

2017 Regular Session

HOUSE RESOLUTION NO. 203

BY REPRESENTATIVE ZERINGUE

LEVEES/BDS & DISTRICTS: Urges and requests the Coastal Protection and Restoration Authority and the Southeast Louisiana Flood Protection Authority-East and West Bank to study the feasibility of spending funds across the various levee districts

1 A RESOLUTION

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

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

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

1 WHEREAS, to provide aggressive state leadership, direction, and consonance in the
2 development and implementation of policies, plans, and programs to achieve comprehensive
3 integrated coastal protection, including the encouragement of multiple uses of the coastal
4 area and to achieve a proper balance between development and conservation, restoration,
5 creation, and nourishment of renewable coastal resources, the legislature places
6 responsibility for the direction and development of the state's comprehensive master coastal
7 protection plan with the Coastal Protection and Restoration Authority Board within the
8 office of the governor; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HR 203 Original

2017 Regular Session

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Urges and requests the Coastal Protection and Restoration Authority, in cooperation with the Southeast La. Flood Protection Authority-East and Southeast La. 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.

Requires the submission of 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 state representative representing House District No. 52. Also, requires these committees develop legislation to authorize flood protection authority spending across levee districts, if the results of the study prove such findings would be beneficial.