

CONFERENCE COMMITTEE REPORT

HB 533

2023 Regular Session

Mike Johnson

June 7, 2023

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 533 by Representative Mike Johnson, recommend the following concerning the Reengrossed bill:

- 1. That the set of Senate Committee Amendments by the Committee on Transportation, Highways and Public Works (#1925) be adopted.
- 2. That the following amendment be adopted:

AMENDMENT NO. 1

In Senate Committee Amendment No. 4 by the Committee on Transportation, Highways and Public Works (#1925), on page 1, line 10, after "August 1," change "2023" to "2024"

Respectfully submitted,

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Representative Michael T. Johnson

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Senator W. Jay Luneau

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Representative Mark Wright

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Senator Heather Cloud

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Representative Ed Larvadain III

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Senator Louie Bernard

CONFERENCE COMMITTEE REPORT DIGEST

HB 533

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**Keyword and oneliner of the instrument as it left the House**

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

**Report adopts Senate amendments to:**

1. Add a member to the board of commissioners nominated by the members of the legislative delegation representing Rapides Parish.
2. Add a member to the board of commissioners from Rapides Parish nominated by the Louisiana Farm Bureau Federation.
3. Require that at least one member of the board of commissioners from Rapides Parish be a minority.

**Report rejects Senate amendments which would have:**

1. Made the effective date of the appointments August 1, 2023.

**Report amends the bill to:**

1. Make the effective date of the appointments August 1, 2024.

**Digest of the bill as proposed by the Conference Committee**

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 embraced by the district.

Proposed law modifies present law by requiring, effective Aug. 1, 2024, the governor appoint, subject to Senate confirmation, a five-member board of commissioners as follows:

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

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) Carrying out the policies of the board.
- (2) Administration of such policies and projects of the board as directed and delegated by the president.
- (3) 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) Provision of all applicable notice of all meetings of the board and committees, and all other applicable notice required by law or rule.
- (5) Preparation of agendas, in connection with the board secretary, for regular and special meetings of the board.
- (6) Preparation of annual and interim operating budgets and provision of reports to the board on the status of operational expenditures.
- (7) Promotion and coordination of all safety training programs for board staff, including overseeing the safe operation of all district equipment and facilities.
- (8) Preparation and update of the emergency procedures manual required by present law.
- (9) 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) To act as the board's liaison with other governmental agencies with respect to day-to-day operations of the district.
  - (b) 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.

(Amends R.S. 38:291(M)(2); Adds R.S. 38:291(M)(3)-(6) and 292)