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House OKs levee board bills

Measures head to Senate today

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By Robert Travis Scott

Capital bureau

BATON ROUGE -- After resolutely resisting critics' attempts to alter the governor's levee board overhaul plan, the House gave a nearly unanimous blessing Thursday to the milestone legislation dissolving local commissions in the New Orleans area in favor of regional authorities in charge of hurricane protection.

With the Senate likely to give its stamp of approval today, the last day of the special session, one of the bills in the package can go to the governor for her signature, and the other, a constitutional amendment, can go for a statewide referendum on Sept. 30. The new levee governing system will then take effect Jan. 1, 2007.

"We're entering something new in the world of politics in Louisiana," said the author of the legislation, Sen. Walter Boasso, R-Arabi. "The future of our state is going to depend on changes like this."

Swept forward by a surge of public opinion after Hurricane Katrina in favor of changing the fragmented and parochial system of flood control in the storm-ravaged region, the two bills sponsored by Boasso and Rep. Karen Carter, D-New Orleans, are intended to address Louisiana's reputation for political fiefdoms and an open door to patronage.

"It sends an incredible message to the people of southeast Louisiana to come home," said Ruthie Frierson, leader of the grass-roots group Citizens for 1 Greater New Orleans, whose legions of red-clad members lobbied the Capitol halls for Boasso's bills. "The federal government can now feel assured that the billions of dollars we receive for levee projects will be held accountable by professional boards."

3 months work

Thursday's House votes of 98-3 on Senate Bill 8 and 99-0 for the companion constitutional amendment of Senate Bill 9 were the culmination of three months of work by Boasso, who at first faced a skeptical governor and nearly throughout fought opposition from legislative leaders, fellow Republicans and even political figures in his home parish of St. Bernard.

Eventually, Blanco came on board, called the special session mainly to address the levee issue and began working with Boasso on the bills.

"The levee controversy has become a cause celebre," said Louisiana political pollster Bernie Pinsonat. "The public opinion was so strong in this issue, that ultimately that's why this bill passed."

The changes that Blanco and Boasso's plan brings to the status quo are many:

-- A new regional levee authority will stretch from St. Bernard to St. John the Baptist parishes on the east bank and include the areas below Interstate 12 in St. Tammany and Tangipahoa parishes on the north shore. Called the Southeast Louisiana Flood Protection Authority-East, it will retain the levee taxing districts but replace the existing boards with a unified command dealing with flood control issues in the Pontchartrain Basin.

-- A separate authority called the Southeast Louisiana Flood Protection Authority-West will cover Orleans and Jefferson parishes on the west bank of the Mississippi River dealing with the Barataria Basin.

-- The new authority will dispose of special levee police forces and instead rely on local sheriffs or police departments for law enforcement.

-- The governor will make board appointments with approval from the Senate, which is customary for state commissions. But the nominating process for the board members will be led by a group of engineering and public interest groups, in some cases offering the governor only one candidate to fill a vacancy on a board.

-- The majority of the board members will have backgrounds in engineering, hydrology or other fields related to water control, or be professionals in law, accounting or other fields.

Several members of the boards must come from outside the regions, and could be from out of state.

-- The board members must abide by strict ethics rules prohibiting their involvement in political campaigns and lobbying. They and their immediate family members will be prohibited from doing business related to the board's work, such as construction or service contracts, that would create conflicts of interest.

-- The numerous assets operated by the board of the Orleans Levee District that are unrelated to flood control, such as the Lakefront Airport, marinas and real estate developments that have proved to be major distractions to the Levee Board, will be moved to the state's Division of Administration while local and state officials decide what to do with them. They have been an administrative and in some cases a financial burden.

For example, the airport has lost the district more than \$14 million over the past 20 years that could have been used for flood-control projects. Even if the airport had made money, its financial restrictions required that profits flow back into the airport operations, not to the levee district general fund. The district board had utterly failed to privatize it.

Compromise on boards

The bill brought to the House floor Thursday already contained a major compromise from Boasso and Blanco's original intent of a single board for the region. They had agreed to separate the plan into east and west bank authorities.

Major west bank figures in the Legislature fought for the change, including House Appropriations Chairman John Alario, D-Westwego, Senate Finance Chairman Francis Heitmeier, D-Algiers, and Sen. Chris Ullo, D-Marrero. They tentatively joined forces with a group of Republicans led by House GOP Caucus Chairman Jim Tucker, R-Algiers, who coordinated a counterstrategy in league with members of the House Transportation Committee to press a package of bills through the House calling for separate boards.

With both chambers clearly stalling Boasso's vision of a single regional board, the turning point came Tuesday when the senator agreed to move forward with the split-board concept. The question then turned to whether the bill's remaining critics would shave its scope and provisions on the House floor.

The Blanco administration, which had lost support from much of its House leadership allies this session, got them back on board for the House votes. Tucker, most of the Republicans and the House transportation committee members also took Boasso's side in the House floor votes for amendments.

"There are a lot of attempts to undermine what is being done today," Carter said during the House debate.

Amendment fails

The first controversial amendment was brought by Rep. Henry "Tank" Powell, R-Ponchatoula, who asked that Tangipahoa be removed from Senate Bill 8.

"Why we were included in a levee bill, I do not know," Powell said. "If it's that good, we should have included all of Louisiana."

In a tone-setting moment, the House voted 72-25 to kill the amendment.

Then Rep. Kenneth Odinet, D-Arabi, gave a passionate speech in favor of his amendment to remove St. Bernard from the bill. Widely viewed as the most critical decision of the day, the House voted 64-37 against the change.

Alario offered several amendments, including those to expand the representation of west Jefferson residents on the west bank board, to put west bank institutions on the nominating panel and to extend the time of the bill's enactment on the west bank until Nov. 30, 2007. They were all defeated.

Alario said he had initiated and was the target of "guerrilla warfare" tactics on the bill, and that he recognized the many hard feelings and divisiveness it had generated.

"We have to get over with that," said Alario, symbolically laying down his sword. "We've got too many things to do in this state to make things happen."

In the end Alario voted for the bill and became one of its 81 House co-authors.

The Senate already passed very similar versions of the bills on Tuesday, and Boasso said he would ask the Senate today to concur with the House's decisions.

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