

RÉSUMÉ DIGEST

HB 421

2022 Regular Session

Gregory Miller

Present law requires a levee commissioner or levee and draining commissioner to have resided in this state the preceding two years, resided in the levee district the preceding year, be a qualified voter of one of the parishes included in the district, and reside in the district while serving as a member of the board.

Proposed law would have required any person appointed a levee commissioner or levee and draining commissioner be able to read and write the English language correctly and possess a high school diploma or its equivalent as determined by the State Bd. of Elementary and Secondary Education by the date the member is nominated.

(Proposed to amend R.S. 38:304(A))

VETO MESSAGE:

"Please be advised that I vetoed House Bill 421 of the 2022 Regular Session.

The bill seeks to implement educational requirements and English language "proficiency" standards for anyone appointed as a levee commissioner or levee and drainage commissioner. The bill requires any appointed levee commissioner or levee and drainage commissioner to have a high school diploma or equivalent and that any appointee must be "proficient in reading and writing in English".

The bill is problematic for several reasons. First, "proficient" is not defined and that ambiguity could lead to unequal application of the law. Second, the bill only provides for English proficiency. The state of Louisiana has no official language and given the long and often complicated history with the French language in our state, I am especially sensitive to excluding individuals from state service simply because they may be more proficient in French than English. In fact, Article XII Section 4 of the Louisiana Constitution provides that "the right of the people to preserve, foster, and promote their respective historic linguistic and cultural origins is recognized."

Finally, the requirements for a high school diploma or equivalent could possibly exclude otherwise well qualified individuals from serving in these important positions. I believe the Senate confirmation process already provides for adequate checks and balances when considering the qualifications of nominated individuals. For these reasons, I have vetoed the bill."