

2022 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 102

BY REPRESENTATIVE ROBERT OWEN

WATERWAYS/WATERBOTTOMS: Urges and requests that rules be codified defining the public's right to access the running waters of this state in accordance with the Louisiana's historical civil law tradition

A CONCURRENT RESOLUTION

To urge and request that rules be codified defining the public's right to access the running waters of this state in accordance with Louisiana's historical civil law tradition.

WHEREAS, Article I, Section 27 of the Constitution of Louisiana states that the freedom to hunt, fish, and trap wildlife is a valued natural heritage that shall be forever preserved for the people of Louisiana; and

WHEREAS, Louisiana Civil Code Article 450 includes in its definition of "public things" the running waters of this state and that this right of the public to access running waters has existed and been included in the law since the initial codification of civil law by the Roman Emperor Justinian over two thousand years ago; and

WHEREAS, as a public thing, public ownership of running waters entitles the public to access the running waters of this state, subject to the supervision and control of the state; and

WHEREAS, no laws codified by the legislature pursuant to this Resolution shall be deemed to establish a change in ownership of the beds, bottoms, and banks of any privately owned waterway, or entitle the public access to running waters which cannot be reached without trespass over private land; and

WHEREAS, no laws codified by the legislature pursuant to this Resolution shall be deemed to amend or change the entitlement to legal immunity from liability for the owners

1 of privately owned land, waterbottoms, banks, or shoreline as provided for in R.S. 9:2791  
2 and 2795; and

3 WHEREAS, Louisiana law currently defines privately owned water in R.S. 56:8(103)  
4 which provides "privately owned waters means artificial reservoirs or enclosures located on  
5 privately owned property which are constructed so as to prevent at all times the ingress and  
6 egress of fish life from public waters; such reservoirs or enclosures located on privately  
7 owned property shall not include lands of natural streams or natural lake beds".

8 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
9 urge and request that rules be codified defining the public's right to access the running waters  
10 of this state in accordance with Louisiana's historical civil law tradition.

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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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HCR 102 Engrossed

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