

2025 Regular Session

ACT No. 395

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

BY REPRESENTATIVE BRAUD

1 AN ACT

2 To amend and reenact R.S. 38:330.1(C)(1)(a)(introductory paragraph) and (i) and (ii),
3 (2)(a)(ii) and (c) 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; to provide for an effective date; 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)(a)(ii)
17 and (c) through (e), (3)(a) through (c) and (4) and (D) are hereby amended and reenacted and
18 R.S. 38:330.1(C)(2)(a)(xii) and (f) and (g) are hereby enacted to read as follows:

19 §330.1. Southeast Louisiana Flood Protection Authority-East and Southeast
20 Louisiana Flood Protection Authority-West Bank; territorial jurisdiction;
21 board of commissioners; appointments; terms; compensation; vacancy;
22 officers; meetings; domicile

23 * * *

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

1 (a) The board of commissioners of the Southeast Louisiana Flood Protection
 2 Authority-East shall be composed of nine members, ~~of whom there shall be at least,~~
 3 ~~and not more than,~~ one member from St. Bernard Parish, two members from
 4 Jefferson Parish, ~~and~~ three members from Orleans Parish who shall reside within the
 5 territorial jurisdiction of the authority, and three members who do not reside within
 6 the territorial jurisdiction of the authority. The members shall be appointed by the
 7 governor from nominations submitted by the nominating committee as follows:

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

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

14 * * *

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

17 * * *

18 (ii) A member or designee of the ~~Council~~ Leaders for A Better Louisiana.

19 * * *

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

22 * * *

23 (c) ~~The regional directors, or in the absence of a regional director, the~~
 24 ~~presidents of the boards of commissioners of the Southeast Louisiana Flood~~
 25 ~~Protection Authority-East and the Southeast Louisiana Flood Protection~~
 26 ~~Authority-West Bank~~ executive director of the Coastal Protection and Restoration
 27 Authority or his designee shall be the custodian of the records of the nominating
 28 committee for ~~their~~ the respective flood authority. ~~The chairman of the authority~~
 29 ~~nominating committee, or in his absence, the regional directors, or in the absence of~~
 30 ~~a regional director, the presidents of the boards of commissioners of the Southeast~~

1 ~~Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood~~
2 ~~Protection Authority-West Bank,~~ chair shall call the meeting of the nominating
3 committee for their the respective flood authority. ~~The regional directors, or in the~~
4 ~~absence of a regional director, the presidents of the boards of commissioners of the~~
5 ~~Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana~~
6 ~~Flood Protection Authority-West Bank, or their designees,~~ executive director of the
7 Coastal Protection and Restoration Authority or his designee shall serve as secretary
8 for the nominating committee for their the respective flood authority.

9 (d) After August 1, 2017, all nominating committee members shall be
10 appointed for a term of eight years. A term shall end on January first. A term for
11 nominating committee members whose eight-year term expires in 2025 shall end on
12 January 1, 2026. A former nominating committee member may be reappointed to
13 a nominating committee four years from the completion of a previous term. Service
14 of four or more years of an unexpired term shall constitute a term.

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

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

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

23 (3)(a) Within ten days after the occurrence of an unexpected vacancy on the
24 flood protection authority board, the board shall notify the chair of the nominating
25 committee ~~and regional directors, or in the absence of a regional director, the~~
26 ~~presidents of the boards of commissioners of the Southeast Louisiana Flood~~
27 ~~Protection Authority-East and the Southeast Louisiana Flood Protection Authority-~~
28 ~~West Bank~~ of such unexpected vacancy within the flood authority. ~~For purposes of~~
29 ~~this Paragraph, a vacancy shall be unexpected whenever it occurs for a reason other~~
30 ~~than the expiration of a term.~~ The regional directors, or in the absence of a regional

1 ~~director, the presidents of the boards of commissioners of the Southeast Louisiana~~
 2 ~~Flood Protection Authority-East and the Southeast Louisiana Flood Protection~~
 3 ~~Authority-West Bank~~ chair of the nominating committee shall cause notification of
 4 the unexpected vacancy to be published in the official journal of the state and of each
 5 parish within the territorial jurisdiction of the authority. Such notification shall be
 6 published no later than thirty days following receipt by the chair ~~regional directors,~~
 7 ~~or in the absence of a regional director, the presidents of the boards of~~
 8 ~~commissioners of the Southeast Louisiana Flood Protection Authority-East and the~~
 9 ~~Southeast Louisiana Flood Protection Authority-West Bank~~ of notice of the
 10 unexpected vacancy.

11 (b) The nominating committee shall meet to determine the nominations to
 12 send to the governor to fill each unexpected vacancy at any time after receipt of the
 13 notice of the unexpected vacancy ~~no sooner than thirty days after the latest date of~~
 14 ~~publication set forth in Subparagraph (a) of this Paragraph and no later than ninety~~
 15 ~~days after the latest date of publication set forth in Subparagraph (a) of this~~
 16 Paragraph. The committee shall consider each name submitted to the committee
 17 from whatever source, and the committee members may propose names of persons
 18 to be considered. After review, the committee shall select the nominees for each
 19 unexpected vacancy who meet the requirements of this Section. The committee shall
 20 submit ~~one nominee~~ two nominees for each unexpected vacancy ~~in a position~~
 21 ~~provided for in Item (1)(a)(i) or (b)(i) of this Subsection and shall submit two~~
 22 ~~nominees for each unexpected vacancy in a position provided for in Item (1)(a)(ii)~~
 23 ~~or (iii) of this Subsection or Item (1)(b)(ii) or (iii) of this Subsection.~~ A majority
 24 vote of the total membership of the nominating committee shall be required to
 25 nominate persons to positions on the board. The committee shall submit its
 26 nominations for each unexpected vacancy to the governor for consideration no later
 27 than ~~one hundred twenty~~ ninety days after the notification of the ~~regional directors,~~
 28 ~~or in the absence of a regional director, the presidents of the boards of~~
 29 ~~commissioners of the Southeast Louisiana Flood Protection Authority-East and the~~
 30 ~~Southeast Louisiana Flood Protection Authority-West Bank~~ of the occurrence of

1 such unexpected vacancy. The governor shall appoint ~~one~~ of the nominees
 2 ~~submitted by the committee within thirty days of submission of the nominations for~~
 3 ~~any unexpected vacancy~~ and submit such ~~appointee~~ appointees to the Senate for
 4 confirmation ~~within forty-eight hours following the appointment~~, regardless of
 5 whether the legislature is in regular session.

6 (c) If the nominating committee fails to submit a ~~nominee~~ the nominees
 7 ~~within one hundred twenty~~ ninety days after notification of ~~the regional directors, or~~
 8 ~~in the absence of a regional director, the presidents of the boards of commissioners~~
 9 ~~of the Southeast Louisiana Flood Protection Authority-East and the Southeast~~
 10 ~~Louisiana Flood Protection Authority-West Bank~~ of the occurrence of such
 11 unexpected vacancy, the governor shall appoint a ~~person~~ persons meeting the
 12 requirements of this Section within thirty days of the expiration of such time and
 13 submit such ~~appointee~~ appointees to the Senate for confirmation ~~within forty-eight~~
 14 ~~hours following the appointment~~, regardless of whether the legislature is in regular
 15 session.

16 * * *

17 (4)(a) Each July first, the board shall notify the chair of the nominating
 18 ~~committee and regional directors, or in the absence of a regional director, the~~
 19 ~~presidents of the boards of commissioners of the Southeast Louisiana Flood~~
 20 ~~Protection Authority-East and the Southeast Louisiana Flood Protection Authority-~~
 21 ~~West Bank~~ of any vacancy which will occur on a board in the following year due to
 22 expiration of a term, hereinafter in this Paragraph referred to as "expected vacancy".
 23 ~~The regional directors, or in the absence of a regional director, the presidents of the~~
 24 ~~boards of commissioners of the Southeast Louisiana Flood Protection Authority-East~~
 25 ~~and the Southeast Louisiana Flood Protection Authority-West Bank~~ chair shall cause
 26 notification of each expected vacancy to be published in the official journal of the
 27 state and of each parish within the territorial jurisdiction of the authority. Such
 28 notification shall be published no later than thirty days following receipt by the chair
 29 ~~regional directors, or in the absence of a regional director, the presidents of the~~
 30 ~~boards of commissioners of the Southeast Louisiana Flood Protection Authority-East~~

1 and the Southeast Louisiana Flood Protection Authority-West Bank of notice of an
2 expected vacancy.

3 (b) The nominating committee shall follow the procedure outlined in
4 Paragraph (3) of this Subsection, except the nominating committee shall submit its
5 nominations for each expected vacancy to the governor for consideration no later
6 than thirty days prior to the start of the Regular Session. If the nominating
7 committee fails to submit nominees for an expected vacancy thirty days prior to the
8 start of the Regular Session, the governor shall follow the procedure outlined in
9 Subparagraph (3)(c) of this Subsection. Any nominee confirmed by the Senate shall
10 take office the day after the expiration of the term of the board member whose term
11 is expiring. begin to meet and continue to meet as necessary to determine the
12 nominations to send to the governor to fill each expected vacancy no sooner than
13 thirty days after the latest date of publication set forth in Subparagraph (a) of this
14 Paragraph and no later than ninety days after the latest date of publication set forth
15 in Subparagraph (a) of this Paragraph. The committee shall consider each name
16 submitted to the committee from whatever source and the committee members may
17 propose names of persons to be considered. After review, the committee shall select
18 the nominees for each expected vacancy who meet the requirements of this Section.
19 The committee shall submit one nominee for an expected vacancy in a position
20 provided for in Item (1)(a)(i) or (b)(i) of this Subsection and shall submit two
21 nominees for each expected vacancy in a position provided for in Item (1)(a)(ii) or
22 (iii) of this Subsection or Item (1)(b)(ii) or (iii) of this Subsection. A majority vote
23 of the total membership of the nominating committee shall be required to nominate
24 persons to positions on the board. The committee shall submit its nominations for
25 each expected vacancy to the governor for consideration no later than thirty days
26 prior to the start of regular session. The governor shall appoint one of the nominees
27 submitted by the committee not later than thirty days after receipt of the nominations
28 and shall submit such appointee to the Senate for confirmation within forty-eight
29 hours after the appointment is made, regardless of whether the legislature is in

1 regular session. If confirmed, the appointee shall take office the day after the
 2 expiration of the term of the board member whose term is expiring.

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

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

17 * * *

18 D.(1) The members of each board initially appointed shall at their first
 19 meeting determine by lot their terms of office, which terms shall commence
 20 immediately upon their appointment and shall expire, respectively, as follows:

21 (a) For the board of the Southeast Louisiana Flood Protection Authority East:
 22 two members in one year, three members in two years, three members in three years,
 23 and three members in four years, from the first day of July immediately succeeding
 24 such appointment.

25 (b) For the board of the Southeast Louisiana Flood Protection Authority
 26 West Bank: one member in one year, two members in two years, two members in
 27 three years, and two members in four years, from the first day of July immediately
 28 succeeding such appointment.

29 (2)(1) All commissioners thereafter appointed, except a commissioner
 30 appointed to fill an unexpired term, shall be appointed as provided in Subsection C

1 of this Section for staggered terms of four years. No member shall serve more than
 2 ~~two~~ three consecutive terms, beginning on June 1, 2025. If a person serves two years
 3 or more of an unexpired term, such service shall constitute a term. A former board
 4 member may be reappointed to the board after sitting out four years from the
 5 completion of his last consecutive term.

6 ~~(3)~~(2) Notwithstanding R.S. 24:14(K), no person shall serve on the board
 7 beyond the expiration of a term unless reappointed to a position on the board by the
 8 process required by either Paragraph (C)(3) or (4) of this Section.

9 * * *

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

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 PRESIDENT OF THE SENATE

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____