

LEVEES 2014

In the election of September 30, 2006, voters overwhelmingly approved— by 81%— the constitutional amendment creating the Southeast Louisiana Flood Protection Authorities: two politically independent levee districts and units of local government. Voters put public safety first to create constitutional protection for two metro-area flood protection authorities, and to keep them out of politics, particularly out of gubernatorial politics.

In the 2014 legislative session, the challenges we faced to sustain the political independence of our two regional flood authorities were daunting.

Shreveport area Senator Robert Adley, R-Benton, introduced several bills with different objectives in the session, but the overall thrust of his legislative package was consistent to undermine the carefully crafted independence of the Southeast Louisiana Flood Protection Authority, both its East and West Bank arms.

Citizens for 1 Greater New Orleans took strong positions against Senator Adley's Senate Bills 79, 629, and 553.

SB 79, authored by Senator Adley, under the proposed law would have given the governor, any governor, the ability, in his sole discretion, the unilateral right to declare a levee board member neglectful of their duties or in violation of "state law" and remove them with no mechanism to have the person clear their name and be reinstated in an expedited way. Further there is no criterion for doing so as defined in state law.

Outcome: The bill passed the Senate Transportation, but Senator Adley never introduced it for a vote to the full Senate which is usually the case when the votes are not there for passage.

The current law remains intact. Under current law, the Flood Protection Authority boards have the power to remove a board member and can only remove a board member who neglects his duties or who misses three consecutive board meetings. In such an event, the governor shall remove the board member if, and only if, the board requests.

SB 629, authored by Senator Adley, under the proposed law would have moved the flood protection authorities from Article VI, the "Local Government" section of the Louisiana Constitution, to Article IV, the "Executive Branch" section. By explicitly placing them "within the executive branch of state government," SB 629 would have put the governor in control of our two metropolitan-area flood protection authorities.

Outcome: Senator Adley had the bill filed and on the agenda of the Senate Transportation, Highways, and Public Works committee that he chairs, but he didn't bring it to a vote of the committee so it died in committee. This often happens when the vote of the committee or the full Senate is not in favor of the bill.

SB 553, authored by Senator Adley, would have given the Governor control of the two flood protection authorities (SLFPAs- E&W) powers that have been governed exclusively by approval of the Attorney General. SB 553 would have removed SLFPAs from procedures appropriate to local government entities and instead subjected them, retroactively, to contract procedures for state agencies, requiring approval from both the Governor and Attorney General.

Outcome: SB 553 passed the Senate Transportation, Highways and Public Works Committee and the full Senate, but died in the House Civil Law Committee, chaired by Representative Neil Abramson of New Orleans.

Conclusion

Approximately 20 bills filed in this year's legislative session sought to derail the lawsuit by the east bank levee authority, the lawsuits filed by Jefferson and Plaquemines parishes, or to give the Governor the ability to directly control the independence and makeup of the boards of the flood protection authorities east and west, all were defeated but one. Senator Allain's SB 469, which provides an avenue for killing the coastal erosion lawsuit by the SLFPA-E against 97 oil and gas companies, was signed into law by Governor Jindal. From the outset, Citizens for 1 has taken no position on the lawsuit. It is in the courts and the courts will decide.