
DIGEST

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Billiot

HB No. 430

Abstract: Provides for specific restrictions of certain activities on public levees and further revises the penalties and exceptions associated with the restrictions. Further provides the board or commission of a levee district to have sole authority 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 deletes the required approval or provision by the levee district, DOTD, or OCPR and revises the restrictions to prohibit certain activities during the time water is against the levees or flood control structures or at any other time. Further exempts private or public roads and ramps or properly prepared crossings under permits issued by the governing authority of the levee or structure, the U.S. Army Corps of Engineers (USACE) and DOTD. Further requires a special permit issued by the governing authority of the levee or structure if the weight exceeds certain standards.

Proposed law increases the fine from not more than \$50 to not more than \$5,000 and increases to alternative for imprisonment from not more than 30 days to not more than six months.

Proposed law extends the exemption to include employees of the federal government, the parish, the governing authority of a levee or flood control structure, or their contractors from performing their duties. Deletes the exemption for DOTD and OCPR's crossing of public levees for their respective projects.

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 come from the board or commission of a levee district at their discretion will be issued administratively or by resolution and enforced only to the extent of the conditions and stipulations contained in the permit or letter of no objection. 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 and 226; Adds R.S. 38:321.1)