

GREEN SHEET REDIGEST

HB 630

2021 Regular Session

Horton

DISTRICTS/WATER CONSERVN: Provides relative to the Cypress-Black Bayou Recreation and Water Conservation District

DIGEST

Present law grants rights, powers and privileges to the board of commissioners for Cypress-Black Bayou Recreation and Water Conservation District. Present law also grants rights, powers, privileges, and immunities to Cypress-Black Bayou Recreation and Water Conservation District as a political subdivision of Louisiana and to the board of commissioners.

Present law requires successors to the present members of the board of commissioners to be appointed as follows: one by the police jury of Bossier Parish; one by the mayor and governing authority of the city of Bossier City; one by the mayor and governing authority of the village of Benton; one by the Bossier Parish school board; and the fifth by the Board of Commissioners of the Bossier Levee District. Proposed law retains present law.

Present law requires any vacancies in the office of commissioner due to death, resignation, or other causes be filled by the remaining commissioners for the unexpired term. Proposed law requires any such vacancy to be filled by the appointing authority that the commissioner represented within 45 days. Proposed law further provides for the appointment by the remaining board of commissioners if the appointing authority fails to timely do so.

Proposed law requires the board of commissioners shall notify each appointing authority as to the expiration date of that appointing authority's appointment to the board of commissioners by August 15, 2021.

Present law provides for a five year term for each member of the board of commissioners. Proposed law requires the member to vacate the office at the end of the term notwithstanding continuity of government provisions in present law.

Present law provides the board is domiciled at Benton, Louisiana. Proposed law retains present law.

Proposed law provides for removal procedures for a member of the board of commissioners for cause that includes but is not limited to conflicts of interest, failure or refusal to perform the prescribed duties, conduct having a material adverse effect on the work of the district, conduct which meets the definition of a misdemeanor or felony in violation of local, state, or federal law, or failure to attend at least ½ of the meetings of the board of commissioners in any 12 month period.

Proposed law requires the appointing authority to conduct a public removal hearing to remove its appointed commissioner to the board of commissioners upon a written petition by the appointing authority, the board of commissioners of the district, or by at least 500 owners of immovable property within the district. Proposed law requires the petition list each charge against the commissioner whose removal is sought and service of the petition on the commissioner.

Proposed law provides for a public hearing conducted by the appointing authority within 30 days after notice and for hearing procedures.

Proposed law provides that proposed law has no effect on present law dual office holding provisions.

Present law provides for required actions of the members of the board of commissioners immediately after the members have been appointed by the governor. Proposed law provides

for required actions of the members of the board of commissioners immediately after the members have been appointed by an appointing authority.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 38:2603, 2604, and 2606; adds R.S. 38:2604.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Remove the proposed law provision relative to waiver of sovereign immunity.
2. Require any vacancies in the office of commissioner to be filled by the appointing authority that the commissioner represented.
3. Require written recommendation of removal be submitted to the appointing authority that the commissioner represented.
4. Require the appointing authority to send notice of the recommendation for removal to such board member and identify the charges against the member.
5. Remove a proposed law provision that specified that unless the board member made a written request for a hearing before the police jury within ten days of receipt of notice the member would be deemed removed from office.
6. Grant the appointing authority the ability to hold a hearing to determine whether to uphold the removal within 45 days of receipt of written recommendation of removal.
7. Give the appointing authority 45 days from receipt of written recommendation of removal to challenge such removal and limit each appointing authority to one challenge per member per year.
8. Require removal by majority vote of the appointing authority.

The House Floor Amendments to the engrossed bill:

1. Clarify that the appointing authority of the board of commissioners is not the governor.
2. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the reengrossed bill

1. Provides for vacancies and requirements to fill vacancies of a commissioner.
2. Requires notifications of expiration dates for terms of commissioners.
3. Requires commissioner's removal from office upon expiration of term.
4. Provides for removal procedures upon petition of the appointing authority, the board of commissioners, or 500 owners of immovable property in the district.
5. Adds effective date upon signature of the governor.