

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, 2604, and 2606, relative to the Cypress-Black Bayou  
3 Recreation and Water Conservation District; to provide for removing board  
4 members; to provide for the appointment of the board of commissioners; and to  
5 provide for related matters.

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 38:2603, 2604, and 2606 are hereby amended and reenacted to read  
11 as follows:

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

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

1 resources of the district by the conservation of water for agricultural, municipal,  
2 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 immovable and ~~personal~~ movable, and to expropriate in accordance with law any  
10 properties which may be necessary for the accomplishment of its purposes as herein  
11 contemplated.

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

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

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

28 (e) ~~It shall have the authority to~~ To cooperate with the State of Louisiana or  
29 any political subdivision, department, agency or corporation of ~~said~~ the state for the

1 construction, operation, and maintenance of such facilities designed to accomplish  
2 the purpose for which the district is created on any basis including the matching of  
3 funds and by participating in projects authorized by any federal or state law as it  
4 shall see fit.

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

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

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

25 (2) In each instance the board of commissioners of the district shall be the  
26 governing authority of the district and shall have all of the rights, powers and  
27 privileges conferred upon the respective governing authorities by said statutes.  
28 Additionally, the district shall have authority to levy taxes under the provisions of  
29 ~~Article X, Section 10~~ Article VI, Section 32 of the Constitution for the purpose of

1 improving, operating and maintaining its facilities, provided any such tax shall first  
2 be approved at a taxpayers election as therein required.

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

7 §2604. Governing board; membership; tenure, vacancies, domicile

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

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

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

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

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



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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)]

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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.