

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 relative to the privileges and
4 immunities of the Cypress Black Bayou Recreation and Water Conservation District;
5 to provide for sovereign immunity regarding suits between the district and property
6 owners; to provide for removing board members; 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 to read as
12 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~~ Article VI,
18 Section 30 of the Constitution of the State of Louisiana ~~for the year 1921~~ for the year
19 1974, as amended, and shall have all the rights, powers, and privileges ~~and~~
20 ~~immunities~~ hereinafter set forth. Additionally, the district shall be a budgetary unit

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

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

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

9 (a) to To sue and be sued and to buy and sell all types of property, both real
10 and personal, and to expropriate in accordance with law any properties which may
11 be necessary for the accomplishment of its purposes as herein 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 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 (3) In accordance with Article XII, Section 10(B) of the Constitution of
15 1974, the district shall not be entitled to sovereign immunity regarding suits within
16 the scope of the district's administration under this Section, which shall include, but
17 is not limited to, suits to determine property rights between the district and property
18 owners within the district.

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

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

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

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

12 §2604. Governing board; membership; tenure, vacancies, domicile

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

21 B. Any vacancy in the office of commissioner, due to death, resignation, or
22 any other cause, shall be filled by the remaining commissioners for the unexpired
23 term.

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

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

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

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

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

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

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

21 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 Original

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 com

Proposed law retains 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 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 retains present law.

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. 38:2603 and 2604)