

2025 Regular Session

HOUSE BILL NO. 688 (Substitute for House Bill No. 633 by Representative Braud)

BY REPRESENTATIVE BRAUD

LEVEES/BDS & DISTRICTS: Provides relative to the Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank

1 AN ACT

2 To amend and reenact R.S. 38:330.1(C)(1)(a)(introductory paragraph) and (i) and (ii), (2)(b)

3 through (e), (3)(a) through (c), and (4) and (D) and to enact R.S.

4 38:330.1(C)(2)(a)(xii) and (f) and (g), relative to the Southeast Louisiana Flood

5 Protection Authority-East and the Southeast Louisiana Flood Protection Authority-

6 West Bank; to change membership of the board of commissioners of the Southeast

7 Louisiana Flood Protection Authority-East; to appoint the executive director of the

8 Coastal Protection and Restoration Authority as secretary of the nominating

9 committee; to replace certain requirements of the regional directors, or in their

10 absence, the presidents of the boards of the Southeast Louisiana Flood Protection

11 Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank

12 with the chair; to change timeframes for notification of unexpected and expected

13 vacancies within the flood authorities, to reduce consecutive terms of

14 commissioners; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 38:330.1(C)(1)(a)(introductory paragraph) and (i) and (ii), (2)(b)

17 through (e), (3)(a) through (c) and (4) and (D) are hereby amended and reenacted and R.S.

18 38:330.1(C)(2)(a)(xii) and (f) and (g) are hereby enacted to read as follows:

1 §330.1. Southeast Louisiana Flood Protection Authority-East and Southeast
2 Louisiana Flood Protection Authority-West Bank; territorial jurisdiction;
3 board of commissioners; appointments; terms; compensation; vacancy;
4 officers; meetings; domicile

5 * * *

6 C.(1) There is hereby created a board of commissioners for each flood
7 protection authority as follows:

8 (a) The board of commissioners of the Southeast Louisiana Flood Protection
9 Authority-East shall be composed of nine members, ~~of whom there shall be at least,~~
10 ~~and not more than,~~ one member from St. Bernard Parish, two members from
11 Jefferson Parish, ~~and~~ three members from Orleans Parish who shall reside within the
12 territorial jurisdiction of the authority, two members who do not reside in St. Bernard
13 Parish, Jefferson Parish, or Orleans Parish but reside within the territorial jurisdiction
14 of the authority, and one member with no jurisdictional or residency limitation. The
15 members shall be appointed by the governor from nominations submitted by the
16 nominating committee as follows:

17 (i) ~~Five~~ Four members who shall either be an engineer or a professional in
18 a related field such as geotechnical, hydrological, or environmental science. Of the
19 ~~five~~ four members, one member shall be a civil engineer.

20 (ii) ~~Two~~ Three members who shall be a professional in a discipline other
21 than that occurring in Item (i) of this Subparagraph with at least ten years of
22 professional experience in that discipline.

23 * * *

24 (2)(a) The nominating committee for each board shall be composed as
25 follows:

26 * * *

27 (xii) The executive director of the Coastal Protection and Restoration
28 Authority or his designee.

1 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph for
2 the purpose of nominating persons to serve on the Southeast Louisiana Flood
3 Protection Authority-West Bank, the committee shall also include; a member or
4 designee of the West Bank Business and Industry Association and a faculty member
5 or designee of Our Lady of Holy Cross College.

6 (c) ~~The regional directors, or in the absence of a regional director, the~~
7 ~~presidents of the boards of commissioners of the Southeast Louisiana Flood~~
8 ~~Protection Authority-East and the Southeast Louisiana Flood Protection~~
9 ~~Authority-West Bank~~ executive director of the Coastal Protection and Restoration
10 Authority or his designee shall be the custodian of the records of the nominating
11 committee for ~~their~~ the respective flood authority. ~~The chairman of the authority~~
12 ~~nominating committee, or in his absence, the regional directors, or in the absence of~~
13 ~~a regional director, the presidents of the boards of commissioners of the Southeast~~
14 ~~Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood~~
15 ~~Protection Authority-West Bank,~~ chair shall call the meeting of the nominating
16 committee for ~~their~~ the respective flood authority. ~~The regional directors, or in the~~
17 ~~absence of a regional director, the presidents of the boards of commissioners of the~~
18 ~~Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana~~
19 ~~Flood Protection Authority-West Bank, or their designees,~~ executive director of the
20 Coastal Protection and Restoration Authority or his designee shall serve as secretary
21 for the nominating committee for ~~their~~ the respective flood authority.

22 (d) After August 1, 2017, all nominating committee members shall be
23 appointed for a term of eight years. A term shall end on January first at the end of
24 each term. A term for nominating committee members whose eight-year term
25 expires shall end on January 1, 2026. A former nominating committee member may
26 be reappointed to a nominating committee four years from the completion of a
27 previous term. Service of four or more years of an unexpired term shall constitute
28 a term.

1 (e) For purposes of this Paragraph, the nominating committee shall be
2 considered a "public body" as defined in R.S. 42:13, and the Open Meetings Law,
3 R.S. 42:11 et seq., shall apply to such committee. The nominating committee shall
4 be able to meet and convene remotely.

5 (f) The Coastal Protection and Restoration Authority shall assign a staff
6 representative to assist the nominating committee in its work and preparation and to
7 attend all meetings.

8 (g) The nominating committees shall be represented by the attorney general.

9 (3)(a) Within ten days after the occurrence of an unexpected vacancy on the
10 flood protection authority board, the board shall notify the chair of the nominating
11 committee ~~and regional directors, or in the absence of a regional director, the~~
12 ~~presidents of the boards of commissioners of the Southeast Louisiana Flood~~
13 ~~Protection Authority-East and the Southeast Louisiana Flood Protection Authority-~~
14 ~~West Bank~~ of such unexpected vacancy within the flood authority. For purposes of
15 this Paragraph, a vacancy shall be unexpected whenever it occurs for a reason other
16 than the expiration of a term. The regional directors, or in the absence of a regional
17 director, the presidents of the boards of commissioners of the Southeast Louisiana
18 Flood Protection Authority-East and the Southeast Louisiana Flood Protection
19 Authority-West Bank chair of the nominating committee shall cause notification of
20 the unexpected vacancy to be published in the official journal of the state and of each
21 parish within the territorial jurisdiction of the authority. Such notification shall be
22 published no later than thirty days following receipt by the chair ~~regional directors,~~
23 ~~or in the absence of a regional director, the presidents of the boards of~~
24 ~~commissioners of the Southeast Louisiana Flood Protection Authority-East and the~~
25 ~~Southeast Louisiana Flood Protection Authority-West Bank~~ of notice of the
26 unexpected vacancy.

27 (b) The nominating committee shall meet to determine the nominations to
28 send to the governor to fill each unexpected vacancy at any time after receipt of the
29 notice of the unexpected vacancy ~~no sooner than thirty days after the latest date of~~

1 ~~publication set forth in Subparagraph (a) of this Paragraph and no later than ninety~~
2 ~~days after the latest date of publication set forth in Subparagraph (a) of this~~
3 ~~Paragraph.~~ The committee shall consider each name submitted to the committee
4 from whatever source, and the committee members may propose names of persons
5 to be considered. After review, the committee shall select the nominees for each
6 unexpected vacancy who meet the requirements of this Section. The committee shall
7 submit ~~one nominee~~ two nominees for each unexpected vacancy ~~in a position~~
8 ~~provided for in Item (1)(a)(i) or (b)(i) of this Subsection and shall submit two~~
9 ~~nominees for each unexpected vacancy in a position provided for in Item (1)(a)(ii)~~
10 ~~or (iii) of this Subsection or Item (1)(b)(ii) or (iii) of this Subsection.~~ A majority
11 vote of the total membership of the nominating committee shall be required to
12 nominate persons to positions on the board. The committee shall submit its
13 nominations for each unexpected vacancy to the governor for consideration no later
14 than ~~one hundred twenty~~ ninety days after the notification of the ~~regional directors,~~
15 ~~or in the absence of a regional director, the presidents of the boards of~~
16 ~~commissioners of the Southeast Louisiana Flood Protection Authority-East and the~~
17 ~~Southeast Louisiana Flood Protection Authority-West Bank of the occurrence of~~
18 such unexpected vacancy. The governor shall appoint ~~one~~ of the nominees
19 ~~submitted by the committee within thirty days of submission of the nominations for~~
20 ~~any unexpected vacancy and submit such appointee~~ appointees to the Senate for
21 confirmation ~~within forty-eight hours following the appointment,~~ regardless of
22 whether the legislature is in regular session.

23 (c) If the nominating committee fails to submit ~~a nominee~~ the nominees
24 ~~within one hundred twenty~~ ninety days after notification of the ~~regional directors, or~~
25 ~~in the absence of a regional director, the presidents of the boards of commissioners~~
26 ~~of the Southeast Louisiana Flood Protection Authority-East and the Southeast~~
27 ~~Louisiana Flood Protection Authority-West Bank of the occurrence of such~~
28 unexpected vacancy, the governor shall appoint ~~a person~~ persons meeting the
29 requirements of this Section within thirty days of the expiration of such time and

1 submit such ~~appointee~~ appointees to the Senate for confirmation ~~within forty-eight~~
2 ~~hours following the appointment~~, regardless of whether the legislature is in regular
3 session.

4 * * *

5 (4)(a) Each July first, the board shall notify the chair of the nominating
6 committee ~~and regional directors, or in the absence of a regional director, the~~
7 ~~presidents of the boards of commissioners of the Southeast Louisiana Flood~~
8 ~~Protection Authority-East and the Southeast Louisiana Flood Protection Authority-~~
9 ~~West Bank~~ of any vacancy which will occur on a board in the following year due to
10 expiration of a term, hereinafter in this Paragraph referred to as "expected vacancy".
11 The ~~regional directors, or in the absence of a regional director, the presidents of the~~
12 ~~boards of commissioners of the Southeast Louisiana Flood Protection Authority-East~~
13 ~~and the Southeast Louisiana Flood Protection Authority-West Bank~~ chair shall cause
14 notification of each expected vacancy to be published in the official journal of the
15 state and of each parish within the territorial jurisdiction of the authority. Such
16 notification shall be published no later than thirty days following receipt by the chair
17 ~~regional directors, or in the absence of a regional director, the presidents of the~~
18 ~~boards of commissioners of the Southeast Louisiana Flood Protection Authority-East~~
19 ~~and the Southeast Louisiana Flood Protection Authority-West Bank~~ of notice of an
20 expected vacancy.

21 (b) The nominating committee shall follow the procedure outlined in
22 Paragraph (3) of this Subsection. Any nominee confirmed by the Senate shall take
23 office the day after the expiration of the term of the board member whose term is
24 expiring. ~~begin to meet and continue to meet as necessary to determine the~~
25 ~~nominations to send to the governor to fill each expected vacancy no sooner than~~
26 ~~thirty days after the latest date of publication set forth in Subparagraph (a) of this~~
27 ~~Paragraph and no later than ninety days after the latest date of publication set forth~~
28 ~~in Subparagraph (a) of this Paragraph. The committee shall consider each name~~
29 ~~submitted to the committee from whatever source and the committee members may~~

1 propose names of persons to be considered. After review, the committee shall select
2 the nominees for each expected vacancy who meet the requirements of this Section.
3 The committee shall submit one nominee for an expected vacancy in a position
4 provided for in Item (1)(a)(i) or (b)(i) of this Subsection and shall submit two
5 nominees for each expected vacancy in a position provided for in Item (1)(a)(ii) or
6 (iii) of this Subsection or Item (1)(b)(ii) or (iii) of this Subsection. A majority vote
7 of the total membership of the nominating committee shall be required to nominate
8 persons to positions on the board. The committee shall submit its nominations for
9 each expected vacancy to the governor for consideration no later than thirty days
10 prior to the start of regular session. The governor shall appoint one of the nominees
11 submitted by the committee not later than thirty days after receipt of the nominations
12 and shall submit such appointee to the Senate for confirmation within forty-eight
13 hours after the appointment is made, regardless of whether the legislature is in
14 regular session. If confirmed, the appointee shall take office the day after the
15 expiration of the term of the board member whose term is expiring.

16 (c) If the nominating committee fails to submit a nominee for an expected
17 vacancy thirty days prior to the start of regular session, the governor shall appoint
18 a person meeting the requirements of this Section. The governor shall submit such
19 appointee to the Senate for confirmation within forty-eight hours after the
20 appointment is made, regardless of whether the legislature is in session. If
21 confirmed, the appointee shall take office the day after the expiration of the term of
22 the board member whose term is expiring.

23 (d) In the event that the Senate fails to confirm an appointment made
24 pursuant to this Paragraph by taking no action at all or voting not to confirm an
25 appointee in open session by the end of a regular session, an unexpected vacancy
26 shall occur the day after the expiration of the term of the board member whose term
27 is expiring and such unexpected vacancy shall be filled in the manner set forth in
28 Paragraph (3) of this Subsection. Any appointee whom the Senate failed to confirm
29 shall not be appointed to the same position during any recess of the legislature.

nominating committee. Replaces certain requirements of the regional directors, or in their absence, the presidents of the boards of the Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West with the chair. Changes timeframes for notification of unexpected and expected vacancies within the flood authority. Reduces consecutive terms of commissioners.

Present law creates the board of commissioners (board) for each flood protection authority which includes the board of the Southeast La. Flood Protection Authority-East (SLFP-E) composed of the following nine members of whom there shall be at least one member from St. Bernard Parish, two members from Jefferson Parish, and three members from Orleans Parish who must reside within the territorial jurisdiction of the authority. These members are appointed by the governor from nominations submitted by the nominating committee:

- (1) Five members in an engineering or a science-related field with one of the members, being a civil engineer.
- (2) Two members in any other discipline other than that occurring in present law with at least 10 years of professional experience in that discipline.

Proposed law modifies present law by adding two members who do not reside in St. Bernard Parish, Jefferson Parish, or Orleans Parish but reside within the territorial jurisdiction of the authority and one member with no jurisdictional or residency limitation. Further reduces the number of members with engineering or science-related backgrounds from five to four and increasing the number of members in any other discipline other than that occurring in a science-related field from two to three.

Present law requires the nominating committee for each board to be composed of members or designees from the following entities:

- (1) The Public Affairs Research Council of La.
- (2) The Council for A Better La.
- (3) The La. Geological Survey at LSU.
- (4) The Assoc. of State Floodplain Managers.
- (5) The National Society of Black Engineers.
- (6) The College of Engineering at the University of N.O.
- (7) The School of Science and Engineering at Tulane University.
- (8) The College of Engineering at Southern University and Agricultural and Mechanical College.
- (9) The College of Engineering at LSU.
- (10) The American Society of Civil Engineers.
- (11) The La. Engineering Society.

Proposed law modifies present law by including the executive director or designee of the Coastal Protection and Restoration Authority (CPRA) as a member.

Present law requires the nominating committee also include a member or designee of the West Bank Business and Industry Assoc. and of Our Lady of Holy Cross College.

Proposed law retains present law.

Present law requires the regional directors, or in their absence, the presidents of the boards of the SLFP-E and the Southeast Louisiana Flood Protection Authority-West Bank (SLFP-W) be the custodian of records of the nominating committee for their respective flood authority. Further requires the chair of either the SLFP-E or the SLFP-W nominating committee, or in his absence, the regional directors, or in the absence of a regional director, the presidents of the boards to call the meeting of the committee for their respective flood authority. Additionally, requires the regional directors, or in their absence, the presidents of the SLFP-E and SLFP-W boards or their designees, serve as secretary for the nominating committee for their respective flood authority.

Proposed law modifies present law by replacing the regional directors, or in their absence, the presidents of the boards of the SLFP-E and the SLFP-W with the executive director of the CPRA or his designee to be custodian of records of the nominating committee for their respective flood authority. Further replaces the regional directors, or in their absence, the presidents of the boards of the SLFP-E and the SLFP-W with the chair to call the meeting of the committee for the respective flood authority.

Present law requires all nominating committee members be appointed for eight years. Further provides that a former nominating committee member be reappointed to a nominating committee four years from the completion of a previous terms and that service for four or more years of an unexpired term shall constitute a term.

Proposed law modifies present law by including a term end date of Jan. 1st at the end of each term. Further requires that a term for nominating committee members whose eight-year term expires end on Jan. 1, 2026.

Present law defines the nominating committee as a "public body" and specifies that the Open Meetings Law and Public Records Law applies to such committee.

Proposed law allows the nominating committee members attend meetings and convene remotely.

Proposed law requires the CPRA assign a staff representative to assist the nominating committee in work and preparation of meetings.

Proposed law requires the nominating committee be represented by the attorney general.

Present law requires the board notify the chair of the nominating committee and regional directors, or in his absence, the presidents of the boards of the SLFP-E and the SLFP-W of unexpected vacancy within the flood authority. Clarifies that a vacancy is unexpected whenever it occurs for a reason other than the expiration of a term. Requires the regional directors, or in his absence, the presidents of the boards of the SLFP-E and the SLFP-W cause notification of the unexpected vacancy to be published in the official journal of the state and of each parish within the territorial jurisdiction of the authority. Further requires the publishing of the notice of the unexpected vacancy no later 30 days following receipt by the regional directors, or in their absence, the presidents of the boards of the SLFP-E and the SLFP-W.

Proposed law modifies present law by eliminating the requirements for the board to notify the regional directors, or in his absence, the presidents of the boards of the SLFP-E and the SLFP-W of the unexpected vacancy within the flood district. Further replaces the regional directors, or in their absence, the presidents of the boards of the SLFP-E and the SLFP-W with the chair to provide notice of an unexpected vacancy and publish it in the official journal of the state and of each parish within the territorial jurisdiction of the authority.

Present law requires the nominating committee meet to determine the nominations for each unexpected vacancy within the time limitations set forth in present law. Further requires the committee consider each name submitted and select the nominees for each unexpected vacancy. Further, the committee shall submit one nominee for each vacancy. Additionally, requires a majority vote for nominations and such nominations be submitted to the governor for consideration no later than 120 days after the notification of the occurrence of such unexpected vacancy to the regional directors, or in their absence, the presidents of the boards of the SLFP-E and the SLFP-W. Requires the governor appoint one of the nominees submitted by the committee within 30 days of submission of the nominations and submit an appointee to the Senate for confirmation 48 hours from the appointment.

Proposed law modifies present law by eliminating the 30 day and no later than 90 day requirement for publication in the official journal. Further increases the number of nominees the committee must submit for unexpected vacancies from one to two.

Proposed law modifies present law by reducing the time frame for submission of nominees to fill the unexpected vacancies from 120 days to 90 days after notification. Further eliminates the 48 hour requirement for submission of appointees to the Senate to fill the unexpected vacancy.

Present law requires the governor appoint a qualified person within the time limitations set forth in present law if the nominating committee fails to submit a nominee within 120 days after the notice of an unexpected vacancy to the regional directors, or in the absence of a regional director, the presidents of the boards of the SLFP-E and the SLFP-W.

Proposed law modifies present law by restricting the nominating committee's timeframe for submission of a nominee to fill the unexpected vacancy from 120 days to 90 days after notification of the vacancy. Further eliminates the requirement that the regional directors, or presidents of the boards of commissioners of the SLFP-E and SLFP-W notify the nominating committee of the vacancy.

Present law requires the board notify the chair of the nominating committee and regional directors, or in their absence, the presidents of the boards of the SLFP-E and the SLFP-W of any expected vacancy occurring the following year due to expiration of a term. Further requires the regional directors, or in their absence, the presidents of the SLFP-E and the SLFP-W boards publish a notification of each expected vacancy in the official journal of the state and of each parish within the territorial jurisdiction of the authority. Provides that such notification be published no later than 30 days after receipt by the regional directors, or in their absence, the presidents of the SLFP-E and the SLFP-W boards.

Proposed law modifies present law by eliminating the requirement that the board notify the regional directors, or in their absence, the presidents of the boards of the SLFP-E and the SLFP-W of any expected vacancy occurring the following year due to expiration of a term. Further replaces the regional directors, or in their absence, the presidents of the SLFP-E and the SLFP-W boards with chair to provide notice of an unexpected vacancy and publish it in the official journal of the state and of each parish within the territorial jurisdiction of the authority.

Present law requires the nominating committee meet to determine the nominations to fill each expected vacancy at least 30 days after the latest date of the notice publication and no later than 90 days after the latest date of notice publication set forth in present law. Further requires the committee consider each name submitted and select the nominees for each expected vacancy who meet the requirements of present law. Additionally, requires the committee submit one nominee for an expected vacancy in a position provided for in present law and submit two nominees for each expected vacancy in a position provided for in present law. Provides that a majority vote is needed to nominate persons to positions on the board. The committee shall submit its nominations for each expected vacancy to the

governor for consideration no later than 30 days prior to the start of regular session Provides the time limitations for the appointment of nominees.

Proposed law modifies present law by requiring the nominating committee follow the procedures in present law. Further removes the timeframe for the nominating committee to provide notice publication in the official journal of each expected vacancy; removes the requirement that the committee consider each name submitted and select the nominees for each expected vacancy who meet the requirements of present law; that a majority vote is needed to nominate persons to positions on the board; that the committee shall submit its nominations for each expected vacancy to the governor for consideration no later than 30 days prior to the start of regular session; and provides the time limitations for the appointment of nominees

Proposed law removes present law.

Present law requires members of each board, at their first meeting, determine by lot their terms of office, which terms commence immediately upon their appointment and their expiration including all commissioners appointed, except a commissioner appointed to fill an unexpired term. Further requires the commissioners be appointed for staggered terms of four years and prohibits a member from serving more than two consecutive terms. Specifies that serving two years or more of an unexpired term constitutes a term. Authorizes a former board member be reappointed to the board after sitting out four years from the completion of his last consecutive term.

Proposed law modifies present law by allowing a member to serve three consecutive terms instead of two but otherwise retains present law.

Present law prohibits a person from serving on the board beyond the expiration of a term unless reappointed to a position on the board through the process required by present law.

Proposed law retains present law.

(Amends R.S. 38:330.1(C)(1)(a)(intro. para.) and (i) and (ii), (2)(b) through (e), (3)(a) through (c), and (4) and (D); Adds R.S. 38:330.1(C)(2)(a)(xii) and (f) and (g))