

Regular Session, 2014

SENATE BILL NO. 79

BY SENATOR ADLEY

FLOOD PROTECTION AUTH. Provides relative to flood protection authorities. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 38:330.1(G), relative to flood protection authorities; to provide  
3 for removal of commissioners under certain circumstances; and to provide for related  
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 38:330.1(G) is hereby amended and reenacted to read as follows:

7 §330.1. Southeast Louisiana Flood Protection Authority-East and Southeast  
8 Louisiana Flood Protection Authority-West Bank; territorial  
9 jurisdiction; board of commissioners; appointments; terms;  
10 compensation; vacancy; officers; meetings; domicile

11 \* \* \*

12 G. Each board member shall have a fiduciary duty to act in the best interest  
13 of the board and shall serve the board's mission without any undue influence. In case  
14 of neglect of fiduciary duty or any other duty, **or violation of state law or public**  
15 **policy** by any board member or of his failure, without good cause, to attend three  
16 successive regular meetings, ~~on request of the board;~~ **or** the governor shall **may**  
17 remove the commissioner.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

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DIGEST

Adley (SB 79)

Present law provides for a board of commissioners of the Southeast Louisiana Flood Protection Authority-East Bank composed of nine members and of the Southeast Louisiana Flood Protection Authority-West Bank composed of seven members. Each board has a nominating committee. The members are appointed by the governor from nominations submitted by the nominating committee for each such board.

Present law provides that each appointment is subject to confirmation by the Senate.

Present law provides that board members have a fiduciary duty to act in the best interest of the board and to serve the board's mission without any undue influence.

Present law requires the governor to remove a commissioner upon request of the board for neglect of fiduciary duty or any other duty by any board member or of his failure, without good cause, to attend three successive regular meetings.

Proposed law changes present law to authorize the board or the governor to remove a commissioner and adds violation of state law or public policy to the list of causes to remove a commissioner.

Effective August 1, 2014.

(Amends R.S. 38:330.1(G))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Deletes provisions of original bill regarding the nominating committee to submit nominees for each vacancy to the governor for his appointment to the board.
2. As to provisions authorizing the governor to remove a commissioner for neglect of fiduciary duty or any other duty or failure to attend meetings, the board is also authorized to remove one of its members for such violations.
3. Adds violation of state law or public policy to list of causes for removal of a commissioner.