

2016 Regular Session

HOUSE BILL NO. 1149 (Substitute for House Bill No. 682 by Representative Leger)

BY REPRESENTATIVE LEGER

LEVEES: 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)(3) and (4), (D)(2), (E), (F)(1), and (H) and to enact
3 R.S. 38:330.1(C)(5) and (D)(3) and 330.2(A)(2)(c), relative to the Southeast
4 Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection
5 Authority-West Bank; to provide relative to the nominating process for vacancies on
6 the board of commissioners of the Southeast Louisiana Flood Protection Authority-
7 East and the Southeast Louisiana Flood Protection Authority-West Bank; to provide
8 relative to the terms of members of the boards of commissioners of the Southeast
9 Flood Louisiana Protection Authority-East and the Southeast Louisiana Flood
10 Protection Authority-West Bank; to provide relative to the powers and duties of the
11 board of commissioners of the Southeast Louisiana Flood Protection Authority-East
12 and the Southeast Louisiana Flood Protection Authority-West Bank; and to provide
13 for related matters.

14 Notice of intention to introduce this Act has been published
15 as provided by Article III, Section 13 of the Constitution of
16 Louisiana.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. R.S. 38:330.1(C)(3) and (4), (D)(2), (E), (F)(1), and (H) are hereby
19 amended and reenacted and R.S. 38:330.1(C)(5) and (D)(3) and 330.2(A)(2)(c) are hereby
20 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.

7 * * *

8 (3)(a) Within ten days after the occurrence of a an unexpected vacancy on
9 the flood protection authority board, the board shall ~~advise~~ notify the chairman of the
10 Coastal Protection and Restoration Authority of such unexpected vacancy. For
11 purposes of this Paragraph, a vacancy shall be unexpected whenever it occurs for a
12 reason other than the expiration of a term. ~~Within fourteen days after being advised~~
13 ~~of a vacancy on a board, the chairman of the Coastal Protection and Restoration~~
14 ~~Authority shall publish notice of the vacancy in the official journal of the state and~~
15 ~~of each parish within the territorial jurisdiction of the authority.~~ The chairman of the
16 Coastal Protection and Restoration Authority shall cause notification of the
17 unexpected vacancy to be published in the official journal of the state and of each
18 parish within the territorial jurisdiction of the authority. Such notification shall be
19 published no later than thirty days following receipt by the chairman of the Coastal
20 Protection and Restoration Authority of notice of the unexpected vacancy.

21 (b) ~~No sooner than thirty days after the latest date of publication in any of~~
22 ~~the journals set forth in Subparagraph (a) of this Paragraph nor later than sixty days~~
23 ~~after that date, the nominating committee shall meet to determine the nominations~~
24 ~~to send to the governor to fill each vacancy.~~ The nominating committee shall meet
25 to determine the nominations to send to the governor to fill each unexpected vacancy
26 no sooner than thirty days after the latest date of publication set forth in
27 Subparagraph (a) of this Paragraph and no later than ninety days after the latest date
28 of publication set forth in Subparagraph (a) of this Paragraph. The committee shall
29 consider each name submitted to the committee from whatever source and the

1 committee members may propose names of persons to be considered. After review,
2 the committee shall select the nominees for each unexpected vacancy who meet the
3 requirements of this Section. The committee shall submit one nominee for ~~a~~ each
4 unexpected vacancy in a position provided for in ~~R.S. 38:330.1(C)(1)(a)(i) or (b)(i)~~
5 Item (1)(a)(i) or (b)(i) of this Subsection and shall submit two nominees for each
6 unexpected vacancy in a position provided for in ~~R.S. 38:330.1(C)(1)(a)(ii) or (iii)~~
7 ~~or (b)(ii) or (iii)~~ Item (1)(a)(ii) or (iii) of this Subsection or Item (1)(b)(ii) or (iii) of
8 this Subsection. A majority vote of the total membership of the nominating
9 committee shall be required to nominate persons to positions on the board. The
10 committee shall submit its nominations for each unexpected vacancy to the governor
11 for consideration no later than ~~ninety~~ one hundred twenty days after the ~~occurrence~~
12 notification of the chairman of the Coastal Protection and Restoration Authority of
13 the occurrence of such unexpected vacancy. The governor shall appoint one of the
14 nominees submitted by the committee within thirty days of submission of the
15 nominations for any unexpected vacancy and submit such appointee to the Senate for
16 confirmation within forty-eight hours following the appointment, regardless of
17 whether the legislature is in regular session.

18 (c) If the nominating committee fails to submit a nominee within ~~ninety~~ one
19 hundred twenty days after ~~the occurrence of a vacancy~~ notification of the chairman
20 of the Coastal Protection and Restoration Authority of the occurrence of such
21 unexpected vacancy, the governor shall appoint a person meeting the requirements
22 of this Section within thirty days of the expiration of such time and submit such
23 appointee to the Senate for confirmation within forty-eight hours following the
24 appointment, regardless of whether the legislature is in regular session.

25 (d) In the event that the Senate fails to confirm an appointment made
26 pursuant to this Paragraph by taking no action at all or voting not to confirm an
27 appointee in open session by the end of a regular session, the position shall be
28 considered as having an unexpected vacancy and the process required by this
29 Paragraph shall occur until such position is filled. Any appointee the Senate fails to

1 confirm shall not be appointed to the same position during any recess of the
2 legislature.

3 (4)(a) Each July first, the board shall notify the chairman of the Coastal
4 Protection and Restoration Authority of any vacancy which will occur on a board in
5 the following year due to expiration of a term, hereinafter in this Paragraph referred
6 to as "expected vacancy". The chairman of the Coastal Protection and Restoration
7 Authority shall cause notification of each expected vacancy to be published in the
8 official journal of the state and of each parish within the territorial jurisdiction of the
9 authority. Such notification shall be published no later than thirty days following
10 receipt by the chairman of the Coastal Protection and Restoration Authority of notice
11 of an expected vacancy.

12 (b) The nominating committee shall begin to meet and continue to meet as
13 necessary to determine the nominations to send to the governor to fill each expected
14 vacancy no sooner than thirty days after the latest date of publication set forth in
15 Subparagraph (a) of this Paragraph and no later than ninety days after the latest date
16 of publication set forth in Subparagraph (a) of this Paragraph. The committee shall
17 consider each name submitted to the committee from whatever source and the
18 committee members may propose names of persons to be considered. After review,
19 the committee shall select the nominees for each expected vacancy who meet the
20 requirements of this Section. The committee shall submit one nominee for an
21 expected vacancy in a position provided for in Item (1)(a)(i) or (b)(i) of this
22 Subsection and shall submit two nominees for each expected vacancy in a position
23 provided for in Item (1)(a)(ii) or (iii) of this Subsection or Item (1)(b)(ii) or (iii) of
24 this Subsection. A majority vote of the total membership of the nominating
25 committee shall be required to nominate persons to positions on the board. The
26 committee shall submit its nominations for each expected vacancy to the governor
27 for consideration no later than thirty days prior to the start of regular session. The
28 governor shall appoint one of the nominees submitted by the committee not later
29 than thirty days after receipt of the nominations and shall submit such appointee to

1 the Senate for confirmation within forty-eight hours afer the appointment is made,
2 regardless of whether the legislature is in regular session. If confirmed, the
3 appointee shall take office the day after the expiration of the term of the board
4 member whose term is expiring.

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

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

19 ~~(4)~~(5) Each appointment made to the board shall be subject to confirmation
20 by the Senate.

21 D.

22 * * *

23 (2) All commissioners thereafter appointed, except a commissioner
24 appointed to fill an unexpired term, shall be appointed as provided in Subsection C
25 of this Section for staggered terms of four years. No member shall serve more than
26 two consecutive ~~four-year~~ terms. If a person serves two years or more of an
27 unexpired term, such service shall constitute a term. A former board member may
28 be reappointed to the board after sitting out four years from the completion of his last
29 consecutive term.

- (1) The service of each appointee appointed to a term concurrent with the appointing official or at the pleasure of the appointing official expires at the end of the appointing official's term as provided for in Article IV, §3 of the Constitution of Louisiana or as otherwise provided for by law.

The appointee may continue to serve until the end of the second regular session of the legislature following the beginning of the legislative term at which time the position will become vacant unless the appointee is reappointed to the position and has been confirmed by the Senate prior to the end of the second legislative session.

- (2) The service of each appointee appointed to a fixed term shall expire at the end of the term to which the appointee was appointed.

The appointee may continue to serve until the end of the second regular session of the legislature following the expiration of the term.

Proposed law provides that notwithstanding present law no person shall serve on the board of commissioners beyond the expiration of a term unless reappointed to a position on the board by the process required by proposed law.

Present law provides that a majority of the commissioners of the board shall constitute a quorum to do business.

Proposed law specifies that a majority of the sitting commissioners of the board shall constitute a quorum to do business.

Present law provides that a vacancy created by reason of death, resignation, expiration of term, removal, or any other cause shall be filled in the same manner as the original appointment.

Proposed law provides that a vacancy created by reason of death, resignation, removal, or any other cause other than the expiration of a term shall be an unexpected vacancy to be filled according to proposed law pertaining to unexpected vacancies.

Proposed law provides that after Jan. 1, 2018, the authority or any levee district within the territorial jurisdiction of the authority may divest itself of any drainage or pumping responsibilities that would otherwise fall to the responsibility of a parish governing authority.

(Amends R.S. 38:330.1(C)(3) and (4), (D)(2), (E), (F)(1), and (H); Adds R.S. 38:330.1(C)(5) and (D)(3) and 330.2(A)(2)(c))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Clarify when the nominating committee can meet to determine nominations to send to the governor for expected and unexpected vacancies on a board of commissioners.
2. Provide that if a person serves two years or more of an unexpired term on a board of commissioners that such service shall constitute a term.