



1 of R.S. 2:701 through 714, is hereby enacted to read as follows:

2 **CHAPTER 6. BATON ROUGE REGIONAL AIRPORT AUTHORITY**

3 **§701. Legislative intent; short title**

4 **The legislature hereby authorizes the Baton Rouge Metropolitan Council**  
5 **and Parish of East Baton Rouge to form a special purpose airport authority for**  
6 **the Baton Rouge Metropolitan Airport, or as otherwise named. This Chapter**  
7 **shall be known and may be cited as the "Baton Rouge Regional Airport**  
8 **Authority Act".**

9 **§702. Definitions**

10 **A. As used in this Chapter:**

11 **(1) "Airport" means as defined in LA R.S. 2:1(9).**

12 **(2) "Airport facilities" means any of the following at an airport:**

13 **(a) Movable or immovable property or an interest in movable or**  
14 **immovable property used for the landing, taking off, taxiing, parking, or storing**  
15 **of aircraft, or for receiving or discharging passengers or cargo, an appurtenant**  
16 **area used for an airport building or other facility, and any appurtenant**  
17 **right-of-way.**

18 **(b) Movable or immovable property including an easement, used for**  
19 **over-flight, noise abatement, a clear zone, a side transition zone, an**  
20 **environmental mitigation requirement, utilities, a drainage system, a**  
21 **right-of-way, or any other requirement imposed as a condition of approving the**  
22 **acquisition, construction, expansion, or operation of other airport facilities,**  
23 **whether located within the boundaries of the parish of East Baton Rouge or not.**

24 **(c) Structures, buildings, and improvements, including aeronautical and**  
25 **nonaeronautical, commercial or noncommercial structures, concessions,**  
26 **roadways, beacons, markers, communication systems, and navigational aids.**

27 **(d) Any other improvements or facilities necessary, useful, or intended**  
28 **for use in the operation of an airport.**

29 **(3) "Approval date" means the date of the issuance by the Federal**  
30 **Aviation Administration to the regional authority assuming operational**

1 jurisdiction of the airport of a certificate under 14 CFR 139 with respect to the  
2 airport, and the concurrence by the Federal Aviation Administration of the  
3 designation of the regional authority as a sponsor of the airport, including the  
4 Federal Aviation Administration's approval of the assignment of existing grant  
5 agreements to the regional authority.

6 (4) "Board" means the governing body of the regional authority  
7 appointed by the Baton Rouge Metropolitan Council.

8 (5) "Baton Rouge Regional Airport Authority" means a body politic and  
9 corporate and a political subdivision of this state. The authority shall exercise  
10 such powers and duties as herein specified or as necessary or convenient to  
11 carry out its purposes.

12 (6) "Chief executive officer" means the chief administrative officer of the  
13 regional authority.

14 (7) "Enplanement" means a domestic, territorial, or international  
15 revenue passenger who boards an aircraft that departs from the airport.

16 (8) "FAA" means the Federal Aviation Administration of the United  
17 States Department of Transportation, or any successor agency.

18 (9) "Fiscal year" means the annual period that is the fiscal year of the  
19 Baton Rouge Metropolitan Council or another annual period established by the  
20 board.

21 (10) "Local government" means the city of Baton Rouge, parish of East  
22 Baton Rouge, otherwise known as the "City-Parish", that creates the regional  
23 authority through the Baton Rouge Metropolitan Council and shall not include  
24 any governmental official who is not seated on the Baton Rouge Metropolitan  
25 Council.

26 (11) "Regional authority" means the Baton Rouge Airport Authority  
27 created pursuant to this Chapter and governed by a board.

28 (12) "Sponsor" means a public agency authorized by 49 USC 47101 to  
29 47134 to submit requests for, accept, and be responsible for performing all of  
30 the assurances associated with accepting grant agreements with respect to

1 airports from the FAA or this state, and to perform some duties and  
2 responsibilities previously assumed by the local government that owns or  
3 operates the airport before the transfer of operational jurisdiction of the airport  
4 to the regional authority created pursuant to this Chapter by virtue of the Baton  
5 Rouge Metropolitan Council's acceptance before the approval date of grants for  
6 the benefit of the airport from the FAA or another agency of the United States  
7 or this state.

8 §703. Creation of authority; jurisdiction

9 A. The Baton Rouge Regional Airport Authority authorized pursuant to  
10 this Chapter is a public body politic and corporate for purposes of state and  
11 federal law and shall comply with all of the following:

12 (1) The Open Meetings Law pursuant to R.S. 42:11 et seq.

13 (2) The Louisiana Public Records Law pursuant to R.S. 44:1 et seq.

14 B. The local government that owns or operates the airport may, by  
15 resolution, declare its intention to incorporate a regional authority. In the  
16 resolution of intent, the Baton Rouge Metropolitan Council shall set a date for  
17 a public hearing on the adoption of a proposed resolution incorporating the  
18 regional authority. The public hearing shall be held in accordance with the  
19 Open Meetings Law, R.S. 42:11 et seq. After the public hearing, if the Baton  
20 Rouge Metropolitan Council intends to proceed with the incorporation of the  
21 regional authority, it shall adopt, by majority vote of its members, a resolution  
22 adopting the articles of incorporation of the regional authority. The adoption  
23 of the resolution is subject to any applicable statutory or charter provisions with  
24 respect to the approval or disapproval by an officer of the Baton Rouge  
25 Metropolitan Council and the adoption of an ordinance over the officer's veto.  
26 The articles of incorporation for the regional authority shall take effect on being  
27 filed with the secretary of state.

28 C. The validity of the incorporation of a regional authority is  
29 conclusively presumed unless questioned in an original action filed in the 19th  
30 Judicial District Court for the parish of East Baton Rouge within sixty days

1 after the creation or incorporation of the regional authority pursuant to this  
2 Chapter. The court shall hear the action in an expedited manner.

3 §704. Board of commissioners; creation; membership; terms; officers; meetings

4 A. The authority created pursuant to this Chapter shall be directed and  
5 governed by a board consisting of not fewer than five and not more than nine  
6 members, who shall serve five-year terms. The initial terms of the board  
7 members shall be specified in the articles of incorporation and staggered in a  
8 manner that the terms of not less than one member expire each year. No board  
9 member shall be appointed to more than three consecutive terms in office.

10 B. The articles of incorporation of the authority created pursuant to this  
11 Chapter shall specify the number and qualifications of the members of the  
12 board. However, not more than thirty-three percent of the members may be  
13 elected officials. At a minimum, a board member shall have experience in  
14 aviation, business, accounting, finance, marketing, engineering, law, real estate,  
15 economic development, management, or another field of value to the operation  
16 of the airport. A full-time paid employee of the local government shall not be  
17 eligible for appointment to the board.

18 C. Within sixty days after incorporation of a regional authority, the  
19 members of the governing body of the Baton Rouge Metropolitan Council shall  
20 appoint the members of the board. Before assuming the duties of office, a  
21 member of the board shall qualify by taking and subscribing to the  
22 constitutional oath of office.

23 D. A member of the board whose term has expired shall hold office until  
24 the board member's successor is appointed and qualified, or until resignation  
25 or removal. If a member of the board is removed or is unable to complete his  
26 term of office, the governing body shall appoint a successor to complete the  
27 term. A member of the board may resign by written notice to the regional  
28 authority. The resignation is effective on receipt by the secretary or chairperson  
29 of the regional authority or at a subsequent time as set forth in the notice of  
30 resignation. The regional authority shall promptly advise the Baton Rouge

1 Metropolitan Council in writing of any vacancy. The legislative body shall  
2 appoint a new member to fill the vacancy within sixty days after the Baton  
3 Rouge Metropolitan Council is advised of the notice of resignation by the  
4 regional authority.

5 E. The Baton Rouge Metropolitan Council shall only remove a board  
6 member for cause. The definition of cause shall include failure to attend at least  
7 seventy-five percent of the meetings of the board each fiscal year, conviction of  
8 a felony, breach of fiduciary duty to the regional authority, and other conduct  
9 as specified in the articles of incorporation or bylaws of the regional authority.

10 F. Within ninety days after the regional authority is incorporated  
11 pursuant to this Chapter, the board of the regional authority shall hold its first  
12 meeting. At the first meeting, the board shall elect a chairperson, vice  
13 chairperson, secretary, and any additional officers that the board considers  
14 necessary. With the exception of the treasurer, all officers of the board shall be  
15 elected annually by, and shall be members of, the board.

16 G. Except for those powers reserved or delegated to the chief executive  
17 officer of the regional authority by this Chapter or by the board, the board may  
18 withdraw from the chief executive officer any power that the board has  
19 delegated to the chief executive officer.

20 H. The regional authority shall not compensate a member of the board  
21 for service to the authority or attendance at a meeting, but may reimburse a  
22 member for an actual and necessary expense incurred in the discharge of the  
23 member's official duties.

24 I. The board shall act only by resolution or ordinance. A vote of the  
25 majority of the board members present at a meeting of the board or a  
26 committee of the board at which a quorum is present constitutes the action of  
27 the board or committee unless the articles of incorporation or bylaws of the  
28 regional authority require otherwise.

29 §705. Meetings; special meetings; audit committees

30 A. After organization, the board shall adopt a schedule of regular

1 meetings and adopt a regular meeting date, place, and time. The board shall  
2 meet not less than quarterly.

3 B. A special meeting of the board may be scheduled as provided in the  
4 bylaws of the regional authority, but the board chairperson shall call a special  
5 meeting on request of two or more board members.

6 C. The board shall appoint an audit committee consisting of at least two  
7 members of the board. The audit committee shall meet not less than annually  
8 with the chief financial officer, the chief executive officer, and the independent  
9 auditors of the regional authority to review reports related to the financial  
10 condition, operations, performance, and management of the regional authority  
11 and airport.

12 §706. Chief executive office; qualifications; requirements

13 A. (1)The board shall appoint a chief executive officer who shall have  
14 professional qualifications and experience comparable with the requirements  
15 of the chief executive officer position that are consistent in the industry  
16 regarding the management and operation of a publicly owned and operated  
17 airport that is certified by the FAA under 14 CFR 139.

18 (2) The chief executive officer shall be an ex officio member of the board,  
19 who is not considered in determining the presence of a quorum, and does not  
20 have a vote. The chief executive officer serves at the pleasure of the board.

21 (3) The board may enter into a contract with the chief executive officer  
22 for a commercially reasonable length of time comparable with the length of time  
23 for contracts of airport chief executive officers, directors, or managers with  
24 similar responsibilities at other airports or airport authorities in or outside of  
25 this state with a comparable number of annual enplanements. A contract  
26 executed pursuant to this Subsection shall be terminable at will by the board.

27 B.(1)A chief executive officer shall appoint a chief financial officer who  
28 shall serve as the treasurer of the regional authority.

29 (2) The chief financial officer shall have professional qualifications  
30 commensurate with the responsibility of the jobs to be performed by chief

1 financial officers.

2 (3) Notwithstanding any law to the contrary, the chief financial officer  
3 shall receive all money belonging to the regional authority, or arising, or  
4 received in connection with the airport from any source.

5 (4) The chief financial officer shall deposit, invest, and pay money of the  
6 regional authority only in accordance with applicable state law and policies,  
7 procedures, ordinances, or resolutions adopted by the board. On and after the  
8 approval date, the regional authority shall be considered to be the owner of all  
9 money or other property previously or later received by the treasurer of the  
10 Baton Rouge Metropolitan Council or deposited in the treasury of the local  
11 government to the credit of the airport for which operational jurisdiction has  
12 been transferred to the regional authority. The regional authority shall be  
13 entitled to all interest and other earnings on the money on and after the  
14 approval date. The treasurer of the Baton Rouge Metropolitan Council that  
15 receives or has custody of money or other property that belongs to the regional  
16 authority shall promptly transfer the money or other property to the custody  
17 of the chief financial officer of the regional authority.

18 C. The board shall require the chief financial officer and chief executive  
19 officer to post a suitable bond of not less than one hundred thousand dollars by  
20 a responsible bonding company. The regional authority shall pay the premium  
21 of the bond.

22 D. The board shall prescribe the duties and responsibilities of the chief  
23 executive officer that are in addition to the duties and responsibilities imposed  
24 on the chief executive officer pursuant to this Chapter. The chief executive  
25 officer shall supervise, and is responsible for, all of the following:

26 (1) The day-to-day operation of the airport, including the control,  
27 supervision, management, and oversight of the functions of the airport.

28 (2) The issuance of bonds and notes as approved by the board.

29 (3) The negotiation, establishment and approval of compensation and  
30 other terms and conditions of employment for employees of the regional

1 authority, within the budget approved by the board. However, any collective  
2 bargaining agreements for represented employees are subject to board  
3 approval.

4 (4) The appointment, dismissal, discipline, demotion, promotion, and  
5 classification of employees of the regional authority.

6 (5) The negotiation, supervision, and enforcement of other contracts as  
7 approved by the board and entered into by the regional authority and the  
8 supervision of contractors and subcontractors of the regional authority in the  
9 performance of their duties.

10 E. The chief executive officer may execute and deliver, and delegate  
11 signatory power for, contracts, leases, obligations, and other instruments  
12 approved by the board or for which power to approve has been delegated to the  
13 chief executive officer of the regional authority pursuant to this Chapter or by  
14 action of the board. The chief executive officer shall have all powers incident to  
15 the performance of his or her duties that are prescribed pursuant to this  
16 Chapter or by the board. The board may delegate additional powers to the chief  
17 executive officer not enumerated in this Chapter. If the chief executive officer  
18 is temporarily absent or disabled, he may designate a qualified person as acting  
19 chief executive officer to perform the duties of the office. If the chief executive  
20 officer fails or is unable to designate an acting chief executive officer, the board  
21 shall designate an acting chief executive officer for the period of absence or  
22 disability of the chief executive officer.

23 §707. Policies; procurement; employees

24 A. The regional authority shall establish procurement policies and  
25 procedures consistent with the procurement policies of the FAA and any  
26 applicable state laws or rules, including any competitive bidding requirements.

27 B. The regional authority may enter into a lease purchase or installment  
28 purchase contract for a period not to exceed the anticipated useful life of the  
29 item purchased. The authority may enter into a cooperative purchasing  
30 agreement with the state or another public entity for the purchase of goods,

1 including but not limited to recycled goods, and services necessary for the  
2 operation of the authority.

3 C. A member of the board or an officer, appointee, or employee of the  
4 regional authority shall be a public servant pursuant to R.S. 42:1102(19), and  
5 is subject to any other applicable law with respect to conflicts of interest. The  
6 board shall establish an ethics policy governing the conducting of airport  
7 business and the conduct of airport employees. The regional authority shall  
8 establish policies that are no less stringent than those provided for public  
9 officers and employees by R.S. 42:1101 et seq., and coordinate efforts for the  
10 regional authority to preclude the opportunity for and the occurrence of  
11 transactions by the regional authority that would create a conflict of interest  
12 involving members of the board or employees of the authority.

13 D. A member of the board or an officer, appointee, or employee of the  
14 regional authority is not subject to personal liability when acting in good faith  
15 within the scope of his or her authority and is not subject to liability for any  
16 liability of the regional authority. The board may defend and indemnify a  
17 member of the board or an officer, appointee, or employee of the regional  
18 authority against liability arising out of the discharge of his or her official  
19 duties. A regional authority may procure an insurance policy or policies to  
20 cover members of the board and officers, appointees, and employees of the  
21 regional authority from personal loss or accountability for liability asserted by  
22 a person with regard to bonds or other obligations of the regional authority, or  
23 from any personal liability or accountability by reason of the issuance of the  
24 bonds or other obligations or by reason of any other action taken or the failure  
25 to act by the regional authority. The regional authority may also purchase and  
26 maintain insurance on behalf of any person against any liability asserted against  
27 the person and incurred by the person in any capacity or arising out of the  
28 status of the person as a member of the board or an officer or employee of the  
29 regional authority, whether or not the regional authority would have the power  
30 to indemnify the person against that liability under this subsection.

1        **§708. General powers of the authority**

2                **A. The regional authority may do any of the following:**

3                **(1) Adopt a corporate seal.**

4                **(2) Sue or be sued in a court of competent jurisdiction of this state or**  
5 **federal court. The state court of competent jurisdiction shall be the 19th**  
6 **Judicial District Court for the parish of East Baton Rouge. The federal court of**  
7 **competent jurisdiction shall be the Middle District Court of Louisiana.**

8                **(3) Plan, promote, extend, maintain, acquire, purchase, construct, install,**  
9 **improve, repair, enlarge, and operate all airport facilities under the operational**  
10 **jurisdiction of or owned by the regional authority.**

11               **(4) Assume and perform the obligations and the covenants related to the**  
12 **airport that are contained in an agreement or other document by the local**  
13 **government or between the local government and the state or the FAA relative**  
14 **to grants for the airport or airport facilities.**

15               **(5) Acquire, by grant, purchase, devise, or lease, the exercise of the right**  
16 **of eminent domain, expropriation, or otherwise, and hold movable and**  
17 **immovable property, in fee simple or any lesser interest or by easement, as the**  
18 **regional authority considers necessary either for the construction of airport**  
19 **facilities or for the efficient operation or extension of any airport facilities**  
20 **acquired or constructed or to be constructed pursuant to this Chapter, and,**  
21 **except as otherwise provided, hold in its name, lease, and dispose of all real and**  
22 **personal property owned by or under the operational jurisdiction of the**  
23 **regional authority. The acquisition of land by the regional authority for an**  
24 **airport or airport facilities in furtherance of the purposes of the regional**  
25 **authority, and the exercise of any other powers of the regional authority, are**  
26 **public, governmental, and municipal functions, purposes and uses exercised for**  
27 **a public purpose, and matters of public necessity.**

28               **(6) Enter into all contracts and agreements necessary or incidental to the**  
29 **performance of its duties and execution of its powers pursuant to this Chapter**  
30 **with a department or agency of the United States, with a state or local**

1 governmental agency, or with another person, public or private, on terms and  
2 conditions acceptable to the regional authority.

3 (7) Have and exercise exclusive responsibility to study and plan any  
4 improvements, expansion, or enhancements that affect the airport, and  
5 commission planning, engineering, economic, and other studies to provide  
6 information for making decisions about the location, design, management, and  
7 other features of the airport or airport facilities.

8 (8) Exercise responsibility for developing all aspects of the airport and  
9 airport facilities, including but not limited to all of the following:

10 (a) The location of terminals, hangars, aids to air navigation, parking lots  
11 and structures, cargo facilities, and all other facilities and services necessary to  
12 serve passengers and other customers of the airport.

13 (b) Street and highway access and egress with the objective of  
14 minimizing, to the extent practicable, traffic congestion on access routes in the  
15 vicinity of the airport.

16 (c) Participation in programs and economic development that directly  
17 benefits the airport.

18 (9) Act as a sponsor and submit requests for, accept, and be responsible  
19 to perform all of the assurances associated with accepting grants from the FAA  
20 or another agency of the United States or of this state with respect to the airport  
21 under the operational jurisdiction of the regional authority, and perform the  
22 duties and responsibilities previously assumed by the local government by  
23 virtue of its acceptance of grants from the FAA or another agency of the United  
24 States or this state.

25 (10) Enter into agreements to use the facilities or services of this state, a  
26 subdivision or department of this state, a parish or municipality, or the federal  
27 government or an agency of the federal government as necessary or desirable  
28 to accomplish the purposes of this Chapter for consideration or pursuant to a  
29 cost-allocation formula in compliance with its obligations under applicable  
30 federal law, regulations, and assurances associated with accepting grants from

1 the FAA or another agency of the United States or this state, including, but not  
2 limited to policies of the FAA prohibiting revenue diversion or the payment of  
3 fees exceeding the value of services provided by a governmental agency.

4 (11) Allow this state, a subdivision or department of this state, a parish  
5 or municipality, or the federal government or an agency of the federal  
6 government to use airport facilities or the services of the regional authority as  
7 necessary or desirable to accomplish the purposes of this Chapter, for  
8 consideration acceptable to the regional authority in compliance with its  
9 obligations under applicable federal law, regulations, and assurances associated  
10 with accepting grants from the FAA or another agency of the United States or  
11 this state.

12 (12) Adopt and enforce in a court of competent jurisdiction of this state  
13 reasonable rules, regulations, and ordinances for the orderly, safe, efficient, and  
14 sanitary operation and use of airport facilities, and establish civil and criminal  
15 penalties for the violation of rules, regulations, and ordinances authorized  
16 pursuant to this Chapter to the same extent as the local government.

17 (13) Enter into exclusive or nonexclusive contracts, leases, franchises, or  
18 other arrangements with any person or persons for granting the privilege of  
19 using, improving, or having access to the airport, the airport facilities, or a  
20 portion of the airport or the airport facilities, for commercial airline-related  
21 purposes consistent with its obligations under applicable federal law,  
22 regulations, and assurances associated with accepting grants from the FAA or  
23 another agency of the United States or this state.

24 (14) Enter into exclusive or nonexclusive contracts, leases, or other  
25 arrangements not provided for in Paragraph (13) of this Subsection for  
26 commercially reasonable terms consistent with its obligations under applicable  
27 federal law, regulations, and assurances associated with accepting grants from  
28 the FAA or another agency of the United States or this state.

29 (15) Apply for and receive loans, grants, guarantees, or other financial  
30 assistance in aid of airport facilities and the operation of the airport from a

1 state, federal, parish, or municipal government or agency or from another  
2 source, public or private, including financial assistance for planning,  
3 constructing, improving, or operating the airport, for providing security at the  
4 airport, or for providing ground access to the airport.

5 (16) Appoint and vest with police powers airport law enforcement  
6 officers, guards, or police officers pursuant to this Chapter. The law  
7 enforcement officers, guards, or police officers of the regional authority have  
8 the full police powers and authority of municipal police officers in the areas  
9 over which the regional authority has operational jurisdiction, including but not  
10 limited to the prevention and detection of crime, the power to investigate and  
11 enforce the laws of this state, rules, regulations, and ordinances issued by the  
12 regional authority, and, to the extent permitted or required by federal law and  
13 regulations, requirements of federal law and regulations governing airport  
14 security. The officers may issue summonses, make arrests, and initiate criminal  
15 proceedings. The regional authority shall be responsible for all actions of its  
16 officers committed under color of their official position and authority. The law  
17 enforcement officers of the regional authority shall be recognized as municipal  
18 police officers as defined in R.S. 40:1667 et seq.

19 (17) Appoint and vest with fire protection and prevention powers airport  
20 firefighters, Aircraft Rescue Firefighting (ARFF) officers, and employees  
21 pursuant to this Chapter. The firefighters, ARFF officers, and employees of the  
22 regional authority have the full powers and authority in the areas over which  
23 the regional authority has operational jurisdiction, including but not limited to  
24 the prevention of fire, fire protection, fire inspection, and the power to  
25 investigate and enforce the laws of this state, rules, regulations, and ordinances  
26 issued by the regional authority, and, to the extent permitted or required by  
27 federal law and regulations. The regional authority is responsible for all actions  
28 of its firefighters and ARFF officers committed under color of their official  
29 position and authority.

30 (18) Procure insurance or become a self-funded insurer against loss in

1 connection with the property, assets, or activities of the regional authority.

2 (19) Invest money of the regional authority, consistent with applicable  
3 state law and the contractual obligations of the regional authority, at the  
4 board's discretion, in instruments, obligations, securities, or property  
5 determined proper by the board, and name and use depositories for its money.

6 (20) Fix, charge, and collect rates, fees, rentals, and charges in and for  
7 the use and operation of the airports under the operational jurisdiction of the  
8 regional authority.

9 B. Except as otherwise prohibited by this Chapter, the regional authority  
10 shall have all the powers of a political subdivision pursuant to this act. The  
11 powers granted to the regional authority are public and governmental  
12 functions.

13 C. Notwithstanding any other provision of law to the contrary, the  
14 regional authority shall have the power and authority to levy a tax, including  
15 but not limited to those taxes authorized by R.S. 2:329, subject to the  
16 requirements necessary and provided under state law.

17 D. Unless the regional authority obtains the approval of the Baton Rouge  
18 Metropolitan Council, the regional authority shall not incur any indebtedness  
19 pledging, on a superior basis, any revenues from airport facilities that are  
20 otherwise pledged to secure any obligation, note, bond, or other instrument of  
21 indebtedness for which the full faith and credit of the Baton Rouge  
22 Metropolitan Council has been pledged. The Baton Rouge Metropolitan Council  
23 may establish conditions under which the regional authority may incur  
24 indebtedness pledging, on a parity basis, any revenues from airport facilities  
25 that are otherwise pledged to secure any obligation, note, bond, or other  
26 instrument of indebtedness for which the full faith and credit of the Baton  
27 Rouge Metropolitan Council has been pledged.

28 E. Upon the creation or incorporation of the authority provided for in  
29 this Chapter, the Baton Rouge Metropolitan Council shall not pledge airport  
30 facilities or assets to secure any instrument of indebtedness except to secure

1 bonds issued for airport capital improvement projects after the creation or  
2 incorporation of the regional authority and before the approval date.

3 F. The regional authority shall not take any action contrary to  
4 obligations assumed or entered into under state law or federal rules or  
5 regulations or any agreement entered into or assumed with respect to state or  
6 federal grants.

7 G. The Baton Rouge Metropolitan Council shall not take any action  
8 contrary to obligations or covenants under applicable state or federal law,  
9 regulations, and assurances associated with the state or federal government.

10 H. If the Baton Rouge Metropolitan Council previously acted as a  
11 sponsor and action by, or concurrence of, the local government is required to  
12 complete a project related to the airport or airport facilities, the local  
13 government shall not withhold, condition, or delay concurrence with any  
14 regional authority action necessary to complete the project in accordance with  
15 obligations under applicable federal law, regulations, and assurances associated  
16 with accepting grants from the FAA or another agency of the United States or  
17 this state.

18 I. The regional authority shall serve as the agent of the local government  
19 for the preparation, submission, execution, and administration of any state or  
20 federal grants pending on the approval date. The regional authority shall also  
21 act as the custodian of all money received or to be received by the local  
22 government or the regional authority for the projects for which the grants were  
23 awarded.

24 §709. Implementation; requirements; approval date

25 A. All of the following shall occur on the FAA approval date:

26 (1) The regional authority may acquire, and shall assume the exclusive  
27 right, responsibility, and authority to occupy, operate, control, and use, the  
28 airport and the airport facilities owned by the local government on the date in  
29 which the FAA issues approval, subject only to any restrictions imposed by this  
30 Chapter.

1           **(2) The local government shall convey title to or enter into a lease of the**  
2           **immovable property comprising the airport with the regional authority, which**  
3           **shall otherwise acquire and succeed to all rights, title, and interests in and to the**  
4           **fixtures, equipment, materials, furnishings, and other personal property owned**  
5           **and used for purposes of the airport on that date by the local government. The**  
6           **officers of the local government shall execute the instruments of conveyance,**  
7           **assignment, and transfer that are necessary and appropriate to comply with this**  
8           **Section.**

9           **(3) The regional authority shall assume, accept, and become solely liable**  
10           **for all of the lawful obligations, promises, covenants, commitments, and other**  
11           **requirements in respect of the airport of the local government, whether known**  
12           **or unknown, contingent or matured, except for any full faith and credit pledge**  
13           **of the local government in respect of bonds issued by the local government for**  
14           **airport purposes, and shall perform all of the duties and obligations and is**  
15           **entitled to all of the rights of the local government in respect of the airport**  
16           **under any ordinances, agreements, or other instruments and under law.**  
17           **Consistent with this Chapter, this assumption includes, and any person shall**  
18           **transfer to the regional authority the following:**

19           **(a) All licenses, permits, approvals, or awards related to the airport.**

20           **(b) All grant agreements, grant pre-applications, and the right to receive**  
21           **the balance of any money payable under the agreements.**

22           **(c) The right to receive any money, including any passenger facility**  
23           **charges, payable to the local government on the approval date and money paid**  
24           **to the local government after the approval date.**

25           **(d) The benefit of contracts and agreements.**

26           **(e) All of the local government's duties, liabilities, responsibilities, and**  
27           **obligations as sponsor of the airport, except for any obligation or liabilities**  
28           **contested in good faith by the regional authority.**

29           **B. All lawful actions, commitments, and proceedings including but not**  
30           **limited to revenue bond financing for which a notice of intent resolution has**

1 been adopted, of the local government made, given, or undertaken before the  
2 date of assumption by the regional authority pursuant to this Section are  
3 ratified, confirmed, and validated on assumption by the regional authority. All  
4 actions, commitments, or proceedings undertaken shall, and all actions,  
5 commitments, or proceedings of the local government in respect of the airport  
6 in the process of being undertaken by, but not yet a commitment or obligation  
7 of, the local government in respect of the airport may, from and after the date  
8 of assumption by the regional authority pursuant to this Section, be undertaken  
9 and completed by the regional authority in the manner and at the times  
10 provided in this Chapter or other applicable law and in any lawful agreements  
11 made by the local government before the date of assumption by the regional  
12 authority pursuant to this Section.

13 C. The exclusive right and authority to occupy, operate, control, and use  
14 the airport facilities includes but is not limited to all of the following:

15 (1) Operational jurisdiction over all immovable property of the airport,  
16 including but not limited to terminals, runways, taxiways, aprons, hangars, aids  
17 to air navigation, vehicles or facilities, parking facilities for passengers and  
18 employees, and buildings and facilities used to operate, maintain, and manage  
19 the airport, subject to any liens on the immovable property and restrictions and  
20 limitations on the use of the immovable property.

21 (2) The local government's right, title, and interest in, and all of the local  
22 government's responsibilities arising under, leases, concessions, and other  
23 contracts for airport facilities.

24 D. The acquisitions, assumptions, successions, or transfers provided for  
25 in this Section include but are not limited to all of the following:

26 (1) All contracts and other obligations with airlines, tenants,  
27 cessionaires, leaseholders, and others at the airport.

28 (2) All financial obligations secured by revenues and fees generated from  
29 the operations of the airport, including, but not limited to, airport revenue  
30 bonds, special facilities revenue bonds, and all bonded indebtedness associated

1 with the airport.

2 (3) All cash balances and investments relating to or resulting from  
3 operations of the airport for which operational jurisdiction has been transferred  
4 to the regional authority, all money held under an ordinance, resolution, or  
5 indenture related to or securing obligations of the local government that have  
6 been assumed by the regional authority, all of the accounts receivable in action  
7 arising from operations of the airport, and all benefits of contracts and  
8 agreements.

9 (4) All office equipment including but not limited to computers, records  
10 and files, software, and software licenses required for financial management,  
11 personnel management, accounting and inventory systems, and general  
12 administration.

13 §710. Operational jurisdiction; transfers

14 A. The transfer of the operational jurisdiction over the airport to the  
15 regional authority shall not in any way impair any contract with an airline,  
16 vendor, tenant, bondholder, or other party in privity with the local government.

17 B. Upon the transfer of operational jurisdiction over the airport, the  
18 local government is relieved from all further costs and responsibility arising  
19 from or associated with control, operation, development, and maintenance of  
20 the airport, except as otherwise required under obligations retained by the local  
21 government pursuant to this Chapter or as otherwise agreed by the local  
22 government.

23 C. The local government shall comply with all of the following:

24 (1) Refrain from any action that would impair the regional authority's  
25 exercise of the powers granted to the regional authority pursuant to this  
26 Chapter or that could cause the regional authority to violate its rate or bond  
27 covenants.

28 (2) Refrain from any action to sell, transfer, or otherwise encumber or  
29 dispose of airport facilities owned by the local government without the consent  
30 of the regional authority and, if necessary, the FAA.

1           **(3) Take all action reasonably necessary to cure any defects in title to**  
2           **airport facilities transferred to the regional authority.**

3           **(4) Upon incorporation of the regional authority and before the FAA**  
4           **approval date, conduct operations of the airport in the ordinary and usual**  
5           **course of business.**

6           **(5) Maintain, repair and keep clear including provide debris and snow**  
7           **removal for any road that provides ingress and egress to the airport over which**  
8           **responsibility for maintenance and repair is retained by the local government**  
9           **pursuant to agreement or law.**

10           **D. At the request of the regional authority, the local government may**  
11           **provide the regional authority with transitional services previously performed**  
12           **by the local government and related to the operation of the airport until the**  
13           **date the regional authority elects to assume the services. The regional authority**  
14           **shall pay the cost of the services in compliance with its obligations under**  
15           **applicable federal law, regulations, and assurances associated with accepting**  
16           **grants from the FAA or another agency of the United States or this state**  
17           **including but not limited to policies of the FAA that prohibit revenue diversion**  
18           **or the payment of fees that exceed the value of services provided by a**  
19           **governmental agency.**

20           **§711. Employees; retirement; pension plans**

21           **A. Employees at the airport may transfer to the regional authority to**  
22           **which operational jurisdiction of the airport will be transferred as provided in**  
23           **this Section on one or more dates agreed to by the regional authority and the**  
24           **local government. The date or dates shall be as soon as administratively feasible,**  
25           **but not later than one hundred eighty days after the FAA approval date. The**  
26           **initial terms of employment, including for purposes of pension and other**  
27           **benefits, for transferring employees shall be substantially similar to the terms**  
28           **of employment for the employees immediately before the transfer. The regional**  
29           **authority shall offer to enter into a collective bargaining agreement covering**  
30           **transferring employees who on their transfer date were covered by a collective**

1 bargaining agreement with the local government. The agreement offered by the  
2 regional authority shall have substantially similar terms of employment as the  
3 local government collective bargaining agreement and remain in effect for the  
4 same period. The regional authority shall become the employer of transferring  
5 employees on the date of transfer without a break in employment and shall  
6 recognize the length of service of the transferring employees with the local  
7 government for purposes of the regional authority's benefit plans and  
8 programs. The local government shall not be an employer of any employee at  
9 the airport after the transfer date. The accrued local government pension  
10 benefits or credits of a transferring employee shall not be diminished because  
11 of the transfer. The pension benefits and credits shall be transferred to the  
12 retirement system or pension plan established by the regional authority as  
13 provided in Subsections B and C of this Section.

14 B. By the approval date, the regional authority shall establish a  
15 retirement system or pension plan that initially provides benefits to each  
16 transferring employee that are substantially similar to the benefits provided by  
17 the local government's retirement system or pension plan before the FAA  
18 approval date. The regional authority's retirement system or pension plan shall  
19 credit a transferring employee for his prior employment with the local  
20 government, including for purposes of eligibility, vesting, and accruals, and the  
21 employee shall make any mandatory employee contribution to the regional  
22 authority's retirement system or pension plan.

23 C. The local government shall, as soon as administratively feasible, but  
24 not later than one hundred eighty days after all employee transfers under  
25 Subsection A of this Section, transfer to the trustees of the regional authority  
26 retirement system or pension plan both of the following:

27 (1) For defined benefit plans, all accrued benefits, all accrued liabilities,  
28 and a share of the assets of the local government's plan sufficient to fund the  
29 transferring employees' accrued benefits to the extent that the benefits have  
30 been funded by the local government on or before the transfer date.

1           **(2) For defined contribution plans, the amount credited to each**  
2           **transferring employee's account in the local government's retirement system or**  
3           **pension plan on or before the transfer date. For purposes of this Paragraph, the**  
4           **local government shall fully vest the account of the transferring employee on the**  
5           **day immediately preceding the transfer date and shall make contributions on**  
6           **behalf of the transferring employee for the portion of the transfer year in which**  
7           **the employee was employed by the local government and eligible to participate**  
8           **in the plans regardless of any allocation requirements that otherwise might**  
9           **prevent the transferring employee from receiving a contribution for the year of**  
10           **the transfer.**

11           **D. The local government shall transfer the amounts to be transferred**  
12           **pursuant to Subsection E of this Section in cash or in some other form**  
13           **acceptable to the trustees. The transfer of money to the trustees pursuant to this**  
14           **Subsection terminates the local government's obligation to the transferring**  
15           **employees and the transferring employees' rights under the local government's**  
16           **retirement system and pension plans.**

17           **E. If the local government has an obligation to provide retiree health**  
18           **benefits or payments to transferring employees, the regional authority shall**  
19           **assume the obligations. The regional authority shall not assume obligations in**  
20           **excess of the amount properly allocable to the transferring employees. The local**  
21           **government shall, as soon as administratively feasible but not later than 180**  
22           **days after all employee transfers pursuant to Subsection A of this Section,**  
23           **transfer to the regional authority an amount sufficient to fund the transferring**  
24           **employees' accrued benefits to the extent that the benefits have been funded by**  
25           **the local government on or before the transfer date. The regional authority shall**  
26           **transfer the amounts required to be transferred under this Subsection to a**  
27           **qualifying entity established by the regional authority in cash, or in some other**  
28           **form acceptable to the qualifying entity. The transfer of money to a qualifying**  
29           **entity established by the regional authority pursuant to this Subsection**  
30           **terminates the local government's obligations to the transferring employees and**

1 the transferring employees' rights to receive the benefits from the local  
2 government.

3 F. This Section shall only apply to local government employees who  
4 transfer their employment to the regional authority in accordance with this  
5 Section.

6 G. An employee hired by the regional authority, other than a  
7 transferring employee, is eligible to participate in the benefit plans established  
8 by the regional authority, in accordance with and subject to the terms of the  
9 plans as established by the regional authority, in its sole discretion.

10 H. As used in this Section:

11 (1) "Transfer date" means the earlier of the date of transfer or the  
12 deadline for transfer of employment to the regional authority.

13 (2) "Transferring employee" means an employee at the airport who  
14 timely transfers to the regional authority by the transfer date.

15 §712. Transfer of operational jurisdiction; other publically owned airports

16 (1) The regional authority may accept the transfer of operational  
17 jurisdiction of other publicly owned airports, in and outside of the local  
18 government. In accepting a transfer, the regional authority shall not assume  
19 financial obligations other than those associated with the operation of the  
20 airport being transferred and with debt issued to finance improvements at the  
21 airport being transferred.

22 (2) The provisions of this Section shall in no way be construed to mean  
23 that the regional authority created herein shall have the authority to intervene  
24 in the administration or operation of any existing airport facility without the  
25 consent of the public body owning and operating such airport or airport facility  
26 and applicable federal regulations.

27 §713. Bonded indebtedness; authority

28 A. For the purpose of acquiring, purchasing, constructing, improving,  
29 installing, enlarging, furnishing, equipping, reequipping, or repairing airports  
30 and airport facilities for which operational jurisdiction is transferred pursuant

1 to this Chapter or is acquired by the regional authority, the regional authority  
2 may issue self-liquidating bonds of the authority in accordance with and  
3 exercise all of the powers conferred on public entities by and under state law.

4 B. The regional authority may borrow money and issue municipal  
5 securities in accordance with and exercise all of the powers conferred on  
6 municipalities by and under state law.

7 C. All bonds or other evidences of indebtedness issued by the regional  
8 authority pursuant to this Chapter, and the interest on them, are free and  
9 exempt from all taxation in this state, except inheritance and estate taxes and  
10 taxes on gains realized from the sale, payment, or other disposition of them.

11 D. Any suit to determine the validity of bonds issued by the regional  
12 authority shall be brought only in accordance with the provisions of R.S.  
13 13:5121 et. seq.

14 E. On request of the board of the regional authority, the Baton Rouge  
15 Metropolitan Council may take one or more of the following actions:

16 (1) Pledge the full faith and credit of the local government behind any  
17 obligation or evidence of indebtedness of the regional authority.

18 (2) Advance money to the regional authority for working capital and  
19 other purposes of the regional authority on terms and conditions agreed to by  
20 the regional authority and the local government consistent with obligations  
21 under applicable federal law, regulations, and assurances associated with  
22 accepting grants from the FAA or another agency of the United States or this  
23 state.

24 (3) Appropriate and grant money to the regional authority in  
25 furtherance of its purposes.

26 (4) Grant and convey to the regional authority movable or immovable  
27 property of any kind or nature, or any interest in movable or immovable  
28 property, for carrying out the authorized purposes of the regional authority.

29 F. A pledge made under Subsection E of this Section shall be at the  
30 discretion of the governing body and may be subject to an agreement providing

1 for terms and conditions of the pledge and for repayment of any amount paid  
2 under the pledge as the regional authority and the local government determine  
3 to be necessary and advisable consistent with obligations under applicable  
4 federal law, regulations, and assurances associated with accepting grants from  
5 the FAA or another agency of the United States or this state.

6 G. An agreement by the authority to repay an advance made pursuant  
7 to this Section and any obligation incurred by the regional authority under the  
8 agreement shall not be subject to R.S. 39:1461 et seq.

9 H. For the purpose of more effectively managing its debt service, the  
10 regional authority may enter into an interest rate exchange or swap, hedge, or  
11 similar agreement or agreements in connection with the issuance or proposed  
12 issuance of obligations or other evidences of indebtedness or in connection with  
13 its then outstanding obligations or other evidences of indebtedness. The  
14 authority may create a reserve fund for the payment of the interest rate  
15 exchange or swap, hedge, or similar agreement.

16 I. An agreement entered into pursuant to this Section shall comply with  
17 all of the following requirements:

18 (1) The agreement is not a debt of the regional authority entering into the  
19 agreement for any statutory debt limitation purpose.

20 (2) The agreement is payable from general funds of the regional  
21 authority or, subject to any existing contracts, from any available money or  
22 revenue sources, including revenues that are specified by the agreement,  
23 securing the obligation or evidence of indebtedness in connection with the  
24 agreement.

25 J. Notwithstanding anything in this Chapter or any other law to the  
26 contrary, all ordinances, resolutions, and other proceedings of the local  
27 government with respect to any outstanding bonds, notes, or evidences of  
28 indebtedness or liability assumed by a regional authority pursuant to this  
29 Chapter constitute a contract between the regional authority and the holders of  
30 the bonds, notes, or evidences of indebtedness or liability and shall have their

1 provisions enforceable against the regional authority or any or all of its  
2 successors or assigns, by mandamus or any other appropriate action or  
3 proceeding in law or in equity in any court of competent jurisdiction in  
4 accordance with law.

5 K. Bonds, notes, or evidences of indebtedness or liability that are  
6 assumed by the regional authority pursuant to this Chapter are payable solely  
7 from and secured solely by the sources of revenue that were pledged to those  
8 bonds, notes, or evidences of indebtedness or liability under the ordinance,  
9 resolution, or other proceedings of the local government.

10 L. This Chapter and any other law shall not relieve the regional  
11 authority from any bonded or other debt or liability lawfully contracted by the  
12 local government with respect to the airport and outstanding on the effective  
13 date of the transfer of the operational jurisdiction over the airport to the  
14 regional authority.

15 M. The regional authority shall not take any action to impair the rights  
16 or remedies of the holders of the bonds or other obligations of the local  
17 government that owns the airport that were lawfully issued before the transfer  
18 of operational jurisdiction of the airport to the regional authority.

19 N. Effective on the FAA approval date, trustees, paying agents, and  
20 registrars for any obligation of the local government that has been assumed by  
21 the regional authority pursuant to Subsections A through G of this Section shall  
22 perform all of their duties and obligations and provide all notices related to the  
23 obligations as if the regional authority were the issuer of the obligations. The  
24 trustees, paying agents, and registrars shall care for and consider all revenues  
25 and money pledged to secure obligations of the local government that have been  
26 assumed by the regional authority under Subsections A through G of this  
27 Section as revenues and money of the regional authority. The regional authority  
28 shall indemnify and hold harmless the trustees, paying agents, and registrars  
29 from liability incurred in compliance with this Subsection.

30 §714 . Implementation; taxation

1                   The authorized purposes of the regional authority shall be for the benefit  
 2                   of the people of the region the airport serves and in order to meet present and  
 3                   future state and regional needs with respect to the provision of adequate, safe,  
 4                   and efficient airport facilities and services to the public and to promote the  
 5                   economic development and well-being of this state. By performing an essential  
 6                   governmental function, the regional authority is not required to pay taxes or  
 7                   assessments of any kind or nature whatsoever on any property required or used  
 8                   for airport or airport facility purposes or on any rates, fees, rentals, receipts, or  
 9                   income at any time received by it.

10                  Section 2. Paragraph (C)(1) of Section 3 of Act No. 151 of the 1969 Regular Session  
 11                  of the Legislature, as amended by Act No. 804 of the 1982 Regular Session of the  
 12                  Legislature, Act No. 551 of the 1984 Regular Session of the Legislature, and Act No. 91 of  
 13                  the 1995 Regular Session of the Legislature, is hereby amended and reenacted to read as  
 14                  follows:

15                         Section 3.

16   \*       \*       \*

17                         C.(1)(a) Subject to the provisions of Section 5 hereof, there is hereby further  
 18                         created and established a board of commissioners (hereinafter called the  
 19                         "commission") composed of thirteen members. Nine members shall be from East  
 20                         Baton Rouge Parish, appointed by the authority, and shall serve terms designated by  
 21                         the authority. Such appointees shall be qualified electors in and own property  
 22                         assessed in East Baton Rouge Parish, and may be members of the city council of the  
 23                         city of Baton Rouge or the parish council of the parish of East Baton Rouge.

24                         (b) The state senators from state senatorial districts fourteen and fifteen, or  
 25                         their designees, the state representatives from state representative districts  
 26                         sixty-three, and sixty-four, or their designees, shall serve as ex officio members of  
 27                         the commission with all voting rights and privileges afforded to other members of  
 28                         the commission. They shall serve terms concurrent with their term of elected office.  
 29                         Appointment of a designee shall be at the discretion of the legislator and shall be in  
 30                         writing transmitted to the commission. The appointing legislator may be represented

1 at a meeting of the commission only by his duly appointed designee or himself. A  
 2 legislator may only have one designee at a time. A designee shall serve at the  
 3 pleasure of the appointing legislator and may be terminated at any time. No  
 4 subsequent appointment of a designee shall be permitted unless the previous  
 5 appointed designee has resigned or otherwise been terminated, and such resignation  
 6 or termination shall be transmitted in writing to the commission. **Membership seats**  
 7 **held by state legislators shall cease to exist and terminate December 31, 2027.**

8 \* \* \*

9 Section 3. The provisions and implementation of Section 1 of this Act shall be  
 10 subject to the exercise of the authority provided for in this Act by the Baton Rouge  
 11 Metropolitan Council and the approval of the transfer of the operating certificate pursuant  
 12 to 14 CFR 139 by the Federal Aviation Administration.

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

DIGEST

SB 176 Original

2025 Regular Session

Foil

Proposed law authorizes the Baton Rouge Metropolitan Council (BRMC) to form a special purpose airport authority known as the "Baton Rouge Regional Airport Authority".

Proposed law provides for definitions.

Proposed law provides requirements for the airport authority including adhering to open meetings laws, public records laws, and passage of a resolution by the BRMC.

Proposed law provides requirements for the airport authority's board of commissioners and articles of incorporation. Proposed law further provides for the requirements of the members of the board and the provisions necessary to be included in the articles of incorporation.

Proposed law provides for meetings of the board, special meetings, and audit committees made up of board members of the airport authority.

Proposed law provides for the appointment and qualifications of a chief executive officer and a chief financial officer of the airport authority. Proposed law further provides for the duties and responsibilities of the chief executive officer and the chief financial officer.

Proposed law provides for procurement policies consistent with the FAA, liability procedures, and the ability to purchase insurance policies to cover members of the board, officers, appointees, and employees of the airport authority.

Proposed law provides for legal rights and obligations of the airport authority and the airport authority's ability to accept the transfer of operational jurisdiction of other publicly owned

airports, in and outside of the local government.

Proposed law provides for employees transferring to the regional airport authority, the employees' pension plans, benefits, and collective bargaining agreements pursuant to Louisiana law.

Present law provides for the Baton Rouge Airport District and the board of commissioners.

Proposed law provides legislative members of certain legislative districts shall be removed from the commission by December 31, 2027.

Proposed law provides the Baton Rouge Regional Airport Authority shall not be an entity unless and until certain provisions are met including the adoption of a resolution by the BRMC and the approval of the transfer of the operating certificate by the FAA.

Effective August 1, 2025.

(Amends Paragraph (C)(1) of Section 3 of Act No. 151 of 1969 R.S., as amended by Act No. 804 of 1982 R.S., Act No. 551 of 1984 R.S., and Act No. 91 of 1995 R.S.; adds R.S. 32:701-714)