

2018 Regular Session

HOUSE BILL NO. 435

BY REPRESENTATIVE JAY MORRIS

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AN ACT

To amend and reenact R.S. 34:851.27(A) and to enact R.S. 38:2758, relative to water conservation boards; to provide for powers and duties of the board; to provide for the authority to regulate or prohibit operation of vessels in certain circumstances; to provide for exceptions; to require public hearings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:851.27(A) is hereby amended and reenacted to read as follows:

§851.27. Local regulations prohibited; exceptions; speed limits

A. Through the passage of this Part, the state reserves to itself, through the commission, the right to regulate the operation and to establish the minimum equipment requirements of vessels and motorboats. Except as provided in Subsection B of this Section, R.S. 38:2758, R.S. 34:3269(13), and R.S. 33:1236.12, all political subdivisions of this state are expressly prohibited from regulating watercraft in any respect, including; but not limited to; their operation, minimum equipment requirements, registration (with or without a fee), or inspection.

* * *

Section 2. R.S. 38:2758 is hereby enacted to read as follows:

§2758. Prohibited operation

Notwithstanding any provision of law to the contrary and in particular R.S. 34:851.27, any water conservation board with a jurisdiction including a parish with a population between one hundred ninety thousand and one hundred thirty-five thousand and one other adjacent parish with a population between thirty thousand and twenty-six thousand, both based on the latest federal decennial census, shall have

1 the authority to regulate or prohibit the operation of any vessel on, or on any area
2 inundated by, a lake located on the border of one of the parishes within the board's
3 jurisdiction when that body of water is above flood stage. Any regulation or
4 prohibition adopted pursuant to the provisions of this Section shall not apply to law
5 enforcement, the National Guard, or any rescue or disaster relief organization in the
6 exercise of their duty. A public hearing shall be held prior to the adoption of any
7 ordinance pursuant to this Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____