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Times-Picayune

Levee bill passes with separate east, west bank boards

By Robert Travis Scott

BATON ROUGE — In a major turnaround, a unanimous Senate passed the governor's bills to overhaul the New Orleans area levee boards Tuesday after supporters of the proposal yielded to West Bank lawmakers who want separate authorities on either side of the Mississippi River.

The centerpiece legislation of the current special session, Senate Bills 8 and 9 by Sen. Walter Boasso, R-Arabi, still must pass the House before the session ends Friday to become law. Several challenges to the bills remain, including attempts that will be made to pull St. Bernard Parish out of the new proposed consolidated authority and to give West Bank officials more say in who will sit on their governing board and when the new law will take effect.

Coming just two days after stalling on the Senate floor, the chamber's approval put the legislation back on track and restored the governor's momentum in the Capitol after a several of her initiatives failed to muster support even from her legislative leadership team. Several lawmakers said the Blanco administration had not lobbied them for the levee board bills until Tuesday.

"It was a beautiful sight to see green on Valentine's Day," Blanco told the chamber after green "yes" votes for the Boasso bill lit up the roll call board above the Senate chamber.

Ruthie Frierson, head of a grass roots organization supporting Boasso's bill called Citizens for 1 Greater New Orleans, said Tuesday after the vote that she was "encouraged."

"The amendments today I don't think affected the integrity of the bill," Frierson said. She said her group would press to make sure that the appointment process and ethics standards for board members now in the bill would remain for both the west and east bank boards.

In its current form, Boasso's proposal would create West and East versions of a Southeast Louisiana Flood Protection Authority, a departure from the senator's initial stand that the region's levee management be ruled by a single board.

The east authority would affect seven parishes, including the east banks of Orleans and Jefferson parishes, the Lake Borgne Basin Levee District, which covers St. Bernard Parish, and the areas of St. Tammany and Tangipahoa parishes below Interstate 12.

The east banks of St. Charles and St. John the Baptist parishes would participate in the east bank authority on decisions about regional projects. The Pontchartrain Levee District, an existing multi-parish east bank authority stretching from St. Charles to Baton Rouge, would continue to have jurisdiction over the current levee projects in those River Parish areas.

Livingston Parish, which had been in Boasso's original proposal, was dropped from his bill, a move that won him key support from lawmakers there.

The west bank authority would oversee the West Jefferson Levee District and the west bank of Orleans, currently part of the Orleans Levee District.

Proponents of a two-board concept argued that the West Bank is a separate deltaic basin with flood-control issues different from the east bank. Boasso had agreed the two areas are separate basins but wanted a comprehensive management system for the region that would convince Congress and others that levee boards would not act as inefficient local fiefdoms.

"By no means do we have something perfect, but I think it will answer all the questions, and restore the confidence that we need," Boasso said.

Rep. Jim Tucker, R-Algiers, an advocate of a separate West Bank authority who led the fight in the House against Boasso's single-board concept, said he now supports Boasso's bill and thinks it will pass.

"We're 99 percent of the way there," Tucker said.

The Boasso package keeps the existing levee district taxing authorities intact and creates new ones on the North Shore. The current property tax revenues collected by the districts would not be co-mingled, and any new tax on the districts for regional flood control projects would require a majority vote of the people throughout the region and by voters in each parish zone within the region.

Senate Bill 9 is a proposed constitutional amendment that in effect would prevent residents in the new North Shore districts from paying a levee district millage without a popular vote.

Boasso's proposal also removes the non-flood control assets of the Orleans Levee District, including the Lakefront Airport, marinas and real estate developments that have been criticized as distractions to the local board. They would be turned over to the state Division of Administration until state and local officials worked out what to do with them and whether to sell them.

A panel of mostly impartial engineering and public interest associations and universities would nominate people to the boards and the governor would select the appointments. Each of the new boards would have to be stocked with a certain number of engineers, scientists and professionals from other disciplines. Some of the board members would have to be from outside the region, and could even be from outside the state. That method is a significant departure from the current system for levee boards that relies mostly on nominations of local people by lawmakers from the districts.

Throughout the debate, lawmakers struggled with the fact that U.S. Rep. Bobby Jindal had placed language in a recent federal appropriations bill to hold back \$12 million for a levee study unless the state forms a "single" state board in southeast Louisiana and in the New Orleans region. The question of whether split east and west boards would meet that requirement had been one of the more confusing and contentious issues surrounding Boasso's bill.

Boasso said he had solved that problem with language added to the bill on the Senate floor Tuesday. It says that the state's Coastal Protection and Restoration Authority, created by Blanco and the Legislature in November to oversee local levee boards and set state levee priorities, "shall serve as the single state entity to act as local sponsor for construction, operation, and maintenance of hurricane, storm damage reduction, flood control, and coastal restoration."

With the changes to his bills, Boasso was able to win over a loose coalition of senators in east Jefferson, the River parishes and Livingston that had voted as a block on Sunday to reduce the scope of his new authority. His bills will be heard today in the House transportation committee.

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