



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

APR 11 2013
OPINION 13-0011

Senator Dan Claitor
District 16
7520 Perkins Road, Suite 160
Baton Rouge, LA 70808

72 NAVIGABLE WATERS
92-A-A RECREATION – Parks, Playgrounds, Playground &
Recreational Boards Youth Programs
172 WATER & WATER COURSES – Boats, Motorboats & Vessels
172-A WATER DISTRICTS

La. R.S. 34:2301 *et seq.*, 34: 2302, 34: 2308, 34:2309, 34:2317

Dear Senator Claitor:

An RV park with a boat ramp is a "related facility" under La. R.S. 34:2308, and therefore the RRWC has the authority to develop and construct a recreational facility despite the fact that the general stated object and purpose of the Red River Waterway Commission is to establish, operate and maintain a navigable waterway system.

You have requested an opinion of this Office regarding the whether the Red River Waterway Commission ("RRWC") has the authority to develop and construct an RV park. While you reference only the development and construction of the actual RV park, the RRWC has confirmed that this RV park is specifically being built alongside or in conjunction with a boat ramp on Bayou Pierre.

As you note in your request, La. R.S. 34:2302 states that the RRWC was created for the "object and purpose of establishing, operating and maintaining, individually or in cooperation with the federal government, the state and its various agencies, subdivisions and public bodies, a navigable waterway system to be known as the Red River Waterway."

La. R.S. 34: 2308 states that:

[t]he [RRWC] shall constitute an instrumentality of the State of Louisiana exercising public and essential governmental functions; and the exercise by the commission of the powers conferred by this Chapter in the establishment, operation and maintenance of the waterway and the acquisition, construction, operation and maintenance of the various port and related facilities hereinafter authorized shall be deemed and held to be essential governmental functions of the state of Louisiana.

La. R.S. 34:2309 further states, in pertinent part, that:

In addition to the powers and authority elsewhere granted in this Chapter, the [RRWC] is hereby granted, shall have, and may exercise all powers

necessary or convenient for the carrying out of its objects and purposes, including, but without limiting the generality of the foregoing, the following:

(8) To make and collect reasonable charges for the use of all structures, works, locks, wharves, anchorages and special facilities constructed and administered by the commission...

While La. R.S. 34:2302 clearly states that the general object and purpose of the RRWC is to establish, operate, and maintain a navigable waterway system, the RRWC's enabling legislation clearly gives it the authority to acquire, construct, operate, and maintain various port and related facilities, and the ability to make and collect reasonable charges for the use of said facilities.¹

La. R.S. 34:2317 states that "[t]his Chapter [La. R.S. 34:2301, *et seq.*, entitled "Red River Waterway District"] shall be liberally construed to promote the purposes for which it is enacted. While the object and purpose of the RRWC is generally to "establish, operate, and maintain a navigable waterway system," the Legislature clearly provided the RRWC with the authority to create "related facilities."² Given that these statutes are to be liberally construed to promote the purposes for which they were enacted, this Office is of the opinion that a recreational facility such as an RV park is a "related facility" under La. R.S. 34:2308. Therefore, since an RV park with a boat ramp is a "related facility" under La. R.S. 34:2308, it is our opinion that the RRWC has the authority to develop and construct such a facility.

We trust this adequately responds to your request. If you should have any questions about the response contained herein, please feel free to contact our office.

Yours very truly,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

BY:


DANIEL D. HENRY JR.
Assistant Attorney General

JDC/DDH, JR/jv

¹ See La. R.S. 34:2308-2309, *supra*.

² See La. R.S. 34:2301 and La. R.S. 2308, respectively.