

2020 Regular Session

HOUSE BILL NO. 629

BY REPRESENTATIVE HORTON

DISTRICTS/WATER CONSERVN: Provides relative to the appointment, vacancies, and removal of members for the governing board of the Cypress Black Bayou Recreation and Water Conservation District

1 AN ACT

2 To amend and reenact R.S. 38:2603 and 2604 and enact R.S. 38:2603(F), relative to the
3 governing board of the Cypress Black Bayou Recreation and Water Conservation
4 District; to provide for the appointing authority and procedures for filling vacancies
5 and removing board members; to provide for sovereign immunity regarding suits
6 between the district and property owners; and to provide for related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 38:2603 and 2604 are hereby amended and reenacted and R.S.
12 38:2603(F) is hereby enacted to read as follows:

13 §2603. District as political subdivision and body corporate; purpose and powers;
14 issuing bonds and levying taxes

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

1 the district shall be a budgetary unit of the State of Louisiana and shall have for its
2 purpose the development of the wealth and natural resources of the district by the
3 conservation of water for agricultural, municipal, recreational, commercial, industrial
4 and sanitary purposes.

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

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

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

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

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

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

1 (e) ~~It shall have the authority to~~ To cooperate with the State of Louisiana or
 2 any political subdivision, department, agency or corporation of said state for the
 3 construction, operation and maintenance of such facilities designed to accomplish
 4 the purpose for which the district is created on any basis including the matching of
 5 funds and by participating in projects authorized by any federal or state law as it
 6 shall see fit.

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

16 C. The district shall constitute an agency of the State of Louisiana designed
 17 to carry out an essential governmental function of the State, and all of the property
 18 of the district shall be exempt from taxation.

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

26 (2) In each instance the board of commissioners of the district shall be the
 27 governing authority of the district and shall have all of the rights, powers and
 28 privileges conferred upon the respective governing authorities by said statutes.
 29 Additionally, the district shall have authority to levy taxes under the provisions of

1 Article X, Section 10 of the Constitution for the purpose of improving, operating and
2 maintaining its facilities, provided any such tax shall first be approved at a taxpayers
3 election as therein required.

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

8 F. In accordance with the Louisiana Constitution of 1974, Article XII,
9 Section 10(B), the district shall not be entitled to sovereign immunity regarding suits
10 within the scope of the district's administration under this Section, which shall
11 include, but is not limited to, suits to determine property rights between the district
12 and property owners within the district.

13 §2604. Governing board; membership; tenure, vacancies, removal, domicile

14 A. The district shall be governed and controlled by a board of five
15 commissioners, each of whom shall be a qualified elector of Bossier Parish residing
16 within and owning property within the district. The successors to the present
17 members of the board of commissioners shall be appointed as follows: ~~one by the~~
18 ~~police jury of Bossier Parish; one by the mayor and governing authority of the city~~
19 ~~of Bossier City; one by the mayor and governing authority of the village of Benton;~~
20 ~~one by the Bossier Parish school board and the fifth, by the Board of Commissioners~~
21 ~~of the Bossier Levee District~~ by the Bossier Parish police jury.

22 B. Any vacancy in the office of commissioner; due to death, resignation, or
23 any other cause; shall be ~~filled by the remaining commissioners~~ returned to the
24 Bossier Parish police jury for appointment of a suitable replacement for the
25 unexpired term.

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

28 D.(1)(a) Any member of the board of commissioners may be removed for
29 cause. Grounds for removal shall include, but not be limited to, conflicts of interest,

1 failure or refusal to perform the prescribed duties, conduct having a material adverse
2 effect on the work of the district, or conviction of a felony.

3 (b) A written recommendation of removal, approved by a majority of the
4 members of the board of commissioners, shall be submitted to the appointing
5 authority for immediate removal. Upon receipt of such recommendation, the
6 appointing authority shall remove the commissioner and appoint his successor for
7 the unexpired term.

8 (2)(a) Members of the district, or taxpayers, may submit a complaint to the
9 police jury for removal of a member of the board of commissioners, subject to
10 notice. The police jury shall send notice of the recommendation of removal to the
11 board member and the notice shall set forth the charges against that member.

12 (b) Unless the board member files a written request for a hearing, before the
13 police jury, within ten days from receipt of such notice the board member shall be
14 deemed removed from office.

15 (c) If a request for hearing is so filed, the police jury shall not hold a hearing
16 until at least ten days have elapsed since the date a hearing was requested, at which
17 time the members of the police jury shall determine whether the removal of the
18 board member shall be upheld.

19 (d) Removal of a board member shall be by majority vote of the members
20 of the police jury. If removal is not upheld, the board member shall continue to hold
21 office for the remainder of his term, unless otherwise subsequently removed for
22 cause.

23 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 629 Original

2020 Regular Session

Horton

Abstract: Provides for the appointment, vacancies, and removal of members 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 com

Proposed law maintains present law and prohibits the district from being entitled to sovereign immunity regarding suits within the district's administration, including but not limited to, suits to determine property rights between the district and property owners within the district.

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 modifies present law by requiring successors to the present members of the board of commissioners to be appointed by the Bossier Parish police jury.

Present law modifies present law by requiring 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 vacancies in the office of commissioner due to death, resignation, or other causes be returned to the Bossier Parish police jury for appointment of a suitable replacement for the unexpired term.

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 Bossier Parish police jury for immediate removal.

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

Proposed law requires the board member to submit a written request for a hearing before the police jury, within 10 days from receipt of notice, or the member will be deemed removed from office. Proposed law prohibits the police jury from holding a hearing to determine whether to uphold the removal until 10 days from receipt of the request for the hearing has elapsed. Proposed law requires removal by majority vote of the police jury. 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. 38:603 and 2604; Adds R.S. 38:2603(F))