

SUPREME COURT OF LOUISIANA

No. 95-CA-1263

NORMAN DEUMITE ET AL

Versus

STATE OF LOUISIANA ET AL

LEMMON, J., Concurring

I believe that the State is entitled to the same recreational use immunity as a private citizen under La. Rev. Stat. 9:2791. Monteville v. Terrebonne Parish Consol. Gov't, 567 So. 2d 1097 (La. 1990) (Marcus, Lemmon & Cole, JJ., concurring). Under that view, the Department does not have to utilize La. Rev. Stat. 9:2795E in order to be entitled to immunity in this case, if the water bottoms meet the Keelan test. The majority properly refused to reach the constitutional issue.