

Regular Session, 2014

SENATE BILL NO. 282

BY SENATOR BROWN

SPECIAL DISTRICTS. Authorizes the Port of South Louisiana, the Lafourche Basin Levee District, and the Pontchartrain Levee District to enter a cooperative endeavor agreement to authorize the exercise of combined police protection. (8/1/14) (2/3-CA6s43(2))

1 AN ACT

2 To enact R.S. 38:326.3 and 326.4, relative to special districts; to provide relative to
3 combined police authority within and by and between the Port of South Louisiana,
4 the Lafourche Basin Levee District, and the Pontchartrain Levee District; to provide
5 relative to the jurisdiction, personnel, equipment, costs, and administrative
6 responsibilities for such authority; to provide for an executive director and an
7 assistant executive director of the Lafourche Basin Levee District; and to provide for
8 related matters.

9 Notice of intention to introduce this Act has been published.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 38:326.3 and 326.4 are hereby enacted to read as follows:

12 **§326.3. Combined police authority; jurisdiction; administrative**
13 **responsibilities; personnel, equipment, and expenses**

14 **A. In addition to the authority, restrictions, requirements, and other**
15 **provisions of R.S. 38:326 and 326.1, and notwithstanding any other provisions**
16 **of law to the contrary, the Port of South Louisiana, the Lafourche Basin Levee**
17 **District, and the Pontchartrain Levee District may coordinate and cooperate**

1 jointly with each other to maintain order and to exercise general police power
2 within the areas of such port and districts and upon their levees.

3 B. The executive directors of the port and the districts may enter into a
4 cooperative endeavor agreement to authorize the exercise of combined police
5 protection within the areas of the port and districts, and to provide for the
6 employment of officers and other personnel, equipment, and administrative
7 services, necessary and useful to provide for and share the costs and expenses
8 associated with such police protection. The cooperative endeavor agreement
9 shall provide that title to equipment used pursuant to the agreement which is
10 owned by the port or a district shall remain with the port or district.

11 C. Each person employed as a police officer shall, at a minimum, be
12 commissioned as a peace officer by the Department of Public Safety and
13 Corrections. Such police officers shall have the right to exercise the power of
14 arrest as peace officers, according to law, within the combined jurisdictions and
15 boundaries of the port and the districts.

16 D.(1) The governing authority of each entity designated in Subsection A
17 of this Section which is a party to a cooperative endeavor agreement described
18 in Subsection B of this Section shall appoint two members thereof, respectively,
19 to serve as members of a law enforcement coordinating/oversight committee.

20 (2) At the initial meeting, the committee shall elect a president to serve
21 as presiding officer. The presiding officer shall not cast a vote except in the case
22 of a tie vote.

23 (3) The committee may employ a chief law enforcement officer, subject
24 to applicable civil service regulations. However, any applicant with at least
25 twenty years of experience as a commissioned law enforcement officer who
26 meets all of the requirements set forth in Paragraph (C)(2) of this Section shall
27 be eligible for appointment.

28 (4) The chief law enforcement officer shall:

29 (a) Have the right to exercise the authority granted to police officers in

1 **Subsection C of this Section.**

2 **(b) Supervise and direct the administration and operation of the**
 3 **combined police protection authorized by the cooperative endeavor agreement.**

4 **All law enforcement personnel shall be subordinate to the chief.**

5 **(c) Have general responsibility for law enforcement and be charged with**
 6 **the enforcement of all applicable laws and ordinances within the areas of the**
 7 **port and districts.**

8 **§326.4. Lafourche Basin Levee District; executive director; assistant executive**
 9 **director; duties**

10 **A. The positions of executive director and assistant executive director**
 11 **of the board of commissioners of the Lafourche Basin Levee District are hereby**
 12 **created. The executive director and assistant executive director shall be**
 13 **appointed by the board. The executive director, on behalf of and as authorized**
 14 **or directed by the board, shall administer the affairs of the district. The**
 15 **assistant executive director shall assist the executive director in all of his**
 16 **functions and duties as deemed necessary by the executive director.**

17 **B. The positions of executive director and assistant executive director**
 18 **shall be filled by the board within six months after this Section becomes**
 19 **effective if not currently filled by administrative rule of the board.**

20 **C. Neither the executive director nor the assistant executive director**
 21 **shall be a member of the board. The executive director and assistant executive**
 22 **director shall each be a full-time unclassified employee of the board who shall**
 23 **be paid compensation in an amount to be determined by the board which shall**
 24 **be comparable to like positions with levee districts throughout the state.**

The original instrument was prepared by Sharon F. Lyles. The following digest, which does not constitute a part of the legislative instrument, was prepared by McHenry Lee.

DIGEST

Brown (SB 282)

Present law authorizes levee districts and levee and drainage districts employ police officers who are to be responsible for maintaining order and exercising general police power,

including the power to arrest, on and off the levees, within the area of the district, and upon its surrounding waters. Provides that each person named as a police officer by the president of district must be commissioned as a peace officer by the Department of Public Safety and Corrections [DPSC] in accordance with the provisions of R.S. 40:1379.1, and the commission remains in force and effect at the pleasure of the president and the DPSC subject to applicable civil service regulations. Also requires, prior to commissioning the person commissioned must have, as a minimum requirement, completed a training program and received certification as a peace officer by the Louisiana Council on Peace Officer Standards and Training (POST Council).

Each district must obtain police liability insurance and each police officer must execute a \$10,000 bond, the premium of which must be paid by the district.

Present law specifically authorizes Lafourche Basin Levee District police officers in the classified service of the state, limited to four officers, to be responsible for maintaining order and exercising general police power on the levees within the area of that district and upon its surrounding waters, including the right to carry concealed weapons and to exercise the power of arrest, in accordance with the rules and regulations promulgated for that purpose by the secretary of the DPSC. Requires a person prior to being commissioned to have, as a minimum requirement, successfully completed a certified law enforcement training course and basic firearms training program, including annual recertification, and met the other requirements set by the secretary of DPSC; and then to be commissioned by the secretary. The commission remains in force and effect at the pleasure of the president and the DPSC subject to applicable civil service regulations.

Also authorizes the president of the Lafourche Basin Levee District to contract with sheriffs' offices within the area of the district to provide police protection and surveillance of the levee system if approved by the board of commissioners.

Proposed law authorizes the Port of South Louisiana, the Lafourche Basin Levee District, and the Pontchartrain Levee District to coordinate and cooperate jointly with each other to maintain order and to exercise general police power within the areas of such port and districts and upon their levees by authorizing the executive directors of the port and the districts to enter into a cooperative endeavor agreement to exercise combined police protection. Provides for employment of officers and other personnel, equipment, and administrative services, necessary and useful and the sharing of costs and expenses associated with providing such police protection.

Proposed law provides that the cooperative endeavor agreement require that the title to equipment used pursuant to the agreement which is owned by the port of the district will remain with the port or district.

Proposed law requires all law enforcement personnel to be subordinate to a chief law enforcement officer who is to supervise and direct the administration and operation of the combined police protection and has the general responsibility for law enforcement and the enforcement of all laws and ordinances within the areas of the port and districts.

The chief law enforcement officer is employed (subject to "applicable civil service regulations") by a law enforcement coordinating/oversight committee composed of two members appointed by each governing authority of the districts and port. An applicant with at least 20 years of experience as a commissioned law enforcement is eligible for appointment as chief law enforcement officer.

Proposed law requires any person employed as a police officer to be commissioned as a peace officer by DPSC. Authorizes such police officers to exercise the power of arrest as peace officers, according to law, within the combined jurisdictions and boundaries of the port and the districts.

Proposed law creates the positions of executive director and assistant executive director for the Lafourche Basin Levee District and provides that both positions will be appointed by the board, and provides for duties.

Proposed law prohibits the executive director and assistant executive director from being board members. Provides that both positions will be full-time unclassified employees of the board and paid compensation in an amount determined by the board.

Effective August 1, 2014.

(Adds R.S. 38:326.3 and 326.4)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Provides for a chief law enforcement officer to supervise and administer the combined force, requires certain qualifications, and establishes a law enforcement coordinating/oversight committee composed of two members appointed by each governing authority of the districts and port to employ him.
2. Removes the authority of the combined police force to exercise general police power on the ports and districts "surrounding waters".
3. Removes specific authority for the police officers to carry concealed weapons.

Senate Floor Amendments to reengrossed bill

1. Authorizes the entities to enter into a cooperative endeavor agreement to provide for a combined police force rather than requiring it.
2. Creates the positions of executive director and assistant executive director for the Lafourche Basin Levee District and provides for duties and requests for filling the positions.
3. Requires that the agreement provide that title to equipment used pursuant to the agreement which is owned by the port or a district remain with the port or district.
4. Technical amendments.