
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

SB 351 Original
DIGEST
2022 Regular Session
Robert Mills

Proposed law provides for Louisiana State Surface Water Integrity Act and provides for civil suits to protect the running surface waters in the state's lakes.

Proposed law provides that a civil action may be brought against a defendant who removes running surface waters from a state lake to the extent that it causes economic damage or damage to the immovable property belonging to another. Proposed law provides that it is not a defense against liability that the state executed an agreement with the defendant for the purchase of running surface water if the defendant causes actual economic harm or property damage to another person in the parish where the lake is located. Proposed law provides that, in addition to actual economic and property damages, the court may also award attorney fees and the costs of litigation.

Proposed law provides that a local citizen may institute a civil action on behalf of the state when a defendant fails to pay the fair market value of running surface waters which are withdrawn from a state lake. Proposed law provides that the failure to pay the fair market value shall be considered a donation in disguise and, therefore, prohibited under the La. Constitution. Proposed law provides that a court is to order that defendant pay the fair market value of the running surface water and such payments will be deposited into the Aquatic Plant Control Fund. Proposed law provides that a prevailing local citizen will be paid for his attorney fees and other costs of litigation. Proposed law provides that the defendant may recover his attorney fees and litigation expenses if the citizen suit was frivolous or brought primarily for the purpose of harassment.

Proposed law provides that venue for the civil action is in the district court in any parish in which all or part of the state lake is located or in the district court of the domicile of the defendant.

Proposed law repeals present law that allows the state to sell running surface water for 15 cents per 1,000 gallons.

Effective August 1, 2022.

(Adds R.S. 9:2800.81-2800.86; repeals R.S. 30:961(J))