

2018 Regular Session

HOUSE BILL NO. 435

BY REPRESENTATIVE JAY MORRIS

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

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

8 §851.27. Local regulations prohibited; exceptions; speed limits

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

16 * * *

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

18 §2758. Prohibited operation

19 Notwithstanding any provision of law to the contrary and in particular R.S.
20 34:851.27, any water conservation board with a jurisdiction including a parish with

1 a population between one hundred ninety thousand and one hundred thirty-five
 2 thousand and one other adjacent parish with a population between thirty thousand
 3 and twenty-six thousand, both based on the latest federal decennial census, shall have
 4 the authority to regulate or prohibit the operation of any vessel on, or on any area
 5 inundated by, a lake located on the border of one of the parishes within the board's
 6 jurisdiction when that body of water is above flood stage. Any regulation or
 7 prohibition adopted pursuant to the provisions of this Section shall not apply to law
 8 enforcement, the National Guard, or any rescue or disaster relief organization in the
 9 exercise of their duty. A public hearing shall be held prior to the adoption of any
 10 ordinance pursuant to this Subsection.

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)]

HB 435 Engrossed

2018 Regular Session

Jay Morris

Abstract: Authorizes certain water conservation boards to regulate or prohibit vessel traffic 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 any water conservation board with a jurisdiction including a parish with a population between 190,000 and 135,000 and one other adjacent parish with a population between 30,000 and 26,000, both based on the latest federal decennial census, to regulate or prohibit the operation of any vessel on, or on any area inundated by, a lake located on the border of one of the parishes within the board's jurisdiction when that body of water is above flood stage.

Proposed law specifies 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); Adds R.S. 38:2758)

Summary of Amendments Adopted by House

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

1. Remove the Bayou DeSiard Bayou Bartholomew Cut-Off Loop Water Conservation Board from proposed law.

2. Grant the authority in proposed law to any water conservation board that has parishes with certain populations within the board's jurisdiction.