
DIGEST

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HB 630 Reengrossed

2021 Regular Session

Horton

Abstract: Provides relative sovereign immunity of the Cypress-Black Bayou Recreation and Water Conservation District.

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.

Proposed law authorizes the removal of a board member for cause such as conflicts of interest, failure or refusal to perform the prescribed duties, conduct having a material adverse effect upon the work of the district, or conviction of a felony. Proposed law requires a written recommendation of removal, approved by a majority of the board members, to be submitted to the appointing authority that the commissioner represented.

Proposed law authorizes members of the district or taxpayers to submit a complaint to the appointing authority for removal of a board member, subject to notice. Proposed law requires the appointing authority to send notice of the recommendation for removal to such board member, identifying the charges against the member.

Proposed law grants 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. Further gives the appointing authority 45 days from receipt of written recommendation of removal to challenge such removal and limits each appointing authority to one challenge per member per year. Proposed law requires removal by majority vote of the appointing authority. Proposed law specifies that if the removal is not upheld, the member will continue in office, unless otherwise subsequently removed for cause.

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.

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

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.