

2023 Regular Session

HOUSE BILL NO. 533

BY REPRESENTATIVE MIKE JOHNSON

LEVEES/BDS & DISTRICTS: Changes the composition and qualifications of the board of commissioners of the Red River, Atchafalaya, and Bayou Boeuf Levee District

1 AN ACT

2 To amend and reenact R.S. 38:291(M)(2) and to enact R.S. 38:291(M)(3) through (7) and
3 292, relative to the board of commissioners for the Red River, Atchafalaya, and
4 Bayou Boeuf Levee District; to provide for the composition of the board; to provide
5 for duties and responsibilities of the board; to provide for an effective date; and to
6 provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 38:291(M)(2) is hereby amended and reenacted and R.S.
12 38:291(M)(3) through (7) and 292 are hereby enacted to read as follows:

13 §291. Naming; limits of districts; composition of boards

14 * * *

15 M. Red River, Atchafalaya, and Bayou ~~Beouf~~ Boeuf Levee District.

16 * * *

17 (2) Effective August 1, 2023, notwithstanding any provision of law to the
18 contrary, the The governor shall appoint, ~~in accordance with the provisions of R.S.~~
19 ~~38:304 one person from each of the parishes embraced by the district to serve as~~
20 ~~levee commissioners.~~ subject to Senate confirmation, a board of commissioners
21 consisting of nine individuals from the district selected as follows:

1 (a) Four members nominated by the members of the legislative delegation
2 representing Rapides Parish.

3 (b) Two members nominated by the members of the legislative delegation
4 representing Avoyelles Parish.

5 (c) Two members nominated by the members of the legislative delegation
6 representing St. Landry Parish.

7 (d) One at-large member nominated by the Louisiana Farm Bureau
8 Federation from Rapides Parish.

9 (3) At least one member of the board of commissioners from Rapides Parish,
10 confirmed by the Senate, shall be a minority.

11 (4) Each board member shall be a citizen of the United States, a resident in
12 the geographical district of the port for at least one year preceding the date of
13 confirmation, and shall remain a resident in such jurisdiction during the entirety of
14 his term of office. Furthermore, each board member shall be of good character and
15 shall possess some skill, knowledge, or experience that will prove useful in the
16 accomplishment of the goals of the board of commissioners' authority as set forth in
17 R.S. 38:292(A)(2). At least three members shall be either an engineer or a
18 professional in a related field such as geotechnical, hydrological, or environmental
19 science. The member with geotechnical experience shall be the at-large member
20 nominated by the Louisiana Farm Bureau Federation from Rapides Parish or one of
21 the four members nominated by the legislative delegation representing Rapides
22 Parish.

23 (5) Any vacancy that occurs prior to the expiration of a term shall be filled
24 for the remainder of the unexpired term in the same manner the predecessor
25 appointee was selected within thirty days after receipt by the president of written
26 notification of the board vacancy. In the event that the vacancy is not filled within
27 thirty days after receipt of written notification of the vacancy, the board shall appoint
28 an interim successor to serve on the board until the position is filled in the same
29 manner as the original appointment.

1 (2) The mission of the Red River, Atchafalaya, and Bayou Boeuf Levee
2 District is to protect and provide maintenance for the levees in St. Landry, Avoyelles,
3 and Rapides Parishes.

4 B.(1) Board members of the Red River, Atchafalaya, and Bayou Boeuf
5 Levee District, shall be governed by the Code of Governmental Ethics. Violation of
6 the code shall be cause for immediate removal from the board.

7 (2) A board member's failure to act with a fiduciary duty of loyalty and care
8 shall be cause for immediate removal from the board.

9 C.(1) Employees of the district shall not be employees of the board or its
10 members. Individual members of the board shall not direct, instruct, supervise, or
11 manage employees under the direction and supervision of the executive director
12 other than clerical duties of the staff assigned to the individual board member
13 relative to administrative duties consistent with the mission of the district.

14 (2) The executive director is expected to carry out the policies of the board,
15 without interference, including the following responsibilities:

16 (a) The administration of such policies and projects of the board as directed
17 and delegated by the president.

18 (b) The supervision of all of the daily operations of the levee district and to
19 make recommendations to the president regarding the efficient and effective
20 operation of the levee district.

21 (c) The provision of all applicable notice of all meetings of the board and
22 committees, and all other applicable notice required by law or rule.

23 (d) The preparation of agendas, in connection with the board secretary, for
24 regular and special meetings of the board.

25 (e) The preparation of annual and interim operating budgets and provision
26 of reports to the board on the status of operational expenditures.

27 (f) The promotion and coordination of all safety training programs for board
28 staff, including overseeing the safe operation of all district equipment and facilities.

1 (g) The preparation and update of the emergency procedures manual
2 required by R.S. 38:319.

3 (h) The review of permit requests and the issuance of such permits that meet
4 applicable criteria, if the executive director submits permit requests for board
5 approval that he deems merits the board's attention or that received a negative
6 response from either the United States Army Corps of Engineers or the Department
7 of Transportation and Development.

8 (i) The responsibility to act as the board's liaison with other governmental
9 agencies with respect to day-to-day operations of the district.

10 (j) The performance of such additional duties as directed by the president or
11 the board, within the scope of his responsibility.

12 (3) Oversight and monitoring shall be conducted at board meetings.
13 Individual board members shall not interfere in the daily operations or duties of the
14 executive director. This provision shall not apply to actions taken by the board in its
15 entirety by vote at a duly convened meeting.

16 D. No member of the board, nor the board in its entirety, shall use, occupy,
17 obligate, or donate the resources, funds, equipment, or labor of the district for uses
18 inconsistent with the Code of Governmental Ethics or inconsistent with the mission
19 of the district.

20 E. At the beginning of a term, each board member shall receive a minimum
21 of three hours of training and instruction on the laws of this state governing powers,
22 duties, and responsibilities of levee board commissioners, the bylaws of the board
23 of commissioners of the Red River, Atchafalaya, and Bayou Boeuf Levee District,
24 and in environmental science, particularly flood protection.

25 Section 2. The terms of the commissioners of the Red River, Atchafalaya, and Bayou
26 Boeuf Levee District serving on the effective date of this Act shall be terminated on
27 August 1, 2023.

28 Section 3. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature

- 1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 2 vetoed by the governor and subsequently approved by the legislature, this Section and
 3 Section 1 of this Act shall become effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 533 Original

2023 Regular Session

Mike Johnson

Abstract: Modifies the composition and qualifications of members of the Red River, Atchafalaya, and Bayou Boeuf Levee District.

Present law provides relative to the board of commissioners for the Red River, Atchafalaya, and Bayou Boeuf Levee District and provides for the governor to appoint a three-member board of commissioners consisting of one member from each parish.

Proposed law modifies present law by requiring, effective Aug. 1, 2023, the governor appoint, subject to Senate confirmation, a nine-member board of commissioners as follows:

- (1) Four members nominated by the members of the legislative delegation representing Rapides Parish.
- (2) Two members nominated by the members of the legislative delegation representing Avoyelles Parish.
- (3) Two members nominated by the members of the legislative delegation representing St. Landry Parish.
- (4) One at-large member nominated by the La. Farm Bureau Federation from Rapides Parish.

Proposed law further requires that at least one member from the Rapides Parish appointments, confirmed by the Senate, be a minority.

Proposed law requires that each board member be a U.S. citizen, a resident in the geographical district of the port for at least one year prior to confirmation, and remain a resident for the duration of their term of office. Further requires each board member be of good character and possess experience that will be useful to the board.

Proposed law requires that at least three members be either an engineer or a professional in a related field such as geotechnical, hydrological, or environmental science. Further requires the member with geotechnical experience be the at-large member nominated by the La. Farm Bureau Federation from Rapides Parish or one of the four members nominated by the legislative delegation representing Rapides Parish.

Proposed law specifies that any vacancy on the board that occurs prior to the end of a term must be filled for the remainder of the unexpired term in the same manner as the predecessor appointee was selected within 30 days after the president received notice of the vacancy. Specifies that the board must appoint an interim successor until the position is lawfully filled if the vacancy is not filled within the required 30 day period.

Proposed law requires approval of board actions by an affirmative vote of a majority of the members of that board present and voting. However, proposed law requires the following actions be approved by a majority of the total board membership:

- (1) Adoption of bylaws and other rules and regulations for conduct of the levee district's business.
- (2) Adoption of motion or resolution.
- (3) Hiring or firing of an executive director.
- (4) The incurring of debt.
- (5) Levy of taxes.
- (6) Adoption or amendment of the budget.
- (7) Sale, lease, encumbrance, or alienation of real property or any developments or improvements of property.
- (8) Appointment of interim members.

Proposed law requires, effective Aug. 1, 2023, the president and vice president rotate every year with the selection coming from commissioners appointed from the parishes of Avoyelles, Rapides, and St. Landry.

Proposed law specifies that if the president is absent, demonstrates an inability, or simply fails to act within his one-year term as president, his position will be filled by the other member selected from the same parish in order to complete the remainder of that term of the office of the president.

Proposed law specifies that the governing authority of the Red River, Atchafalaya, and Bayou Boeuf Levee District is the board of commissioners.

Proposed law specifies that the mission of the district is to protect and provide maintenance for the levees in St. Landry, Avoyelles, and Rapides Parishes.

Proposed law specifies that board members are governed by the Code of Governmental Ethics.

Proposed law lists as grounds for removal the violation of the Ethics Code and the failure to act with a fiduciary duty of loyalty and care.

Proposed law specifies that employees of the district are not to be employees of the board or its members. Additionally, prohibits individual members from directing, instructing, supervising, or otherwise managing employees under the direction and supervision of the executive director.

Proposed law provides that the executive director has the following responsibilities:

- (1) The specific responsibility of carrying out the policies of the board.
- (2) The administration of such policies and projects of the board as directed and delegated by the president.
- (3) The supervision of all of the daily operations of the levee district and to make recommendations to the president regarding the efficient and effective operation of the levee district.

- (4) The provision of all applicable notice of all meetings of the board and committees, and all other applicable notice required by law or rule.
- (5) The preparation of agendas, in connection with the board secretary, for regular and special meetings of the board.
- (6) The preparation of annual and interim operating budgets and provision of reports to the board on the status of operational expenditures.
- (7) The promotion and coordination of all safety training programs for board staff, including overseeing the safe operation of all district equipment and facilities.
- (8) The preparation and update of the emergency procedures manual required by present law.
- (9) The review of permit requests and the issuance of such permits that meet applicable criteria, provided the executive director submits permit requests for board approval that he deems merits the board's attention or that received a negative response from either the U.S. Army Corps of Engineers or the Dept. of Transportation and Development.
 - (a) The responsibility to act as the board's liaison with other governmental agencies with respect to day-to-day operations of the district.
 - (b) The performance of such additional duties as directed by the president or the board, within the scope of his responsibility.

Proposed law specifies that the proper place for oversight and monitoring is at board meetings. Further prohibits board members from interfering in the daily operations or duties of the executive director.

Proposed law prohibits board members from using, occupying, obligating, or donating resources, funds, equipment, or labor of the district for uses inconsistent with the Code of Governmental Ethics or inconsistent with the mission of the district.

Proposed law establishes training requirements for each board member that are to be received at the beginning of a term. These training requirements include at least three hours of training and instruction annually on the laws of this state governing powers, duties, and responsibilities of levee board commissioners, the bylaws of the board of commissioners of the district, and in environmental science, particularly flood protection.

Terminates the terms of existing commissioners of the Red River, Atchafalaya, and Bayou Boeuf Levee District serving on the effective date of proposed law (August 1, 2023).

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 38:291(M)(2); Adds R.S. 38:291(M)(3)-(7) and 292)