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**SENATE COMMITTEE AMENDMENTS**

2021 Regular Session

Amendments proposed by Senate Committee on Natural Resources to Reengrossed House Bill No. 630 by Representative Horton

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1 AMENDMENT NO. 1

2 On page 1, line 2, after "2606" insert "and to enact R.S. 38:2604.1"

3 AMENDMENT NO. 2

4 On page 1, line 4, after "board of commissioners;" insert "to provide for vacancies; to  
5 provide procedures for filling vacancies; to provide for public hearings; to provide  
6 procedures for removal;"

7 AMENDMENT NO. 3

8 On page 1, line 10, after "reenacted" insert "and R.S. 38:2604.1 is hereby enacted"

9 AMENDMENT NO. 4

10 On page 2, line 5, after "privileges" insert "and immunities"

11 AMENDMENT NO. 5

12 On page 2, line, 21, after "district." delete "The" and delete lines 21 through 24

13 AMENDMENT NO. 6

14 On page 4, delete line 16 though 29 and on page 5, delete lines 1 through 17, and insert the  
15 following:

16 "B.(1) Any vacancy in the office of the board of commissioner  
17 commissioners, due to death, resignation or any other cause, shall be filled by the  
18 remaining commissioners for the unexpired term within forty-five days, if the  
19 appointment is not made by the appointing authority pursuant to the provisions of  
20 Paragraph (2) of this Subsection.

21 (2) If a vacancy arises pursuant to the provisions of Paragraph (1) of this  
22 Subsection, the appointing authority shall appoint a member of the board of  
23 commissioners within thirty days and send notice to the board of commissioners no  
24 no later than forty-five days after the vacancy by email or regular mail, or both. If  
25 the appointing authority fails to timely fill the vacancy, the board of commissioners  
26 shall fill the vacancy as provided for in Paragraph (1) of this Subsection shall apply.

27 (3) No later than August 15, 2021, the board of commissioners shall notify  
28 each appointing authority listed in Subsection A of this Section as to the expiration  
29 date of that appointing authority's appointment to the board of commissioners.

30 C. Each member of the board of commissioners shall serve a term of five  
31 years from the date of his appointment to the board. Notwithstanding R.S. 42:2 or  
32 any other provision of law to the contrary, at the end of the term of a member of the  
33 board of commissioners, the office shall be considered vacant and the member shall  
34 not discharge any duty of office and that vacancy shall be filled as provided for in  
35 this Section.

36 D. The board shall be domiciled at Benton, Louisiana.  
37 §2604.1. Removal procedures

38 A. A member of the board of commissioners is subject to removal for any  
39 other cause as provided in R.S. 38:2604. Grounds for removal shall include but not  
40 be limited to conflicts of interest, failure or refusal to perform the prescribed duties,  
41 conduct having a material adverse effect on the work of the district, conduct which  
42 meets the definition of a misdemeanor or felony in violation of local, state, or federal

1 law, or failure to attend at least one-half of the meetings of the board of  
 2 commissioners in any twelve-month period.

3 B. The appointing authority shall conduct a public removal hearing to  
 4 remove its appointed commissioner to the board of commissioners of the district  
 5 when any of the following occur:

6 (1) The appointing authority files a written petition for removal that has been  
 7 approved at a meeting of the appointing authority.

8 (2) A written petition for removal, which has been approved by a majority  
 9 of the members of the board of commissioners of the district, is submitted to the  
 10 appointing authority by certified mail or by a commercial courier.

11 (3) A petition for removal, signed by at least five hundred owners of  
 12 immovable property within the district who are listed on the assessment roles by the  
 13 tax assessor as the owners, is submitted to the appointing authority by certified mail  
 14 or by a commercial courier. The petition shall list the name of the contact person  
 15 who shall be designated as the petitioner and who shall receive notices from the  
 16 appointing authority as to the date on which the public hearing shall occur.

17 C. Pursuant to Subsection A of this Section, the petition shall list each  
 18 charge against the commissioner whose removal is sought.

19 D. The petitioner shall serve the commissioner whose removal is sought with  
 20 a copy of the petition by certified mail or by a commercial courier. A copy of the  
 21 receipt from the United States post office or the commercial courier shall be  
 22 submitted to the appointing authority to document that notice of the petition was  
 23 given by the petitioner to the commissioner whose removal is sought and the date of  
 24 such notice.

25 E. Within five days after the date that the appointing authority is notified in  
 26 writing that the petition has been given to the commissioner whose removal is  
 27 sought, the appointing authority shall send notice of a public hearing to the petitioner  
 28 described in Paragraphs B(2) or (3) and to the commissioner whose removal is  
 29 sought by certified mail or by a commercial courier.

30 F. The public hearing shall be conducted by the appointing authority no later  
 31 than thirty days after notice of the public hearing is delivered to the commissioner  
 32 whose removal is sought.

33 G.(1) At the public hearing on the removal petition, the appointing authority  
 34 shall receive testimony and other evidence related to the charges. The commissioner  
 35 whose removal is sought may offer a defense for the charges against him and offer  
 36 any other testimony or evidence as a defense to removal.

37 (2) After the conclusion of the testimony and admission of any other  
 38 evidence offered by the parties, the members of the appointing authority shall  
 39 deliberate and vote on whether to remove the commissioner from the board of  
 40 commissioners for the district at the public hearing. A vote in favor of removal of  
 41 the majority of the members of the appointing authority who are present shall  
 42 immediately terminate the commissioner from the board of commissioners of the  
 43 district.

44 (3) Subsequent to the vote to remove the commissioner, the appointing  
 45 authority shall notify the board of the commissioners of the district and the vacancy  
 46 shall be filled as provided by R.S. 38:2604.

47 (4) If the appointing authority fails to conduct a timely public hearing as  
 48 required pursuant to this Section, the petitioner or petitioners who filed a petition  
 49 pursuant to Paragraphs (B)(2) or (3) of this Section may file a writ of mandamus to  
 50 compel the appointing authority to hold a public hearing.

51 H. Nothing in this Section is intended to supercede or replace and shall have  
 52 no effect on any action taken pursuant to R.S. 42:65 or any action taken pursuant to  
 53 any other provision of law related to the commissioner whose removal is sought."

54 AMENDMENT NO. 7

55 On page 5, after line 28, insert the following:

56  
 57 "Section 2. This Act shall become effective upon signature by the governor or, if not  
 58 signed by the governor, upon expiration of the time for bills to become law without signature  
 59 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval."