

ACT No. 476

2021 Regular Session

HOUSE BILL NO. 630

BY REPRESENTATIVE HORTON

1 AN ACT

2 To amend and reenact R.S. 38:2603, 2604, and 2606 and to enact R.S. 38:2604.1, relative
3 to the Cypress-Black Bayou Recreation and Water Conservation District; to provide
4 for removing board members; to provide for the appointment of the board of
5 commissioners; to provide for vacancies; to provide procedures for filling vacancies;
6 to provide for public hearings; to provide procedures for removal; and to provide for
7 related matters.

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 38:2603, 2604, and 2606 are hereby amended and reenacted and R.S.
13 38:2604.1 is hereby enacted to read as follows:

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

16 A. The Cypress-Black Bayou Recreation and Water Conservation District
17 so created shall be a political subdivision of the State of Louisiana, shall constitute
18 a waterworks district under the provisions of ~~Article XIV, Section 14~~ Article VI,
19 Section 19 of the Constitution ~~of the State~~ of Louisiana ~~for the year 1921~~, as
20 amended, and shall have all the rights, powers, and privileges and immunities
21 hereinafter set forth. Additionally, the district shall be a budgetary unit of the State
22 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
 30 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~~ Subpart A, Part III, Chapter 4, Title 39
 18 of the Louisiana Revised Statutes of 1950, and any revenue bonds shall be issued
 19 under the terms and provisions of ~~Sub-Part B or Sub-Part~~ Subpart B or Subpart C of
 20 Part I, Chapter 10, Title 33 of the Louisiana Revised Statutes of 1950, provided,
 21 however, that any bonds so issued shall first be approved at a taxpayers election held
 22 in the manner prescribed by Part II, Chapter 4, Title 39 of the Louisiana Revised
 23 Statutes of 1950.

24 (2) In each instance the board of commissioners of the district shall be the
 25 governing authority of the district and shall have all of the rights, powers and
 26 privileges conferred upon the respective governing authorities by said statutes.
 27 Additionally, the district shall have authority to levy taxes under the provisions of
 28 ~~Article X, Section 10~~ Article VI, Section 32 of the Constitution for the purpose of
 29 improving, operating and maintaining its facilities, provided any such tax shall first
 30 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~~ School Board and the fifth, by the Board of
 13 Commissioners of the Bossier Levee District.

14 B.(1) Any vacancy in the office of the board of ~~commissioner~~
 15 commissioners, due to death, resignation or any other cause, shall be filled by the
 16 remaining commissioners for the unexpired term within forty-five days, if the
 17 appointment is not made by the appointing authority pursuant to the provisions of
 18 Paragraph (2) of this Subsection.

19 (2) If a vacancy arises pursuant to the provisions of Paragraph (1) of this
 20 Subsection, the appointing authority shall appoint a member of the board of
 21 commissioners within thirty days and send notice to the board of commissioners no
 22 later than forty-five days after the vacancy by email or regular mail, or both. If the
 23 appointing authority fails to timely fill the vacancy, the board of commissioners shall
 24 fill the vacancy as provided for in Paragraph (1) of this Subsection.

25 (3) No later than August 15, 2021, the board of commissioners shall notify
 26 each appointing authority listed in Subsection A of this Section as to the expiration
 27 date of that appointing authority's appointment to the board of commissioners.

28 C. Each member of the board of commissioners shall serve a term of five
 29 years from the date of his appointment to the board. Notwithstanding R.S. 42:2 or
 30 any other provision of law to the contrary, at the end of the term of a member of the

1 board of commissioners, the office shall be considered vacant and the member shall
2 not discharge any duty of office and that vacancy shall be filled as provided for in
3 this Section.

4 D. The board shall be domiciled at Benton, Louisiana.

5 §2604.1. Removal procedures

6 A. A member of the board of commissioners is subject to removal for any
7 other cause as provided in R.S. 38:2604. Grounds for removal shall include but not
8 be limited to conflicts of interest, failure or refusal to perform the prescribed duties,
9 conduct having a material adverse effect on the work of the district, conduct which
10 meets the definition of a misdemeanor or felony in violation of local, state, or federal
11 law, or failure to attend at least one-half of the meetings of the board of
12 commissioners in any twelve-month period.

13 B. The appointing authority shall conduct a public removal hearing to
14 remove its appointed commissioner to the board of commissioners of the district
15 when any of the following occur:

16 (1) The appointing authority files a written petition for removal that has been
17 approved at a meeting of the appointing authority.

18 (2) A written petition for removal, which has been approved by a majority
19 of the members of the board of commissioners of the district, is submitted to the
20 appointing authority by certified mail or by a commercial courier.

21 (3) A petition for removal, signed by at least five hundred owners of
22 immovable property within the district who are listed on the assessment roles by the
23 tax assessor as the owners, is submitted to the appointing authority by certified mail
24 or by a commercial courier. The petition shall list the name of the contact person
25 who shall be designated as the petitioner and who shall receive notices from the
26 appointing authority as to the date on which the public hearing shall occur.

27 C. Pursuant to Subsection A of this Section, the petition shall list each
28 charge against the commissioner whose removal is sought.

29 D. The petitioner shall serve the commissioner whose removal is sought with
30 a copy of the petition by certified mail or by a commercial courier. A copy of the

1 receipt from the United States Postal Service or the commercial courier shall be
2 submitted to the appointing authority to document that notice of the petition was
3 given by the petitioner to the commissioner whose removal is sought and the date of
4 such notice.

5 E. Within five days after the date that the appointing authority is notified in
6 writing that the petition has been given to the commissioner whose removal is
7 sought, the appointing authority shall send notice of a public hearing to the petitioner
8 described in Paragraphs (B)(2) or (3) of this Section and to the commissioner whose
9 removal is sought by certified mail or by a commercial courier.

10 F. The public hearing shall be conducted by the appointing authority no later
11 than thirty days after notice of the public hearing is delivered to the commissioner
12 whose removal is sought.

13 G.(1) At the public hearing on the removal petition, the appointing authority
14 shall receive testimony and other evidence related to the charges. The commissioner
15 whose removal is sought may offer a defense for the charges against him and offer
16 any other testimony or evidence as a defense to removal.

17 (2) After the conclusion of the testimony and admission of any other
18 evidence offered by the parties, the members of the appointing authority shall
19 deliberate and vote on whether to remove the commissioner from the board of
20 commissioners for the district at the public hearing. A vote in favor of removal of
21 the majority of the members of the appointing authority who are present shall
22 immediately terminate the commissioner from the board of commissioners of the
23 district.

24 (3) Subsequent to the vote to remove the commissioner, the appointing
25 authority shall notify the board of the commissioners of the district and the vacancy
26 shall be filled as provided by R.S. 38:2604.

27 (4) If the appointing authority fails to conduct a timely public hearing as
28 required pursuant to this Section, the petitioner or petitioners who filed a petition
29 pursuant to Paragraphs (B)(2) or (3) of this Section may file a writ of mandamus to
30 compel the appointing authority to hold a public hearing.

1 H. Nothing in this Section is intended to supersede or replace and shall have
2 no effect on any action taken pursuant to R.S. 42:65 or any action taken pursuant to
3 any other provision of law related to the commissioner whose removal is sought.

4 * * *

5 §2606. Election of officers; record book; public inspection

6 Immediately after the members of the board of commissioners have been
7 appointed ~~by the governor~~, or as soon as thereafter is practicable, they shall meet and
8 organize by electing from their number a president, vice-president and secretary who
9 shall perform the duties normally required of such officers. The ~~said~~ board shall also
10 cause the name by which the district is to be known to be recorded in a bound book
11 which shall also be the depository of the minutes and proceedings of the board,
12 certificates, oaths of commissioners, and any and all corporate acts of the board.
13 This book shall be in the custody of the secretary of the board and shall be open for
14 public inspection at all reasonable times.

15 Section 2. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____