



LIZ MURRILL
ATTORNEY GENERAL

STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 94005
BATON ROUGE, LA
70804-9005

September 25, 2024
OPINION 24-0098

Mr. Ryan Ingles
Executive Director
Red River, Atchafalaya &
Bayou Boeuf Levee District
10 Calvert Drive
Alexandria, LA 71303-3509

63 – LEVEES, DRAINAGE DISTRICT & FLOOD
CONTROL

La. Const. Art. VI, §38 La. R.S. 38:291(M)

La. R.S. 38:304(A)

An individual who resides within the area excluded from the territorial limitations of the Red River, Atchafalaya & Bayou Boeuf Levee District does not meet the necessary qualifications to serve as a commissioner of the Levee District.

Dear Mr. Ingles:

You have requested an opinion from this office on behalf of the Red River, Atchafalaya & Bayou Boeuf Levee District (Levee District) regarding board member residency requirements. Specifically, you have asked whether an individual who lives within an area excluded from the territorial limits of the Levee District can serve as a commissioner on the Board of Commissioners. For the reasons that follow, we find that an individual who lives within the excluded area cannot serve as a commissioner.

Question: Does an individual who resides within the excluded area described in La. R.S. 38:291(M)(1)(e) meet the necessary qualifications to serve as a commissioner of the Levee District?

Answer: It is the opinion of this office that an individual who resides within the excluded area does not meet the necessary qualifications and is not qualified to serve as a commissioner of the Levee District.

Louisiana Constitution Article VI, § 38 provides for Levee Districts and Regional Flood Protection Authorities, and Subsection (A)(1) states, in pertinent part, “except for the board of commissioners of a regional flood protection authority the members of the board of commissioners of a district heretofore or hereafter created shall be appointed or elected from among residents of the district, as provided by law.” You stated in your opinion request that the Levee District is not a regional flood protection district; thus, the Levee District’s commissioners must be appointed from among residents of the district.

In addition, La. R.S. 38:304(A)(1) requires that any person appointed as a levee commissioner shall meet all of the following requirements: (1) Reside in the state for the preceding two years; (2) Reside in the levee district for the previous year; (3) Is a qualified voter of one of the parishes included in the district; (4) Have or possess the equivalent of

a high school diploma; and (5) Resides in the district while serving as a member of the board. This is in line with the requirements of La. Const. Art. VI, § 38(A)(1).

Louisiana Revised Statute 38:291(M)(1) establishes the Levee District and the limits of its territory. While La. R.S. 38:291(M)(1)(a)-(d) set forth the outer limits of the Levee District's boundaries, 38:291(M)(1)(e) provides:

There shall be excluded from the limits of the levee district the following: All that portion of St. Landry Parish lying west of the Atchafalaya River main levee and east of the west guide levee of the West Atchafalaya Floodway as now established extending from Avoyelles Parish line on the north to Bayou Courtableau on the south, with the exception of rights of way and other property belonging to railroads, pipelines, common carriers, or other public utilities. These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

Since this area is excluded from the limits of the Levee District, an individual who lives in this area cannot be said to reside in the district for purposes of the requirements set forth in La. Const. Art. VI, § 38(A)(1) and La. R.S. 38:304(A)(1). Because individuals appointed as a levee commissioner must reside in the Levee District both one year prior to their appointment and during the term of their appointment, it is the opinion of this office that individuals who live in the area excluded from the Levee District do not meet the necessary qualifications to serve as a commissioner.¹

We trust that this adequately responds to your request and the issue that you have raised. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,
LIZ MURRILL
ATTORNEY GENERAL

BY: Chimène St. Amant
Chimène St. Amant
Assistant Attorney General

LM/CS

¹ We also note that La. R.S. 38:291(M)(3), which became effective on August 1, 2024, pursuant to 2023 La. Acts 372, also requires that each board member of the Levee District be "a resident within the district of the parish for at least one year preceding the date of confirmation, and shall remain a resident in such jurisdiction during the entirety of his term of office."