

## RÉSUMÉ DIGEST

ACT 395 (HB 688)

2025 Regular Session

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Prior law created the board of commissioners (board) for each flood protection authority which included the board of the Southeast La. Flood Protection Authority-East (SLFP-E) composed of nine members of whom there must be at least one member from St. Bernard Parish, two members from Jefferson Parish, and three members from Orleans Parish who must reside within the territorial jurisdiction of the authority. These members were appointed by the governor from nominations submitted by the nominating committee as follows:

- (1) Five members in an engineering or a science-related field with one of the members, being a civil engineer.
- (2) Two members in any other discipline other than that occurring in present law with at least 10 years of professional experience in that discipline.

New law modifies prior law by adding three members who do not reside within the territorial jurisdiction of the authority. Further reduces the number of members with engineering or science-related backgrounds from five to four and increasing the number of members in any other discipline other than that occurring in a science-related field from two to three.

Prior law required the nominating committee for each board to be composed of members or designees from the following entities:

- (1) The Public Affairs Research Council of La.
- (2) The Council for A Better La.
- (3) The La. Geological Survey at LSU.
- (4) The Assoc. of State Floodplain Managers.
- (5) The National Society of Black Engineers.
- (6) The College of Engineering at the University of N.O.
- (7) The School of Science and Engineering at Tulane University.
- (8) The College of Engineering at Southern University and Agricultural and Mechanical College.
- (9) The College of Engineering at LSU.
- (10) The American Society of Civil Engineers.
- (11) The La. Engineering Society.

New law modifies prior law by changing an appointing authority of the nominating committee from the Council for A Better Louisiana to Leaders for A Better Louisiana and includes the executive director or designee of the Coastal Protection and Restoration Authority (CPRA) as a member.

Prior law required the regional directors, or in their absence, the presidents of the boards of the SLFP-E and the Southeast Louisiana Flood Protection Authority-West Bank (SLFP-W) be the custodian of records of the nominating committee for their respective flood authority. Further required the chair of either the SLFP-E or the SLFP-W nominating committee, or in his absence, the regional directors, or in the absence of a regional director, the presidents of the boards to call the meeting of the committee for their respective flood authority. Additionally, required the regional directors, or in their absence, the presidents of the

SLFP-E and SLFP-W boards or their designees, serve as secretary for the nominating committee for their respective flood authority.

New law modifies prior law by replacing the regional directors, or in their absence, the presidents of the boards of the SLFP-E and the SLFP-W with the executive director of the CPRA or his designee to be custodian of records of the nominating committee for their respective flood authority. Further replaces the regional directors, or in their absence, the presidents of the boards of the SLFP-E and the SLFP-W with the chair to call the meeting of the committee for the respective flood authority. Additionally, requires the executive director of the CPRA to serve as secretary for the nominating committee for the respective flood authority.

Prior law required all nominating committee members be appointed for eight years. Further provided that a former nominating committee member be reappointed to a nominating committee four years from the completion of previous terms and that service for four or more years of an unexpired term will constitute a term.

New law modifies prior law by including a term end date of Jan. 1st at the end of each term. Further requires that a term for nominating committee members whose eight-year term expires in 2025 will end on Jan. 1, 2026.

Existing law specifies that the nominating committee is a "public body" for the purposes of Open Meetings Law and Public Records Law applies to such committee.

New law allows nominating committee members to attend meetings and convene remotely.

New law requires the CPRA assign a staff representative to assist the nominating committee in its work and preparation of meetings.

New law requires the nominating committee be represented by the attorney general.

Prior law required the board notify the chair of the nominating committee and regional directors, or in their absence, the presidents of the boards of the SLFP-E and the SLFP-W within 10 days after the occurrence of an unexpected vacancy within the flood protection authority board. Clarifies that a vacancy is unexpected whenever it occurs for a reason other than the expiration of a term. Required the regional directors, or in their absence, the presidents of the boards of the SLFP-E and the SLFP-W 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. Further required the publishing of the notice of the unexpected vacancy no later 30 days following receipt by the regional directors, or in their absence, the presidents of the boards of the SLFP-E and the SLFP-W.

New law modifies prior law by eliminating the requirements for the board to notify the regional directors, or in their absence, the presidents of the boards of the SLFP-E and the SLFP-W of the unexpected vacancy within the flood district. Further replaces the regional directors, or in their absence, the presidents of the boards of the SLFP-E and the SLFP-W with the chair to provide notice of an unexpected vacancy and publish it in the official journal of the state and of each parish within the territorial jurisdiction of the authority.

Prior law required the nominating committee meet to determine the nominations for each unexpected vacancy within the time limitations set forth in prior law. Further required the committee consider each name submitted and select the nominees for each unexpected vacancy. Further required the committee to submit one nominee for each vacancy. Additionally, required a majority vote for nominations and such nominations be submitted to the governor for consideration no later than 120 days after the notification of the occurrence of such unexpected vacancy to the regional directors, or in their absence, the presidents of the boards of the SLFP-E and the SLFP-W. Required the governor appoint one of the nominees submitted by the committee within 30 days of submission of the nominations and submit an appointee to the Senate for confirmation 48 hours from the appointment.

New law modifies prior law by eliminating the 30 day and no later than 90 day requirement for publication in the official journal. Further increases the number of nominees the committee must submit for unexpected vacancies from one to two. Further reduces the timeframe for submission of nominees to fill the unexpected vacancies from 120 days to 90 days after notification. Further eliminates the 48 hour requirement for submission of appointees to the Senate to fill the unexpected vacancy.

Prior law required the governor appoint a qualified person within the time limitations set forth in prior law if the nominating committee fails to submit a nominee within 120 days after the notice of an unexpected vacancy to the regional directors, or in the absence of a regional director, the presidents of the boards of the SLFP-E and the SLFP-W.

New law modifies prior law by restricting the nominating committee's timeframe for submission of a nominee to fill the unexpected vacancy from 120 days to 90 days after notification of the vacancy. Further eliminates the requirement that the regional directors, or in their absence, the presidents of the boards of commissioners of the SLFP-E and SLFP-W notify the nominating committee of the vacancy.

Prior law required the board notify the chair of the nominating committee and regional directors, or in their absence, the presidents of the boards of the SLFP-E and the SLFP-W of any expected vacancy occurring the following year due to expiration of a term. Further required the regional directors, or in their absence, the presidents of the SLFP-E and the SLFP-W boards publish a notification of each expected vacancy in the official journal of the state and of each parish within the territorial jurisdiction of the authority. Provided that such notification be published no later than 30 days after receipt by the regional directors, or in their absence, the presidents of the SLFP-E and the SLFP-W boards.

New law modifies prior law by eliminating the requirement that the board notify the regional directors, or in their absence, the presidents of the boards of the SLFP-E and the SLFP-W of any expected vacancy occurring the following year due to expiration of a term. Further replaces the regional directors, or in their absence, the presidents of the SLFP-E and the SLFP-W boards with chair to provide notice of an unexpected vacancy and publish it in the official journal of the state and of each parish within the territorial jurisdiction of the authority.

Prior law required the nominating committee meet to determine the nominations to fill each expected vacancy at least 30 days after the latest date of the notice publication and no later than 90 days after the latest date of notice publication set forth in prior law. Further required the committee consider each name submitted and select the nominees for each expected vacancy who meet the requirements of existing law. Additionally, required the committee submit one nominee for an expected vacancy in a position provided for in existing law and submit two nominees for each expected vacancy in a position provided for in existing law. Provided that a majority vote is needed to nominate persons to positions on the board. The committee was required to submit its nominations for each expected vacancy to the governor for consideration no later than 30 days prior to the start of Regular Session.

New law modifies prior law by requiring the nominating committee to follow the procedures in new law and provides for the procedure if nominations are not submitted 30 days prior to the start of the Regular Session. Further removes the timeframe for the nominating committee to provide notice publication in the official journal of each expected vacancy; removes the requirement that the committee consider each name submitted and select the nominees for each expected vacancy who meet the requirements of prior law; that a majority vote is needed to nominate persons to positions on the board; that the committee must submit its nominations for each expected vacancy to the governor for consideration no later than 30 days prior to the start of Regular Session; and provides the time limitations for the appointment of nominees.

Prior law required members of each board, at their first meeting, determine by lot their terms of office, which terms commence immediately upon their appointment and their expiration including all commissioners appointed, except a commissioner appointed to fill an unexpired term. Further required the commissioners be appointed for staggered terms of four years and prohibited a member from serving more than two consecutive terms. Specified that serving

two years or more of an unexpired term constitutes a term. Authorized a former board member be reappointed to the board after sitting out four years from the completion of his last consecutive term.

New law modifies prior law by increasing consecutive terms of the members from two to three, beginning on June 1, 2025.

Existing law prohibits a person from serving on the board beyond the expiration of a term unless reappointed to a position on the board through the process required by existing law.

New law retains existing law.

Effective upon signature of governor (June 20, 2025).

(Amends R.S. 38:330.1(C)(1)(a)(intro. para.) and (i) and (ii), (2)(a)(ii) and (c) through (e), (3)(a) through (c), and (4) and (D); Adds R.S. 38:330.1(C)(2)(a)(xii) and (f) and (g))