

# ACT No. 372

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            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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_