

2023 Regular Session

HOUSE BILL NO. 533

BY REPRESENTATIVE MIKE JOHNSON

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AN ACT

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

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:291(M)(2) is hereby amended and reenacted and R.S. 38:291(M)(3) through (6) and 292 are hereby enacted to read as follows:

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

* * *

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

* * *

(2)(a) Effective August 1, 2024, notwithstanding any provision of law to the contrary, the The governor shall appoint, ~~in accordance with the provisions of R.S. 38:304 one person from each of the parishes embraced by the district to serve as levee commissioners.~~ subject to Senate confirmation, a board of commissioners consisting of five individuals from the district selected as follows:

(i) Two members nominated by the members of the legislative delegation representing Rapides Parish.

1 (ii) One member nominated by the members of the legislative delegation
2 representing Avoyelles Parish.

3 (iii) One member nominated by the members of the legislative delegation
4 representing St. Landry Parish.

5 (iv) One at-large member, from Rapides parish, nominated by the Louisiana
6 Farm Bureau Federation.

7 (b) At least one member of the board of commissioners from Rapides Parish,
8 confirmed by the Senate, shall be a minority.

9 (3) Each board member shall be a citizen of the United States, a resident
10 within the district of the parish for at least one year preceding the date of
11 confirmation, and shall remain a resident in such jurisdiction during the entirety of
12 his term of office. Furthermore, each board member shall be of good character and
13 shall possess some skill, knowledge, or experience that will prove useful in the
14 accomplishment of the goals of the board of commissioners' authority as set forth in
15 R.S. 38:292(A)(2).

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

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

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

29 (b) Adoption of motion or resolution.

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

- 1 (d) The incurring of debt.
- 2 (e) Levy of taxes.
- 3 (f) Adoption or amendment of the budget.
- 4 (g) Sale, lease, encumbrance, or alienation of real property or any
5 developments or improvements of property.
- 6 (h) Appointment of interim members.
- 7 (6)(a) Effective June 1, 2024, and notwithstanding the provisions of R.S.
8 38:304(C), the position of president and vice president shall rotate every year
9 with commissioners selected from the parishes of Avoyelles, Rapides, and St.
10 Landry, allowing for equal representation from each parish.
- 11 (b) In the case of absence, inability, or failure to act of the president within
12 his one-year term as president, the position of president shall be filled by the other
13 member selected from the same parish in order to complete the remainder of that
14 term of the office of the president.
- 15 * * *
- 16 §292. Board of commissioners; Red River, Atchafalaya, and Bayou Boeuf Levee
17 District; training required; executive director expectations and requirements
18 A.(1) The governing authority of the Red River, Atchafalaya, and Bayou
19 Boeuf Levee District shall be a board of commissioners to be known as the Board
20 of Commissioners of the Red River, Atchafalaya, and Bayou Boeuf Levee District.
21 The board shall consist of members selected pursuant to R.S. 38:291(M)(2).
- 22 (2) The mission of the Red River, Atchafalaya, and Bayou Boeuf Levee
23 District is to protect and provide maintenance for the levees in St. Landry, Avoyelles,
24 and Rapides Parishes.
- 25 B.(1) Board members of the Red River, Atchafalaya, and Bayou Boeuf
26 Levee District, shall be governed by the Code of Governmental Ethics. Violation of
27 the code shall be cause for immediate removal from the board.
- 28 (2) A board member's failure to act with a fiduciary duty of loyalty and care
29 shall be cause for immediate removal from the board.

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

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

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

10 (b) The supervision of all of the daily operations of the levee district and to
11 make recommendations to the president regarding the efficient and effective
12 operation of the levee district.

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

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

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

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

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

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

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

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

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

7 D. No member of the board, nor the board in its entirety, shall use, occupy,
8 obligate, or donate the resources, funds, equipment, or labor of the district for uses
9 inconsistent with the Code of Governmental Ethics or inconsistent with the mission
10 of the district.

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

16 Section 2. The terms of the commissioners of the Red River, Atchafalaya, and Bayou
17 Boeuf Levee District serving on the effective date of this Act shall be terminated on June 1,
18 2024.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____