

Regular Session, 2009

HOUSE BILL NO. 787

BY REPRESENTATIVES BALDONE, AUBERT, BILLIOT, HENRY BURNS, DIXON,
DOVE, GUINN, HOWARD, AND WOOTON AND SENATORS DUPRE AND
MORRISH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 38:301.1, relative to coastal area levee districts and parish
3 governing authorities; to provide for certain levee districts and local parish
4 governments to submit elevation reports; to provide for the name change of the
5 office of public works, hurricane flood protection, and intermodal transportation; to
6 provide for the authority to establish adequate drainage, flood control, and water
7 resource development; to provide authority to enter into contracts or other
8 agreements; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 38:301.1 is hereby amended and reenacted to read as follows:

11 §301.1. Coastal ~~zone~~ area levee districts; elevation reports

12 A. Every levee district located wholly or partially in the coastal ~~zone~~ area
13 and every parish governing authority for parishes located wholly or partially within
14 the coastal ~~zone~~ area but which are not part of a levee district shall, once every three
15 years, submit a levee elevation report on tidal levees located within the coastal ~~zone~~
16 area to the Coastal Protection and Restoration Authority and to the ~~office of public~~
17 ~~works, hurricane flood protection, and intermodal transportation in the Department~~
18 ~~of Transportation and Development~~ office of coastal protection and restoration. The
19 levee elevation report shall be based upon a centerline profile survey conducted by
20 the levee district or parish governmental entity on all tidal levees within the coastal
21 ~~zone~~ area under its control. The centerline profile survey shall be limited to the
22 gathering of elevation information along the top of the levee at two hundred fifty foot
23 intervals and shall not include cross-sectional levee elevation information. The

1 information gathered pursuant to the centerline profile survey shall be incorporated
2 into the levee elevation report, which shall indicate the elevation above mean sea
3 level of all tidal levees, including federally funded and nonfederally funded levees,
4 and shall specifically identify inconsistencies in levee elevation. The report shall
5 also include a plan to correct any problems that have been identified.

6 B. The centerline profile survey required according to the provisions of this
7 Section may, at the discretion of the levee district or parish governing authority, be
8 conducted by a licensed surveyor or by the levee district or parish governing
9 authority. Any levee district or parish governing authority which chooses to conduct
10 the centerline profile survey may use its own employees and equipment. If a levee
11 district or parish governing authority undertakes the survey using its own employees
12 and equipment, the ~~Department of Transportation and Development~~ office of coastal
13 protection and restoration shall provide technical assistance and shall provide
14 guidance in conducting the survey.

15 C. Every levee district located wholly or partially in the coastal area may, in
16 addition to any other powers and duties provided by law for the boards of
17 commissioners of levee districts, establish on its own behalf or for the areas or the
18 levee districts under its authority adequate drainage, flood control, water resources
19 development, and integrated coastal protection, including but not limited to the
20 studying, engineering, designing, planning, maintenance, operation, and construction
21 of erosion control measures, marsh management, coastal restoration, reservoirs,
22 diversion canals, gravity and pump drainage systems, and other flood control works
23 as such activities, facilities, and improvements related to tidewater flooding, riverine
24 flooding, hurricane protection, conservation, and saltwater intrusion. Levee districts
25 located wholly or partially in the coastal area may enter into contracts or other
26 agreements, including cooperative endeavor agreements, with any public or private
27 person or persons, corporation, association, or other entity, including the Coastal
28 Protection and Restoration Authority, office of coastal protection and restoration, the
29 state and other agencies thereof, public corporations, port authorities, levee districts,
30 parishes, other political subdivisions, or the United States government or agencies

1 thereof, or any combination thereof, or with instrumentalities of any kind to provide
 2 such adequate drainage, flood control, water resources development, and integrate
 3 coastal protection, and to this end, may contract for the acceptance of any grant of
 4 money upon the terms and conditions, including any requirement of matching the
 5 grants in whole or in part, which may be necessary.

6 D. If specially provided for by the Coastal Protection and Restoration
 7 Authority in a cooperative endeavor agreement, levee districts located wholly or
 8 partially in the coastal area may expend funds for projects and programs outside of
 9 their normal jurisdictional bounds on the condition that the funds are used consistent
 10 with the purposes and intent expressed in R.S. 49:213.1 and will benefit the
 11 jurisdiction from which the funds are derived.

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 PRESIDENT OF THE SENATE

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____