

Regular Session, 2014

SENATE BILL NO. 79

BY SENATOR ADLEY

FLOOD PROTECTION AUTH. Provides relative to flood protection authorities. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 38:330.1(C)(3) and (4), relative to flood protection authorities;  
3 to provide for appointments to the board of commissioners of each authority; to  
4 provide relative to vacancies on the board of commissioners of each authority; and  
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:330.1(C)(3) and (4) are hereby amended and reenacted to read as  
8 follows:

9 §330.1. Southeast Louisiana Flood Protection Authority-East and Southeast  
10 Louisiana Flood Protection Authority-West Bank; territorial  
11 jurisdiction; board of commissioners; appointments; terms;  
12 compensation; vacancy; officers; meetings; domicile

13 A. \* \* \*

14 C.(1) \* \* \*

15 (3)(a) Within ten days after the occurrence of a vacancy on the flood  
16 protection authority board, the board shall advise the chairman of the Coastal  
17 Protection and Restoration Authority of such vacancy. Within fourteen days after

1 being advised of a vacancy on a board, the chairman of the Coastal Protection and  
2 Restoration Authority shall publish notice of the vacancy in the official journal of the  
3 state and of each parish within the territorial jurisdiction of the authority.

4 (b) No sooner than thirty days after the latest date of publication in any of the  
5 journals set forth in Subparagraph (a) of this Paragraph nor later than sixty days after  
6 that date, the nominating committee shall meet to determine the nominations to send  
7 to the governor to fill each vacancy. The committee shall consider each name  
8 submitted to the committee from whatever source and the committee members may  
9 propose names of persons to be considered. After review, the committee shall select  
10 ~~the three~~ nominees for each vacancy who meet the requirements of this Section. ~~The~~  
11 ~~committee shall submit one nominee for a vacancy in a position provided for in R.S.~~  
12 ~~38:330.1(C)(1)(a)(i) or (b)(i) and shall submit two nominees for each vacancy in a~~  
13 ~~position provided for in R.S. 38:330.1(C)(1)(a)(ii) or (iii) or (b)(ii) or (iii).~~ **The**  
14 **committee shall submit three nominees for each vacancy and shall provide**  
15 **ratings for each nominee based upon the relevant qualifications of the nominee.**

16 A majority vote of the total membership of the nominating committee shall be  
17 required to nominate persons to positions on the board. The committee shall submit  
18 its nominations for each vacancy to the governor **in writing** for consideration no  
19 later than ninety days after the occurrence of the vacancy.

20 (c) The governor shall appoint one of the nominees submitted by the  
21 committee **for each vacancy or shall reject all of the nominees for such vacancy**  
22 **within sixty days of submission of the nominations to the governor by the**  
23 **committee. Within forty-five days of submission of a written rejection notice to**  
24 **the committee by the governor and subject to the consideration and voting**  
25 **requirements of Subparagraph (b) of this Paragraph, the committee shall**  
26 **submit new nominees who meet the requirements of this Section to the governor**  
27 **in writing. Publication of a notice of vacancy as provided in Subparagraph (a)**  
28 **of this Paragraph is not required provided that nothing herein shall preclude**  
29 **the committee from advertising notice of such rejection in a manner adopted by**



to be considered. After review, the committee shall select the nominees for each vacancy. Requires that the committee nominate one nominee for a vacancy in a position for an engineer or professional in a related field and two nominees for each other vacancy. Requires a majority vote of the total membership of the nominating committee to nominate persons to positions on the board. Requires the committee to submit its nominations for each vacancy to the governor for consideration no later than 90 days after the occurrence of the vacancy. Requires the governor to appoint one of the nominees submitted by the committee.

Proposed law changes present law to require that the nominating committee submit three nominees for each vacancy to the governor in writing and provide ratings for each nominee based upon qualifications of the nominee.

Proposed law requires the governor to either appoint one of the nominees submitted or to reject all of the nominees for a vacancy within 60 days after the date of submission of nominations to the governor by the committee. Requires the committee to submit new nominees to the governor in writing within 45 days after submission of the governor's written rejection notice to the committee. Relieves but does not preclude the committee from advertising notice of such rejection in a manner adopted by the committee to assist it in obtaining names for consideration. Allows the committee to reconsider the name of any person previously considered for the vacancy but not submitted to the governor. Prohibits submission of a nominee initially rejected by the governor for the same vacancy. Provides that such rejection shall not preclude a person from nomination for any subsequent vacancy.

Present law provides that if the nominating committee fails to submit a nominee within 90 days after the occurrence of a vacancy, the governor shall fill the vacancy by appointment of a person meeting the requirements for the vacancy.

Proposed law adds authorization for the governor to fill a vacancy by appointment if the nominating committee fails to submit new nominees for appointment within 45 days after receipt of notice of the governor's rejection of all nominees for a vacancy.

Present law provides that each appointment is subject to confirmation by the Senate.

Proposed law adds that when an appointee is not confirmed by the Senate for any reason, a new appointment shall be made in the same manner as the original appointment.

Effective August 1, 2014.

(Amends R.S. 38:330.1(C)(3) and (4))