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The original instrument was prepared by McHenry Lee. The following digest, which does not constitute a part of the legislative instrument, was prepared by J. W. Wiley.

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DIGEST

SB 220 Reengrossed

2015 Regular Session

Chabert

Present law provides for the creation, purposes, and powers of the Bayou Lafourche Fresh Water District.

Proposed law provides certain definitions.

Present law provides that the district may sue and be sued.

Proposed law provides that the power of the district to be sued will not constitute a waiver of the governmental immunity to which the district is entitled.

Proposed law provides that the district may acquire by purchase, donation, or lease and may hold and use any immovable or movable property, whether corporeal or incorporeal, or any interest therein necessary or desirable for carrying out the purposes of the district, and may sell, lease, transfer, or convey any property or interest therein at any time acquired by it.

Proposed law provides for additional powers of the board. Provides that in order to accomplish its purpose the board may make and enforce such rules, regulations, and ordinances it deems necessary:

- (1) To protect and preserve the works, improvements and properties owned or controlled by the district.
- (2) To protect and preserve the waterway from any substance or act which would render the water unfit for the purposes of the district.
- (3) To prohibit any person or entity from abandoning, sinking, allowing to be sunk, or failing to remove any watercraft in or on the waterway.
- (4) To prohibit any person or entity from erecting, locating, constructing, or using any building or structures within the district that may threaten the purposes of the district until a permit has been approved by the board.
- (5) To prohibit any person from knowingly or willfully emptying or draining or permitting to be drained from any pump, reservoir, well or oil field into the waterway any oil, salt water, or other noxious, toxic, hazardous, or poisonous gas, liquid, or substance which would render the waterway unfit for the purposes of the district or for human consumption or would destroy the aquatic and fish life in the waterway.
- (6) To regulate the conduct, management, and control of its operations, functions, and its

structures and facilities.

- (7) To protect, property, life, and the welfare of its employees and the public.
- (8) To control, use, and protect its property, equipment, and other facilities and improvements.
- (9) To control, regulate, and protect the channel and banks of the waterway from certain actions.
- (10) To control and regulate the pumping of or flowing of water into the waterway.

Proposed law provides that upon a declaration of emergency by the board, the board may create a "no wake zone" or limit the size of vessels permitted to travel on certain areas of the waterway until there is no emergency.

Proposed law prohibits the board from making and enforcing rules, regulations, and ordinances that impair the rights and obligations in C.C. Arts. 655 and 656, or that affect any agriculture drainage established prior to the creation of the district.

Proposed law provides that all the rules, regulations, and ordinances enacted by the board will be enforceable by any local law enforcement agency having jurisdiction in the district and shall be prosecuted by the district attorney in the judicial district where the violation occurred. Further provides that any penalties may include a fine not to exceed \$500 or imprisonment not to exceed six months, or both.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 38:3086.21 and 3086.24)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill

1. Deletes authority for district to acquire property by "otherwise" means.
2. Adds provision to prohibit board from making and enforcing rules that affect certain water drainage rights.

##### Senate Floor Amendments to engrossed bill

1. Makes technical changes.