

2017 Regular Session

HOUSE BILL NO. 266

BY REPRESENTATIVE CONNICK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LEVEES/BDS & DISTRICTS: Provides for term limits for members of the nominating committee of certain flood protection authorities

1 AN ACT

2 To amend and reenact R.S. 38:330.1(C)(2)(a) and (b) and to enact R.S. 38:330.1(C)(2)(d)  
3 and (e), relative to flood protection authority nominating committee members; to  
4 provide for the composition of the nominating committee board; to provide for  
5 staggered terms for nominating committee members; to provide relative to term  
6 limits for levee district nominating committee members; to include the nominating  
7 committee as a "public body" for purposes of open meetings and public records laws;  
8 and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 38:330.1(C)(2)(a) and (b) are hereby amended and reenacted and  
11 R.S. 38:330.1(C)(2)(d) and (e) are hereby enacted to read as follows:

12 §330.1. Southeast Louisiana Flood Protection Authority-East and Southeast  
13 Louisiana Flood Protection Authority-West Bank; territorial jurisdiction;  
14 board of commissioners; appointments; terms; compensation; vacancy;  
15 officers; meetings; domicile

16 \* \* \*

17 C.

18 \* \* \*

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

1 (i) A member ~~designated by~~ or designee of the Public Affairs Research  
2 Council of Louisiana.

3 (ii) A member ~~designated by~~ or designee of the Council for A Better  
4 Louisiana.

5 (iii) A ~~representative~~ member or designee of the Louisiana Geological  
6 Survey at Louisiana State University.

7 (iv) A member or designee of the Association of State Floodplain Managers.  
8 ~~designated by the association.~~

9 (v) A member or designee of the National Society of Black Engineers  
10 ~~designated by the society.~~

11 (vi) ~~The dean~~ A faculty member or designee of the College of Engineering  
12 at the University of New Orleans, ~~or his designee.~~

13 (vii) ~~The dean~~ A faculty member or his designee of the School of Science  
14 and Engineering at Tulane University, ~~or his designee.~~

15 (viii) ~~The dean~~ A faculty member or designee of the College of Engineering  
16 at Southern University and Agricultural and Mechanical College ~~or his designee.~~

17 (ix) ~~The dean~~ A faculty member or designee of the College of Engineering  
18 at Louisiana State University ~~or his designee.~~

19 (x) A member or designee of the American Society of Civil Engineers  
20 ~~designated by the society.~~

21 (xi) A member or designee of the Louisiana Engineering Society.

22 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph for  
23 the purpose of nominating persons to serve on the Southeast Louisiana Flood  
24 Protection Authority-West Bank, the committee shall also include, a member or  
25 designee of the ~~Harvey Canal Industrial Association~~ West Bank Business and  
26 Industry Association and ~~the president~~ a faculty member or designee of Our Lady of  
27 Holy Cross College ~~, or his designee.~~

28 \* \* \*

1           (d)(i) On or after January 1, 2018, nominating committee members of the  
 2           Public Affairs Research Council, Association of Floodplain Managers, the College  
 3           of Engineering at the University of New Orleans, the Council for a Better Louisiana,  
 4           American Society of Civil Engineers, and the College of Engineering at Southern  
 5           University and Agricultural and Mechanical College shall be appointed for an initial  
 6           period of two years. The members or designees of the Louisiana Geological Survey  
 7           at Louisiana State University, the Louisiana Engineering Society, and the School of  
 8           Science and Engineering at Tulane University shall be appointed for an initial period  
 9           of three years The members or designees of the National Society of Black Engineers  
 10           and the College of Engineering at Louisiana State University shall be appointed for  
 11           an initial period of four years.

12           (ii) For purposes of the nominating committee of the Southeast Louisiana  
 13           Flood Protection Authority-West Bank, the members or designees of the West Bank  
 14           Business and Industry Association and Our Lady of Holy Cross College shall be  
 15           appointed for an initial period of four years.

16           (iii) Upon expiration of the initial period, all nominating committee members  
 17           shall be appointed for a term of four years. No nominating committee member shall  
 18           serve more than two consecutive terms. A former nominating committee member  
 19           may be reappointed to the nominating committee three years from the completion  
 20           of his last consecutive term. If a person serves two years or more of an unexpired  
 21           term, such service shall constitute a term. Service of any nominating committee  
 22           member during the initial period shall not constitute a term.

23           (e) For purposes of Paragraph (C)(2) of this Section, the nominating  
 24           committee shall be considered a "public body" as defined in R.S. 42:13, and the open  
 25           meetings law, R.S. 42:11 et seq., and public records law, R.S. 44:1 et seq., shall  
 26           apply to such committee.

\* \* \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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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 266 Reengrossed

2017 Regular Session

Connick

**Abstract:** Establishes term limits for certain flood protection authority nominating committee members.

Proposed law clarifies the nominating procedure for appointing a member of the committee to require the governing body of each entity to appoint a member from their respective entity, as follows:

- (1) A member or designee of the Public Affairs Research Council of La.
- (2) A member or designee of the Council for A Better La.
- (3) A member or designee of the La. Geological Survey at Louisiana State University.
- (4) A member or designee of the Association of State Floodplain Managers.
- (5) A member or designee of the National Society of Black Engineers.
- (6) A faculty member or designee of the College of Engineering at the University of New Orleans.
- (7) A faculty member or designee of the School of Science and Engineering at Tulane University.
- (8) A faculty member or designee of the College of Engineering at Southern University and Agricultural and Mechanical College.
- (9) A faculty member or designee of the College of Engineering at Louisiana State University.
- (10) A member or designee of the American Society of Civil Engineers.
- (11) A member or designee of the La. Engineering Society.
- (12) A member or designee of the West Bank Business and Industry Association.
- (13) A faculty member or designee of Our Lady of Holy Cross College.

Present law establishes a nominating committee for the board of commissioners for the Southeast La. Flood Protection Authority-East and the Southeast La. Flood Protection Authority-West Bank.

Proposed law establishes a staggered term of four years for nominating committee members of the Southeast La. Flood Protection Authority-East and Southeast La. Flood Protection Authority-West.

Proposed law provides for initial terms of nominating committee members from the Public Affairs Research Council of La., the Association of Floodplain Managers, the College of Engineering at the University of New Orleans, the Council for a Better La., the American Society of Civil Engineers, and the College of Engineering at the Southern University

Agricultural and Mechanical College will be appointed for an initial period of two years after Jan. 1, 2018.

Proposed law provides for initial terms of nominating committee members from the La. Geological Survey at Louisiana State University, the La. Engineering Society, and the School of Science and Engineering at Tulane University will be appointed for an initial period of three years after Jan. 1, 2018.

Proposed law provides for initial terms of nominating committee members from the National Society of Black Engineers and the College of Engineering at Louisiana State University will be appointed for an initial period of four years after Jan. 1, 2018.

Proposed law provides that for purposes of the Southeast La. Flood Protection Authority-West Bank, members or designees from the West Bank Business and Industry Association and Our Lady of Holy Cross College will be appointed for an initial period of four years after Jan. 1, 2018.

Proposed law provides that no nominating committee member may serve more than two consecutive terms.

Proposed law also provides that service of two or more years of an unexpired term constitutes a term.

Proposed law further provides that a nominating committee member may be reappointed three years from the completion of his last consecutive term.

Proposed law provides that service in the initial period does not constitute a term.

Proposed law classifies a nominating committee as a public body for purposes of open meetings laws and public record laws.

(Amends R.S. 38:330.1(C)(2)(a) and (b); Adds R.S. 38:330.1(C)(2)(d) and (e))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Make technical changes.
2. Add provisions that clarify the procedure by which nominating committee members are appointed from their respective entities, as follows:
  - (1) A member of the Public Affairs Research Council of Louisiana appointed by the board of directors of the council.
  - (2) A member of the Council for A Better Louisiana, appointed by the board of directors of the council.
  - (3) A representative of the Louisiana Geological Survey at Louisiana State University, appointed by the advisory board of the survey.
  - (4) A member of the Association of State Floodplain Managers, appointed by the board of directors of the association.
  - (5) A member of the National Society of Black Engineers, appointed by the national executive board of the society.

- (6) A faculty member of the College of Engineering at the University of New Orleans, appointed by the dean of the College of Engineering in consultation with the faculty.
  - (7) A faculty member of the School of Science and Engineering at Tulane University, appointed by the dean of the School of Science and Engineering in consultation with the faculty.
  - (8) A faculty member of the College of Engineering at Southern University and Agricultural and Mechanical College, appointed by the dean of the College of Engineering in consultation with the faculty.
  - (9) A faculty member of the College of Engineering at Louisiana State University, appointed by the dean of the College of Engineering in consultation with the faculty.
  - (10) A member of the American Society of Civil Engineers, appointed by the board of directors of the society.
  - (11) A member of the Louisiana Engineering Society, appointed by the officers of the society.
  - (12) A member of the West Bank Business and Industry Association, appointed by the board of directors of the association.
  - (13) A faculty member of Our Lady of Holy Cross College, appointed by the dean of the College in consultation with the faculty.
3. Add a provision that specifies that the nominating committee is a public body and as such is subject to open meetings laws and public records laws.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Remove requirement that each entity or school appointing a nominating committee member do so by way of the board of directors or dean of the school.
3. Allow each entity or school appointing a nominating committee member to select either a member or a designee of the entity or school.
4. Add a provision that establishes the initial process by which nominating committee members are appointed to staggered four-year terms.
5. Allow nominating committee members to be reappointed after serving two consecutive terms upon waiting three years from the completion of his last consecutive term.