

RÉSUMÉ DIGEST

ACT 572 (HB 1149)

2016 Regular Session

Leger

Existing law provides a process by which the board of commissioners of the Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank are nominated and appointed.

New law changes existing law in that it provides for a process to be followed for an unexpected vacancy which occurs for any other reason than the expiration of a term.

Prior law required the chairman of the Coastal Protection and Restoration Authority to publish notice of the vacancy in the official journal of the state and of each parish within the territorial jurisdiction of the authority within 14 days after being advised of a vacancy on a board.

New law requires the chairman of the Coastal Protection and Restoration Authority to 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 no later than 30 days following receipt of notice of the unexpected vacancy by the chairman.

Prior law required the nominating committee to meet to determine the nominations to send to the governor to fill each vacancy no earlier than 30 days after the latest date of publication in any of the journals nor later than 60 days after that date. Required the committee to submit nominees for a vacancy as provided for in existing law and to submit its nominations to the governor no later than 90 days after the occurrence of the vacancy.

New law requires the nominating committee to meet to determine the nominations to send to the governor to fill each unexpected vacancy no earlier than 30 days after the latest date of publication and no later than 90 days after the latest date of publication. Requires the committee to submit nominees for an unexpected vacancy as provided for in existing law and to submit its nominations to the governor no later than 120 days after the notification of the chairman of the Coastal Protection and Restoration Authority of the occurrence of such unexpected vacancy. Requires the governor to appoint one of the nominees submitted by the committee within 30 days of submission of the nominations and to submit each appointee to the Senate for confirmation within 48 hours following the appointment.

Prior law provides that the nominating committee submit a nominee within 90 days after the occurrence of a vacancy and failure to do so would result in the governor appointing a person who met the requirements.

New law provides that the nominating committee submit a nominee within 120 days after the notification of the chairman of the Coastal Protection and Restoration Authority of the occurrence of such unexpected vacancy and failure to do so will result in the governor appointing a person who meets the requirements within 30 days of the expiration of such time and submit such appointee to the Senate for confirmation within 48 hours following the appointment.

New law provides that if the Senate fails to confirm an appointment made by taking no action at all or voting not to confirm an appointee in open session by the end of a regular session, the position will be considered as having an unexpected vacancy and the process required by new law will occur until the position is filled. Prohibits any appointee the Senate fails to confirm from being appointed to the same position during any recess of the legislature.

New law requires the nomination process for an expected vacancy to begin one year prior to the occurrence of an expected vacancy.

New law requires the nominating committee for such boards to provide nominations to the governor for appointments for expected and unexpected vacancies in a certain time frame.

New law requires the governor to make appointments within a certain time frame for expected and unexpected vacancies and submit such appointments to the Senate for confirmation within 48 hours of making such appointments.

New law requires the governor, in the event that the nominating committee does not provide nominees to him in a certain amount of time, to make such appointments and submit such appointments to the Senate for confirmation within 48 hours of making such appointments.

Existing law provides that all commissioners appointed, except a commissioner appointed to fill an unexpired term, shall be appointed as provided in existing law for staggered terms of four years and that no member shall serve more than two consecutive four-year terms.

New law provides that if a person serves two years or more of an unexpired term, such service will constitute a term.

New law adds that a former board member may be reappointed to the board after sitting out four years from the completion of his last consecutive term.

Existing law provides that notwithstanding any other provision of law, all persons who are appointed to a position on a board, commission, committee, or district, which requires Senate confirmation, including persons appointed to a partial term shall be subject to reconfirmation as follows:

- (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.

New law provides that notwithstanding existing 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 new law.

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

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

Prior law provided 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.

New 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 new law pertaining to unexpected vacancies.

New 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.

Eff. July 1, 2016.

(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))