
SENATE COMMITTEE AMENDMENTS

2021 Regular Session

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

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 of the appointment to the board of
24 commissioners no no later than forty-five days after the vacancy by email or regular
25 mail, or both. If the appointing authority fails to timely fill the vacancy, the board
26 of commissioners shall fill the vacancy as provided for in Paragraph (1) of this
27 Subsection shall apply.

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

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

37 D. The board shall be domiciled at Benton, Louisiana.

38 §2604.1. Removal procedures

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

1 meets the definition of a misdemeanor or felony in violation of local, state, or federal
 2 law, or failure to attend at least one-half of the meetings of the board of
 3 commissioners in any twelve-month period.

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

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

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

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

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

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

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

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

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

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

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

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

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

55 AMENDMENT NO. 7

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

57
 58 "Section 2. This Act shall become effective upon signature by the governor or, if not
 59 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval."