
DIGEST

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Billiot

HB No. 640

Abstract: Provides for specific restrictions of certain activities on public levees and further revises the penalties and exceptions associated with the restrictions. Provides for the obstruction of levees and the associated penalties. Further provides the authority of a board or commission related to the issuance of permits and letters of no objection. Provides for additional procurement methods for a levee district or levee drainage district.

Present law provides for restriction of certain activities on public levees or coastal protection projects, unless provisions are made by the levee district, DOTD, or the Office of Coastal Protection and Restoration (OCPR). Provides for penalties. Exempts an employee of the state from performing their duties or the interference with the crossing of a public levees by projects of DOTD or OCPR.

Proposed law retains present law except that it adds a provision that requires each levee district to publish guidance, erect signage and require special permits as they deem appropriate to allow them to make provisions for limited riding, driving, or hauling. As a condition of the issuance of a permit, the district may require the applicant to construct an asphalt or concrete ramp or crossing in accordance with specifications for the construction thereof approved by the governing authority.

Present law requires that whoever violates present law , shall be fined not more than \$50 or imprisoned for not more than 30 days, or both.

Proposed law deletes this provision and authorizes each governing authority to set the penalty for violation of present law, provided that the penalty does not exceed the penalty for criminal trespass as defined in present law. Proposed law further provides that the authority may seek injunctive relief and collect all expenses for policing, inspecting and repairing the levee, structure and rights of way caused by the violation.

Present law provides that nothing in present law or proposed law shall interfere with the crossing over any public levees, at ramps or inclines established under plans and specifications of DOTD, or, for levees or integrated coastal protection projects in the coastal area as defined in R.S. 49:214.2(3), the OCPR, for the purpose of transporting any material that may be used or required in the business of the population living behind the levees.

Proposed law retains present law except that it removes the provision that provides the specific reason for crossing over the public levees at ramps or inclines.

Present law prohibits any person from placing upon any part of the levees fronting any waterway subject to the control or surveillance, any object, material, or matter of any kind or character which obstructs or interferes with the safety of the levees or is an obstacle to the inspection, construction, maintenance, or repair of any levee.

Proposed law retains present law and adds a restriction of 15 feet.

Present law prohibits any person to tie or moor logs, rafts, boats, water craft, or floating objects of any description to the levees, or, when the water is against the levees, tie or moor floating objects insecurely to mooring posts, revetments, trees or other stationary or supposedly stationary objects on the foreshore where they can be driven against the levees during windstorms.

Proposed law retains present law except that it expands present law to include any floating objects from being tied or moored to any object within 180 feet of any levee.

Proposed law provides that no person, when the water is against the levees, drive or push any logs, rafts, boats, water craft, or floating objects of any description onto or against any levee.

Proposed law exempts the mooring or berthing of floating vessels at such locations that have been permitted for this purpose by the U.S. Coast Guard Captain of the port, Corps of Engineers, DOTD, OCPR and other permitting authority.

Present law provides for permits or letters of no objection from the corps, DOTD, and OCPR for issuance of a permit to a project which involves a levee crossing and further provides as a ministerial duty of the executive or administrative officer to issue the requested permit or letter of no objection, subject to any conditions or stipulations contained therein. Further authorizes the board or commission to impose fees, bonds, and general stipulations, to be enforced by the executive or administrative officer.

Proposed law deletes the provision that provides for the permits or letters of no objection to come from the Corps, DOTD, or OCPR and further provides that the permits or letters of no objection will be issued at the discretion of the board or commission of a levee district, after submitting the request to the Corps of Engineers, DOTD, or OCPR.

Proposed law further deletes the provisions that requires as a ministerial duty of the executive or administrative officer to issue the requested permit or letter of no objection, subject to any conditions or stipulations contained therein. Further allows the board to issue insurance bonds.

Proposed law authorizes a levee district or levee drainage district to purchase certain items through an existing public contract of another political subdivision within one year of opening of bids, provided that the contract is in compliance with public bid law; the total purchases do not exceed two times the purchase by the political subdivision; written consent is obtained, as well as the contract number; the vendor agrees to the additional purchase; and the vendor or items are identical to those specified in the existing public contract and the price is the same as the original contract price.

(Amends R.S. 38:213, 225(A)(1)(a), (2), (D), and 226; Adds R.S. 38:321.1)