

2016 Regular Session

ACT No. 572

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

BY REPRESENTATIVE LEGER

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; to provide for
13 transitional matters; to provide for an effective date; and to provide for related
14 matters.

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

18 Be it enacted by the Legislature of Louisiana:

19 Section 1. R.S. 38:330.1(C)(3) and (4), (D)(2), (E), (F)(1), and (H) are hereby
20 amended and reenacted and R.S. 38:330.1(C)(5) and (D)(3) and 330.2(A)(2)(c) are hereby
21 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
 30 committee members may propose names of persons to be considered. After review,

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

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

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

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

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

1 appointee shall take office the day after the expiration of the term of the board
 2 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 confirmed,
 8 the appointee shall take office the day after the expiration of the term of the board
 9 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 ~~(4)~~(5) Each appointment made to the board shall be subject to confirmation
 18 by the Senate.

19 D.

20 * * *

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

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

1 E. Immediately after the members of the board of commissioners have been
 2 appointed, or as soon as thereafter is practicable, they shall meet and organize by
 3 electing from their number a president, vice president, and secretary who shall
 4 perform the duties normally required of such officers. In case of death or resignation
 5 of the president, the vice president shall call the board together to fill the ~~vacancy~~
 6 position of the president. In case of absence, inability, or failure to act of the
 7 president, the vice president shall perform all the duties of the president.

8 F.(1) A majority of the sitting commissioners of the board shall constitute
 9 a quorum to do business. They shall designate the time and select the place for
 10 holding their regular sessions, which shall be convened each month. Special
 11 meetings may be convened at any time upon the call of the president. Regular
 12 monthly meetings of the board shall be convened on a rotating basis at a place to be
 13 determined by the board in a levee district under the jurisdiction of the authority.

14 * * *

15 H. A vacancy created by reason of death, resignation, ~~expiration of term,~~
 16 removal, or any other cause ~~shall be filled in the same manner as the original~~
 17 appointment, other than the expiration of a term, shall be an unexpected vacancy to
 18 be filled according to Paragraph (C)(3) of this Section.

19 * * *

20 §330.2. Board of commissioners; powers and duties

21 A.

22 * * *

23 (2)

24 * * *

25 (c) After January 1, 2018, the authority or any levee district within the
 26 territorial jurisdiction of the authority may divest itself of any drainage or pumping
 27 responsibilities that would otherwise fall to the responsibility of a parish governing
 28 authority.

29 * * *

1 Section 2. The commissioners of the Southeast Louisiana Flood Protection
 2 Authority-East and the Southeast Louisiana Flood Protection-West Bank whose terms expire
 3 on the effective date of this Act shall remain as commissioners until replacements are
 4 appointed pursuant to this Act.

5 Section 3. This Act shall become effective July 1, 2016.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____