

2018 Regular Session

HOUSE BILL NO. 435

BY REPRESENTATIVE JAY MORRIS

BOATS/SHIPS/VESSELS: Authorizes the regulation or prohibition of boat traffic on Lake Bartholomew in certain circumstances

1 AN ACT

2 To amend and reenact R.S. 34:851.27(A) and R.S. 38:2753, relative to the Bayou DeSiard-  
3 Bayou Bartholomew Cut-Off Loop Water Conservation Board; to provide for powers  
4 and duties of the board; to provide for the authority to regulate or prohibit operation  
5 of vessels in certain circumstances; to provide for exceptions; to require public  
6 hearings; 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. 34:851.27(A) is hereby amended and reenacted to read as follows:

12 §851.27. Local regulations prohibited; exceptions; speed limits

13 A. Through the passage of this Part, the state reserves to itself, through the  
14 commission, the right to regulate the operation and to establish the minimum  
15 equipment requirements of vessels and motorboats. Except as provided in  
16 Subsection B of this Section, R.S. 38:2753(B), R.S. 34:3269(13), and R.S.  
17 33:1236.12, all political subdivisions of this state are expressly prohibited from  
18 regulating watercraft in any respect, including, but not limited to, their operation,  
19 minimum equipment requirements, registration (with or without a fee), or inspection.

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1 Section 2. R.S. 38:2753 is hereby amended and reenacted to read as follows:

2 §2753. Powers

3 A. The board shall have the power to sue and be sued; to buy and sell; to  
4 exercise the right of expropriation; to own, maintain and operate property, both  
5 movable and immovable, to acquire servitudes, rights of way and flowage rights, to  
6 negotiate and execute contracts; to cooperate with the state of Louisiana or any  
7 agency or political subdivision thereof or with the government of the United States  
8 or any department or agency thereof on any basis that the board shall deem advisable  
9 for the joint or separate construction, ownership, operation and maintenance of pump  
10 facilities, pipelines, floodgates, water conveyors and other devices, equipment and  
11 property; to accept gifts or contributions of any nature from the state of Louisiana  
12 or the United States or any agency or political subdivision thereof; and to make and  
13 collect reasonable charges or fees for its services in connection with the water made  
14 available by any facilities provided by said board; provided, no charges shall be  
15 assessed against any municipality or other political subdivision, and that in  
16 exercising the powers and authority aforesaid, the board shall cooperate with, and  
17 shall act under the supervision and control of, the Louisiana Department of Public  
18 Works.

19 B. Notwithstanding any provision of law to the contrary and in particular  
20 R.S. 34:851.27, the board shall have the authority to regulate or prohibit the  
21 operation of any vessel on, or on any area inundated by, the Bayou Bartholomew  
22 Cut-Off Loop, also known as Lake Bartholomew, when the surface elevation of the  
23 water body is greater than seventy-three feet. Any regulation or prohibition adopted  
24 pursuant to the provisions of this Subsection shall not apply to law enforcement, the  
25 National Guard, or any rescue or disaster relief organization in the exercise of their  
26 duty. A public hearing shall be held prior to the adoption of any ordinance pursuant  
27 to this Subsection.

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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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HB 435 Original

2018 Regular Session

Jay Morris

**Abstract:** Authorizes the Bayou DeSiard - Bayou Bartholomew Cut-Off Loop Water Conservation Board to regulate or prohibit vessel traffic on Lake Bartholomew during flood events.

Present law prohibits all local political subdivisions from regulating watercraft in any respect with some exceptions provided for in present law.

Proposed law authorizes the Bayou DeSiard - Bayou Bartholomew Cut-Off Loop Water Conservation Board to regulate or prohibit the operation of any vessel on, or on any area inundated by, the Bayou Bartholomew Cut-Off Loop, also known as Lake Bartholomew, when the surface elevation of the water body is greater than 73 feet.

Proposed law requires that any regulation or prohibition adopted pursuant to proposed law does not apply to law enforcement, the National Guard, or any rescue or disaster relief organization in the exercise of their duty.

Proposed law also requires a public hearing be held prior to the adoption of any ordinance pursuant to proposed law.

(Amends R.S. 34:851.27(A) and R.S. 38:2753)