

Existing 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 and exempts an employee of the state from performing their duties or the interference with the crossing of public levees by projects of DOTD or OCPR.

New law retains existing law.

New law 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.

Prior law required that whoever violated prior law shall be fined not more than \$50 or imprisoned for not more than 30 days, or both.

New law deletes this provision and authorizes each governing authority to set the penalty for violation of existing law, provided that the penalty does not exceed the penalty for criminal trespass as defined in existing law. New 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.

Existing law provides that nothing in existing law or new 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 existing law, or 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.

New law removes the provision that provides the specific reason for crossing over the public levees at ramps or inclines.

New law provides that the prohibition and penalties for riding or hauling on levees shall not interfere with the ability of CPRA to carry out its responsibilities as the local sponsor for all flood control projects in its jurisdiction and as authorized by law.

Existing 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.

New law adds a restriction of 15 feet.

Existing law prohibits any person to tie or moor logs, rafts, boats, watercraft, 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.

New law includes any floating objects from being tied or moored to any object within 180 feet from the crown of any federally authorized and funded levees or levees recognized by OCPR and DOTD.

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

New 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.

New law provides that the prohibition and penalties regarding the obstructions on levees, waterways, and rights-of-way shall not interfere with the ability of CPRA to carry out its responsibilities as the local sponsor for all flood control projects in its jurisdiction and as authorized by law.

Prior law provided that whoever violated the provisions of prior law shall be fined not more than \$100 or imprisoned for not more than 6 months or both.

New law provides that the penalty for the violation shall apply to all parishes except for the parishes of Jefferson and Orleans.

New law adds a civil fine of not more than \$10,000 for each violation or, in the case of willful and wanton violations, imprisoned for not more than six months or both in the parishes of Jefferson and Orleans and that any subsequent violations shall be subject to a civil fine of up to \$20,000 for each violation, or, in the case of willful and wanton violations, imprisonment for not more than six months or both.

New law provides that the penalty for Jefferson and Orleans parishes will shall no longer remain in effect at such time as the CPRA promulgates rules that will provide coastal area levee districts with the authority to enforce the necessary prohibitions related to mooring, anchoring, or otherwise positioning watercraft and other vessels in a manner that could threaten the integrity of flood control infrastructure.

New law further provides that the governing authority that has jurisdiction of a levee, may bring a civil action for damages and/or injunctive relief, including but not limited to the issuance of a mandatory injunction. In any suit for the issuance of an injunction, proof of irreparable harm shall not be necessary.

New law revises the boundaries of the West Jefferson Levee District and the Lafitte Area Independent Levee District and requires the transfer of books, records, documents, and property between the districts which are related to the boundary revision.

New 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.

Effective August 15, 2011.

(Amends R.S. 38:213, 225(A)(1)(a) and (2) and (D), 291(R)(1) and (Y)(1); adds R.S. 38:225(E) and (F) and 321.1)