

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

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 38:291(M)(3) through (6) and 292 are hereby enacted to read as
11 follows:

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

13 * * *

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

15 * * *

16 (3) Each board member shall be a citizen of the United States, a resident
17 within the district of the parish for at least one year preceding the date of
18 confirmation, and shall remain a resident in such jurisdiction during the entirety of
19 his term of office. Furthermore, each board member shall be of good character and
20 shall possess some skill, knowledge, or experience that will prove useful in the

1 accomplishment of the goals of the board of commissioners' authority as set forth in
2 R.S. 38:292(A)(2).

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

10 (5) All actions of a board shall be approved by the affirmative vote of a
11 majority of the members of the board present and voting. However, no action of the
12 board shall be authorized on the following matters unless approved by a majority of
13 the total board membership:

14 (a) Adoption of bylaws and other rules and regulations for conducting the
15 levee district's business.

16 (b) Adoption of motion or resolution.

17 (c) Hiring or firing of an executive director.

18 (d) The incurring of debt.

19 (e) Levy of taxes.

20 (f) Adoption or amendment of the budget.

21 (g) Sale, lease, encumbrance, or alienation of real property or any
22 developments or improvements of property.

23 (h) Appointment of interim members.

24 (6)(a) Effective June 1, 2024, and notwithstanding the provisions of R.S.
25 38:304(C), the position of president and vice president shall rotate every year
26 with commissioners selected from the parishes of Avoyelles, Rapides, and St.
27 Landry, allowing for equal representation from each parish.

28 (b) In the case of absence, inability, or failure to act of the president within
29 his one-year term as president, the position of president shall be filled by the other

1 member selected from the same parish in order to complete the remainder of that
2 term of the office of the president.

3 * * *

4 §292. Board of commissioners; Red River, Atchafalaya, and Bayou Boeuf Levee
5 District; training required; executive director expectations and requirements

6 A.(1) The governing authority of the Red River, Atchafalaya, and Bayou
7 Boeuf Levee District shall be a board of commissioners to be known as the Board
8 of Commissioners of the Red River, Atchafalaya, and Bayou Boeuf Levee District.
9 The board shall consist of members selected pursuant to R.S. 38:291(M)(2).

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

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

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

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

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

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

27 (b) The supervision of all of the daily operations of the levee district and to
28 make recommendations to the president regarding the efficient and effective
29 operation of the levee district.

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

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

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

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

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

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

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

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

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

24 D. No member of the board, nor the board in its entirety, shall use, occupy,
25 obligate, or donate the resources, funds, equipment, or labor of the district for uses
26 inconsistent with the Code of Governmental Ethics or inconsistent with the mission
27 of the district.

28 E. At the beginning of a term, each board member shall receive a minimum
29 of three hours of training and instruction on the laws of this state governing powers,

1 duties, and responsibilities of levee board commissioners, the bylaws of the board
2 of commissioners of the Red River, Atchafalaya, and Bayou Boeuf Levee District,
3 and in environmental science, particularly flood protection.

4 Section 2. The terms of the commissioners of the Red River, Atchafalaya, and Bayou
5 Boeuf Levee District serving on the effective date of this Act shall be terminated on June 1,
6 2024.

7 Section 3. The provisions of this Act shall become effective on June 1, 2024.

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 Reengrossed

2023 Regular Session

Mike Johnson

Abstract: Modifies the qualifications and requirements 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 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 within the district of the parish 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 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) Incurring 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 June 1, 2024, 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 that 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. Specifies that 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 (June 1, 2024).

Effective June 1, 2024.

(Adds R.S. 38:291(M)(3)-(6) and 292)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Change the effective date from August 1, 2023, to June 1, 2024, along with provisions governing appointments, rotation of the president and vice president of the board, and termination of the terms of the current commissioners.
2. Change the boundary in which appointees must reside from within the geographical district of the port to within the district of the parish.
3. Remove the effective upon signature of the governor provision.

The House Floor Amendments to the engrossed bill:

1. Remove modifications to the composition of the board of commissioners that would have increased the size of the board from three to nine.
2. Remove qualification requirements for the additional board members, including at least one minority member be from Rapides and at least three members be either engineers or professionals in a related field.
3. Make technical changes.