

2025 Regular Session

# ACT No. 395

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

BY REPRESENTATIVE BRAUD

## AN ACT

To amend and reenact R.S. 38:330.1(C)(1)(a)(introductory paragraph) and (i) and (ii), (2)(a)(ii) and (c) through (e), (3)(a) through (c), and (4) and (D) and to enact R.S. 38:330.1(C)(2)(a)(xii) and (f) and (g), relative to the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank; to change membership of the board of commissioners of the Southeast Louisiana Flood Protection Authority-East; to appoint the executive director of the Coastal Protection and Restoration Authority as secretary of the nominating committee; to replace certain requirements of the regional directors, or in their absence, the presidents of the boards of the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank with the chair; to change timeframes for notification of unexpected and expected vacancies within the flood authorities, to reduce consecutive terms of commissioners; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:330.1(C)(1)(a)(introductory paragraph) and (i) and (ii), (2)(a)(ii) and (c) through (e), (3)(a) through (c) and (4) and (D) are hereby amended and reenacted and R.S. 38:330.1(C)(2)(a)(xii) and (f) and (g) are hereby enacted to read as follows:

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

\* \* \*

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

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

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

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_