

2017 Regular Session

HOUSE RESOLUTION NO. 203

BY REPRESENTATIVE ZERINGUE

A RESOLUTION

To urge and request the Coastal Protection and Restoration Authority, in cooperation with the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank, to study and make recommendations regarding flood protection authority spending across the various levee districts within each regional flood protection authority and to report the findings to the House and Senate committees on transportation, highways and public works, the Senate Committee on Natural Resources, the House Committee on Natural Resources and Environment, and the member of the House of Representatives representing House District Number 52 on or before December 31, 2017.

WHEREAS, the Coastal Protection and Restoration Authority is established as the single state entity with authority to articulate a clear statement of priorities and to focus development and implementation efforts to achieve comprehensive coastal protection for Louisiana; and

WHEREAS, the Coastal Protection and Restoration Authority is responsible for the inspection functions of levee and flood protection projects and flood control systems throughout Louisiana and for the construction, operation, and maintenance of coastal and watershed erosion projects throughout coastal Louisiana, including the Hurricane and Storm Damage Risk Reduction System; and

WHEREAS, to provide aggressive state leadership, direction, and consonance in the development and implementation of policies, plans, and programs to achieve comprehensive integrated coastal protection, including the encouragement of multiple uses of the coastal area and to achieve a proper balance between development and conservation, restoration, creation, and nourishment of renewable coastal resources, the legislature places responsibility for the direction and development of the state's comprehensive master coastal

protection plan with the Coastal Protection and Restoration Authority Board within the office of the governor; and

WHEREAS, R.S. 49:214.5.2 requires the Coastal Protection and Restoration Authority Board to represent the state's position on policy relative to the protection, conservation, enhancement, and restoration of the coastal area of the state through oversight of integrated coastal protection projects and programs and by addressing activities which require a coastal use permit, which could significantly affect integrated coastal protection projects and programs; and

WHEREAS, R.S. 49:214.1 charges the state of Louisiana with developing, implementing, and enforcing a comprehensive coastal protection plan, as well as ensuring that the plan incorporates a systems approach to integrate hurricane protection and coastal restoration efforts, in order to achieve long-term and comprehensive integrated coastal protection; and

WHEREAS, protecting Louisiana's citizens and property from injury and damage by natural disasters, such as flooding, is a fundamental role of state government, as flooding poses significant threats to public health and safety, transportation corridors, and economic activities; and

WHEREAS, Article VI, Section 38.1 of the Louisiana Constitution establishes regional flood protection authorities and charges those authorities with constructing and maintaining levees, levee drainage, flood protection, and hurricane flood protection within each regional flood protection authority's jurisdiction; and

WHEREAS, the Southeast Louisiana Flood Protection Authority-East is composed of the East Jefferson Levee District, the Lake Borgne Basin Levee District, the Orleans Levee District, and the Tangipahoa Levee District; and

WHEREAS, the Southeast Louisiana Flood Protection Authority-West Bank is composed of the West Jefferson Levee District and the Algiers Levee District; and

WHEREAS, R.S. 38:330.3(A)(1)(c) prohibits regional flood protection authorities from spending taxes or other revenues collected in one levee district for the liabilities of any other levee district; and

WHEREAS, R.S. 38:330.3(B)(1) and (2) require that the taxes or other revenues of each levee district shall be used or expended only for the purpose of that levee district; and

WHEREAS, R.S. 38:330.3(B)(3) requires each regional flood protection authority to establish separate bank accounts in the name of each levee district and expressly prohibits the commingling of funds; and

WHEREAS, allowing flood protection authorities to spend funds across the various levee districts located within their respective territorial jurisdiction would provide a more efficient method of regional flood protection; and

WHEREAS, the state of Louisiana should consider establishing a proactive funding approach to fund flood protection projects within the regional flood protection authorities, which includes the ability to spend funds collected in one district to improve levee effectiveness in another district when such spending would improve regional flood protection; and

WHEREAS, spending funds across the various levee districts would provide a more comprehensive and sustainable approach to maintaining levees, including the Hurricane and Storm Damage Risk Reduction System.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby urge and request the Coastal Protection and Restoration Authority, in cooperation with the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank, to study and make recommendations regarding flood protection authority spending across the various levee districts within each regional flood protection authority.

BE IT FURTHER RESOLVED that the study conducted by the Coastal Protection and Restoration Authority shall include consideration and a determination of the following:

(1) Whether allowing the regional flood protection authorities to spend funds across the various levee districts could benefit the state of Louisiana from a public health and safety, transportation, and economic perspective?

(2) Whether spending funds across the various levee districts will assist in the improvement of citizen protection and managing or eliminating property damage?

(3) Whether spending funds across the various levee districts will assist the state in reducing or eliminating the risk or occurrence of flood damage and the long-term negative effects caused by flood damage in Louisiana?

(4) Whether spending funds across the various levee districts would allow political subdivisions and municipalities to actively participate in prioritizing projects and partner on funding needs to solve issues, eliminate redundancies, complete projects more efficiently, and maintain the Hurricane and Storm Damage Risk Reduction System?

BE IT FURTHER RESOLVED that the Coastal Protection and Restoration Authority shall submit a written report to the House and Senate committees on transportation, highways and public works, the Senate Committee on Natural Resources, the House Committee on Natural Resources and Environment, and the member of the House of Representatives representing House District Number 52, detailing its findings and recommendations regarding regional flood protection authority spending across levee districts on or before December 31, 2017.

BE IT FURTHER RESOLVED that the Coastal Protection and Restoration Authority work with staff of the Senate and House committees on transportation, highways and public works, the Senate Committee on Natural Resources, and the House Committee on Natural Resources and Environment to develop legislation that proposes the authorization of flood protection authority spending across levee districts if the results of the study reveal or illustrate such funding would be beneficial.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the executive director of the Coastal Protection and Restoration Authority and the board of commissioners of the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES