structures owned by the state

1 AN ACT

2 To enact R.S. 38:216.1, relative to unauthorized openings of water control structures; to
3 prohibit the unauthorized opening of a water control structure; to provide for
4 penalties; to provide for revocation of licenses and permits; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:216.1 is hereby enacted to read as follows:

8 §216.1. Public water control structures; unauthorized opening; penalties

9 A. No unauthorized person shall willfully open any water control structure
10 which will result in the drainage of saltwater into any natural water body or drain.

11 B. For purposes of this Section, "water control structure" shall mean a
12 structure in a water management system that conveys water, controls the direction
13 or rate of flow, maintains a desired water surface elevation, or measures water. The
14 provisions of this Section shall only be applicable to water control structures that are
15 owned by the state or any political subdivision of the state.

16 C. Whoever violates the provisions of this Section shall be fined not less
17 than five hundred dollars nor more than one thousand dollars or imprisoned, with or
18 without hard labor, for not more than five years, or both.

- 1 D. In addition to the above penalties, any hunting, fishing, or gear license or
 2 permit or privilege possessed by the offender may be revoked and the offender may
 3 be permanently prohibited from seeking any permit, license, or privilege.
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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)]

Guinn

HB No. 918

Abstract: Subjects persons who are unauthorized to open publicly owned water control structures to fines, imprisonment, and revocation of hunting and fishing privileges.

Proposed law prohibits any unauthorized person from willfully opening a publicly owned water control structure which results in the drainage of saltwater into any natural water body or drain.

Proposed law defines "water control structure" as a structure in a water management system that conveys water, controls the direction or rate of flow, maintains a desired water surface elevation, or measures water.

Proposed law provides that a violator of proposed law shall be fined not less than \$500 nor more than \$1,000 or imprisoned, with or without hard labor, for not more than five years, or both. Further provides that any hunting, fishing, or gear license or permit or privilege possessed by the offender may be revoked and the offender may be permanently prohibited from seeking any permit, license, or privilege.

(Adds R.S. 38:216.1)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill.

1. Changed the penalties of revoking an offender's hunting, fishing, or gear licenses, or permits or privilege and permanently prohibit the offender from seeking such in the future from mandatory to discretionary.