

2021 Regular Session

HOUSE BILL NO. 630

BY REPRESENTATIVE HORTON

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

1 AN ACT

2 To amend and reenact R.S. 38:2603 and 2604, relative to the Cypress-Black Bayou
3 Recreation and Water Conservation District; to provide for removing board
4 members; and to provide for related matters.

5 Notice of intention to introduce this Act has been published
6 as provided by Article III, Section 13 of the Constitution of
7 Louisiana.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 38:2603 and 2604 are hereby amended and reenacted to read as
10 follows:

11 §2603. District as political subdivision and body corporate; purpose and powers;
12 issuing bonds and levying taxes

13 A. The Cypress-Black Bayou Recreation and Water Conservation District
14 so created shall be a political subdivision of the State of Louisiana, shall constitute
15 a waterworks district under the provisions of ~~Article XIV, Section 14~~ Article VI,
16 Section 30 of the Constitution of the State of Louisiana ~~for the year 1921~~ for the year
17 1974, as amended, and shall have all the rights, powers, and privileges and
18 immunities hereinafter set forth. Additionally, the district shall be a budgetary unit
19 of the State of Louisiana and shall have for its purpose the development of the wealth

1 and natural resources of the district by the conservation of water for agricultural,
2 municipal, recreational, commercial, industrial and sanitary purposes.

3 B.(1) It The Cypress-Black Bayou Recreation and Water Conservation
4 District shall constitute a body corporate in law with all the powers, rights, and
5 privileges ~~and immunities~~ of a public corporation, and all powers necessary for it to
6 carry out the objects for which it was created.

7 (2) It shall have the power The district shall have the following powers:

8 (a) to To sue and be sued and to buy and sell all types of property, both real
9 and personal, and to expropriate in accordance with law any properties which may
10 be necessary for the accomplishment of its purposes as herein contemplated.

11 (b) It shall have the authority to To negotiate and execute contracts, to
12 acquire by purchase, gift, expropriation or otherwise every type and specie of
13 property and servitudes, rights of way and flowage rights necessary to its purpose,
14 and to construct, build, purchase, lease, operate and maintain any facilities, works
15 or machinery designed to accomplish the purposes of the district.

16 (c) It shall have complete To exercise complete control over the supply of
17 fresh water made available by its facilities which shall be administered for the
18 benefit of the persons residing or owning property within the District and if it should
19 be for the benefit of the district it shall have the authority to sell such water for
20 irrigation, municipal and industrial uses both within and outside the district. The
21 district shall constitute an agency of the State of Louisiana designed to carry out an
22 essential governmental function of the State, and all of the property of the district
23 shall be exempt from taxation.

24 (d) It shall have the authority to To cooperate and contract with the
25 government of the United States or any department or agency thereof and to accept
26 gifts, grants and donations of property and money therefrom.

27 (e) It shall have the authority to To cooperate with the State of Louisiana or
28 any political subdivision, department, agency or corporation of said state for the
29 construction, operation and maintenance of such facilities designed to accomplish

1 the purpose for which the district is created on any basis including the matching of
2 funds and by participating in projects authorized by any federal or state law as it
3 shall see fit.

4 (f) ~~The district shall have authority to~~ To incur debt, issue negotiable bonds
5 and levy taxes for the purpose of constructing, acquiring, extending or improving any
6 lands, reservoirs, levees, channels, canals, pipe lines, pumping stations, waterworks
7 plants and any other facilities, including buildings, machinery and equipment, for the
8 development of the wealth and natural resources of the district by the conservation
9 and use of water for agricultural, municipal, recreational, commercial, industrial and
10 sanitary purposes, including the acquisition of all lands incidental or necessary for
11 the construction, use and enjoyment thereof, such purpose being hereby found and
12 declared to be a public purpose.

13 C. The district shall constitute an agency of the state designed to carry out
14 an essential governmental function of the state, and all of the property of the district
15 shall be exempt from taxation.

16 D.(1) Any such bonds payable from ad valorem taxation shall be issued
17 under the terms and provisions of Sub-Part A, Part III, Chapter 4, Title 39 of the
18 Louisiana Revised Statutes of 1950, and any revenue bonds shall be issued under the
19 terms and provisions of Sub-Part B or Sub-Part C of Part I, Chapter 10, Title 33 of
20 the Louisiana Revised Statutes of 1950, provided, however, that any bonds so issued
21 shall first be approved at a taxpayers election held in the manner prescribed by Part
22 II, Chapter 4, Title 39 of the Louisiana Revised Statutes of 1950.

23 (2) In each instance the board of commissioners of the district shall be the
24 governing authority of the district and shall have all of the rights, powers and
25 privileges conferred upon the respective governing authorities by said statutes.
26 Additionally, the district shall have authority to levy taxes under the provisions of
27 ~~Article X, Section 10~~ Article VI, Section 19 of the Constitution for the purpose of
28 improving, operating and maintaining its facilities, provided any such tax shall first
29 be approved at a taxpayers election as therein required.

1 E. In the event any of the aforesaid parts of the Revised Statutes are in
2 conflict with the provisions of this Part, then the provisions of this Part shall control,
3 but in all other respects the cited portions of the Revised Statutes shall apply to the
4 district for the purposes herein indicated.

5 §2604. Governing board; membership; tenure, vacancies, domicile

6 A. The district shall be governed and controlled by a board of five
7 commissioners, each of whom shall be a qualified elector of Bossier Parish residing
8 within and owning property within the district. The successors to the present
9 members of the board of commissioners shall be appointed as follows: one by the
10 police jury of Bossier Parish; one by the mayor and governing authority of the city
11 of Bossier City; one by the mayor and governing authority of the village of Benton;
12 one by the Bossier Parish school board and the fifth, by the Board of Commissioners
13 of the Bossier Levee District.

14 B. Any vacancy in the office of commissioner, due to death, resignation, or
15 any other cause, shall be filled by the ~~remaining commissioners~~ appointing authority
16 that the commissioner represented for the unexpired term.

17 C. Each member of the board of commissioners shall serve a term of five
18 years from the date of his appointment to the board.

19 D.(1)(a) Any member of the board of commissioners may be removed for
20 cause. Grounds for removal shall include, but not be limited to, conflicts of interest,
21 failure or refusal to perform the prescribed duties, conduct having a material adverse
22 effect on the work of the district, or conviction of a felony.

23 (b) A written recommendation of removal, approved by a majority of the
24 members of the board of commissioners, shall be submitted to the appointing
25 authority for immediate removal. Upon receipt of such recommendation, when there
26 is no challenge to removal, the appointing authority shall remove the commissioner
27 and appoint his successor for the unexpired term.

28 (2)(a) Members of the district, or taxpayers, may submit a complaint to the
29 appointing authority for the member for removal of a member of the board of

1 commissioners, subject to notice. The appointing authority shall send notice of the
2 recommendation of removal to the board member and the notice shall set forth the
3 charges against that member.

4 (b) When there has been a written recommendation for removal, the
5 appointing authority whose member is being impacted shall have forty-five days to
6 challenge removal. Each appointing authority shall only have one challenge of
7 removal per year for each appointee.

8 (c) The appointing authority may hold a hearing within forty-five days at
9 which time the members of the appointing authority shall determine whether the
10 removal of the board member shall be upheld.

11 (d) Removal of a board member shall be by majority vote of the members
12 of the appointing authority. If removal is not upheld, the board member shall
13 continue to hold office for the remainder of his term, unless otherwise subsequently
14 removed for cause.

15 E. The board shall be domiciled at Benton, Louisiana.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 630 Engrossed

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.

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

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.