

SENATE BILL NO. 176

BY SENATOR FOIL

1 AN ACT

2 To amend and reenact Paragraph (C)(1) of Section 3 of Act No. 151 of the 1969 Regular
3 Session of the Legislature, as amended by Act No. 804 of the 1982 Regular Session
4 of the Legislature, Act No. 551 of the 1984 Regular Session of the Legislature, and
5 Act No. 91 of the 1995 Regular Session of the Legislature, and R.S. 11:2213(12) and
6 to enact Chapter 6 of Title 2 of the Louisiana Revised Statutes of 1950, to be
7 comprised of R.S. 2:701 through 714 and R.S. 11:2213(11)(k), 2214(A)(2)(f), and
8 2225.4(A)(2)(c), relative to the Baton Rouge Metropolitan Airport; to provide for the
9 creation of the Baton Rouge Regional Airport Authority; to authorize the Baton
10 Rouge Metropolitan Council the ability to create the Baton Rouge Regional Airport
11 Authority; to provide for definitions; to provide for the board of commissioners of
12 the authority; to provide for the powers, duties, and functions of the board; to
13 authorize for the issuance of bonds by the authority; to provide for retirement
14 benefits for the employees of the authority; to provide for a sunset date of certain
15 board members of the Greater Baton Rouge Airport District; to provide an effective
16 date; and to provide for related matters.

17 Notice of intention to introduce this Act has been published.

18 Be it enacted by the Legislature of Louisiana:

19 Section 1. Chapter 6 of Title 2 of the Louisiana Revised Statutes of 1950, comprised
20 of R.S. 2:701 through 714, is hereby enacted to read as follows:

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

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

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

1 **§702. Definitions**

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

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

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

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

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

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

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

21 **(3) "Approval date" means the date of the issuance by the Federal**
22 **Aviation Administration to the regional authority assuming operational**
23 **jurisdiction of the airport of a certificate under 14 CFR 139 with respect to the**
24 **airport, and the concurrence by the Federal Aviation Administration of the**
25 **designation of the regional authority as a sponsor of the airport, including the**
26 **Federal Aviation Administration's approval of the assignment of existing grant**
27 **agreements to the regional authority.**

28 **(4) "Board" means the governing body of the regional authority**
29 **appointed by the Baton Rouge Metropolitan Council.**

30 **(5) "Baton Rouge Regional Airport Authority" means a body politic and**

1 corporate and a political subdivision of this state. The authority shall exercise
2 such powers and duties as herein specified or as necessary or convenient to
3 carry out its purposes.

4 (6) "Chief executive officer" means the chief administrative officer of the
5 regional authority.

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

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

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

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

18 (11) "Metropolitan Council" means the Metropolitan Council for the city
19 of Baton Rouge and parish of East Baton Rouge.

20 (12) "Regional authority" means the Baton Rouge Airport Authority
21 created pursuant to this Chapter and governed by a board.

22 (13) "Sponsor" means a public agency authorized by 49 U.S.C. 47101 to
23 47134 to submit requests for, accept, and be responsible for performing all of
24 the assurances associated with accepting grant agreements with respect to
25 airports from the FAA or this state, and to perform some duties and
26 responsibilities previously assumed by the local government that owns or
27 operates the airport before the transfer of operational jurisdiction of the airport
28 to the regional authority created pursuant to this Chapter by virtue of the Baton
29 Rouge Metropolitan Council's acceptance before the approval date of grants for
30 the benefit of the airport from the FAA or another agency of the United States

1 or this state.

2 §703. Creation of authority; jurisdiction

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

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

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

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

22 C. The validity of the incorporation of a regional authority is
23 conclusively presumed unless questioned in an original action filed in the
24 Nineteenth Judicial District Court for the parish of East Baton Rouge within
25 sixty days after the creation or incorporation of the regional authority pursuant
26 to this Chapter. The court shall hear the action in an expedited manner.

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

28 A.(1) The authority created pursuant to this Chapter shall be directed
29 and governed by a board consisting of not fewer than five and not more than
30 nine members, who shall be appointed by the Baton Rouge Metropolitan

1 Council and serve five-year terms. The initial terms of the board members shall
2 be specified in the articles of incorporation and staggered in a manner that the
3 terms of not less than one member expire each year. No board member shall be
4 appointed to more than three consecutive terms in office.

5 (2) In addition to those board members appointed by the Baton Rouge
6 Metropolitan Council, the state senators from state senatorial districts fourteen
7 and fifteen and the state representatives from state representative districts
8 sixty-three and sixty-four shall serve as ex officio members of the authority with
9 all voting rights and privileges afforded to other members. They shall serve
10 terms concurrent with their term of elected office. Membership seats held by
11 the state senator for district fourteen and the state representative for district
12 sixty-four shall cease to exist and terminate from the board on December 31,
13 2027.

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

23 C. Within sixty days after incorporation of a regional authority, the
24 members of the governing body of the Baton Rouge Metropolitan Council shall
25 appoint the members of the board. Before assuming the duties of office, a
26 member of the board shall qualify by taking and subscribing to the
27 constitutional oath of office.

28 D. A member of the board whose term has expired shall hold office until
29 the board member's successor is appointed and qualified, or until resignation
30 or removal. If a member of the board is removed or is unable to complete his

1 term of office, the governing body shall appoint a successor to complete the
2 term. A member of the board may resign by written notice to the regional
3 authority. The resignation is effective on receipt by the secretary or chairperson
4 of the regional authority or at a subsequent time as set forth in the notice of
5 resignation. The regional authority shall promptly advise the Baton Rouge
6 Metropolitan Council in writing of any vacancy. The Baton Rouge Metropolitan
7 Council shall appoint a new member to fill the vacancy within sixty days after
8 the Baton Rouge Metropolitan Council is advised of the notice of resignation by
9 the regional authority.

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

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

21 G. Except for those powers reserved or delegated to the chief executive
22 officer of the regional authority by this Chapter or by the board, the board may
23 withdraw from the chief executive officer any power that the board has
24 delegated to the chief executive officer.

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

29 I. The board shall act only by resolution or ordinance. A vote of the
30 majority of the board members present at a meeting of the board or a

1 committee of the board at which a quorum is present constitutes the action of
2 the board or committee unless the articles of incorporation or bylaws of the
3 regional authority require otherwise.

4 §705. Meetings; special meetings; audit committees

5 A. After organization, the board shall adopt a schedule of regular
6 meetings and adopt a regular meeting date, place, and time. The board shall
7 meet not less than quarterly.

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

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

17 §706. Chief executive office; qualifications; requirements

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

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

26 (3) The board may enter into a contract with the chief executive officer
27 for a commercially reasonable length of time comparable with the length of time
28 for contracts of airport chief executive officers, directors, or managers with
29 similar responsibilities at other airports or airport authorities in or outside of
30 this state with a comparable number of annual enplanements. A contract

1 executed pursuant to this Subsection shall be terminable at will by the board.

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

4 (2) The chief financial officer shall have professional qualifications
5 commensurate with the responsibility of the jobs to be performed by chief
6 financial officers.

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

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

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

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

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

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

4 (3) The negotiation, establishment and approval of compensation and
5 other terms and conditions of employment for employees of the regional
6 authority, within the budget approved by the board. However, any collective
7 bargaining agreements for represented employees are subject to board
8 approval.

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

11 (5) The negotiation, supervision, and enforcement of other contracts as
12 approved by the board and entered into by the regional authority and the
13 supervision of contractors and subcontractors of the regional authority in the
14 performance of their duties.

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

28 §707. Policies; procurement; employees

29 A. The regional authority shall establish procurement policies and
30 procedures consistent with the procurement policies of the FAA and any

1 applicable state laws or rules, including any competitive bidding requirements.

2 B. The regional authority may enter into a lease purchase or installment
3 purchase contract for a period not to exceed the anticipated useful life of the
4 item purchased. The authority may enter into a cooperative purchasing
5 agreement with the state, another public entity, or an external procurement
6 activity as defined in R.S. 39:1556 for the purchase of goods, including but not
7 limited to recycled goods, and services necessary for the operation of the
8 authority.

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

19 D. A member of the board or an officer, appointee, or employee of the
20 regional authority is not subject to personal liability when acting in good faith
21 within the scope of his or her authority and is not subject to liability for any
22 liability of the regional authority. The board may defend and indemnify a
23 member of the board or an officer, appointee, or employee of the regional
24 authority against liability arising out of the discharge of his or her official
25 duties. A regional authority may procure an insurance policy or policies to
26 cover members of the board and officers, appointees, and employees of the
27 regional authority from personal loss or accountability for liability asserted by
28 a person with regard to bonds or other obligations of the regional authority, or
29 from any personal liability or accountability by reason of the issuance of the
30 bonds or other obligations or by reason of any other action taken or the failure

1 to act by the regional authority. The regional authority may also purchase and
 2 maintain insurance on behalf of any person against any liability asserted against
 3 the person and incurred by the person in any capacity or arising out of the
 4 status of the person as a member of the board or an officer or employee of the
 5 regional authority, whether or not the regional authority would have the power
 6 to indemnify the person against that liability under this Subsection.

7 §708. General powers of the authority

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

9 (1) Adopt a corporate seal.

10 (2) Sue or be sued in a court of competent jurisdiction of this state or
 11 federal court. The state court of competent jurisdiction shall be the Nineteenth
 12 Judicial District Court for the parish of East Baton Rouge. The federal court of
 13 competent jurisdiction shall be the United States District Court for the Middle
 14 District of Louisiana.

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

18 (4) Assume and perform the obligations and the covenants related to the
 19 airport that are contained in an agreement or other document by the local
 20 government or between the local government and the state or the FAA relative
 21 to grants for the airport or airport facilities.

22 (5) Acquire, by grant, purchase, devise, or lease, the exercise of the right
 23 of eminent domain, expropriation, or otherwise, and hold movable and
 24 immovable property, in fee simple or any lesser interest or by easement, as the
 25 regional authority considers necessary either for the construction of airport
 26 facilities or for the efficient operation or extension of any airport facilities
 27 acquired or constructed or to be constructed pursuant to this Chapter, and,
 28 except as otherwise provided, hold in its name, lease, and dispose of all
 29 immovable and movable property owned by or under the operational
 30 jurisdiction of the regional authority. The acquisition of land by the regional

1 authority for an airport or airport facilities in furtherance of the purposes of
2 the regional authority, and the exercise of any other powers of the regional
3 authority, are public, governmental, and municipal functions, purposes and uses
4 exercised for a public purpose, and matters of public necessity.

5 (6) Enter into all contracts and agreements necessary or incidental to the
6 performance of its duties and execution of its powers pursuant to this Chapter
7 with a department or agency of the United States, with a state or local
8 governmental agency, or with another person, public or private, on terms and
9 conditions acceptable to the regional authority.

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

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

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

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

23 (c) Participation in programs and economic development that directly
24 benefits the airport.

25 (9) Act as a sponsor and submit requests for, accept, and be responsible
26 to perform all of the assurances associated with accepting grants from the FAA
27 or another agency of the United States or of this state with respect to the airport
28 under the operational jurisdiction of the regional authority, and perform the
29 duties and responsibilities previously assumed by the local government by
30 virtue of its acceptance of grants from the FAA or another agency of the United

1 States or this state.

2 (10) Enter into agreements to use the facilities or services of this state, a
3 subdivision or department of this state, a parish or municipality, or the federal
4 government or an agency of the federal government as necessary or desirable
5 to accomplish the purposes of this Chapter for consideration or pursuant to a
6 cost-allocation formula in compliance with its obligations under applicable
7 federal law, regulations, and assurances associated with accepting grants from
8 the FAA or another agency of the United States or this state, including but not
9 limited to policies of the FAA prohibiting revenue diversion or the payment of
10 fees exceeding the value of services provided by a governmental agency.

11 (11) Allow this state, a subdivision or department of this state, a parish
12 or municipality, or the federal government or an agency of the federal
13 government to use airport facilities or the services of the regional authority as
14 necessary or desirable to accomplish the purposes of this Chapter, for
15 consideration acceptable to the regional authority in compliance with its
16 obligations under applicable federal law, regulations, and assurances associated
17 with accepting grants from the FAA or another agency of the United States or
18 this state.

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

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

1 (14) Enter into exclusive or nonexclusive contracts, leases, or other
2 arrangements not provided for in Paragraph (13) of this Subsection for
3 commercially reasonable terms consistent with its 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 (15) Apply for and receive loans, grants, guarantees, or other financial
7 assistance in aid of airport facilities and the operation of the airport from a
8 state, federal, parish, or municipal government or agency or from another
9 source, public or private, including financial assistance for planning,
10 constructing, improving, or operating the airport, for providing security at the
11 airport, or for providing ground access to the airport.

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

26 (17) Appoint and vest with fire protection and prevention powers airport
27 firefighters, Aircraft Rescue Firefighting (ARFF) officers, and employees
28 pursuant to this Chapter. The firefighters, ARFF officers, and employees of the
29 regional authority have the full powers and authority in the areas over which
30 the regional authority has operational jurisdiction, including but not limited to

1 the prevention of fire, fire protection, fire inspection, and the power to
2 investigate and enforce the laws of this state, rules, regulations, and ordinances
3 issued by the regional authority, and to the extent permitted or required by
4 federal law and regulations. The regional authority is responsible for all actions
5 of its firefighters and ARFF officers committed under color of their official
6 position and authority.

7 (18) Procure insurance or become a self-funded insurer against loss in
8 connection with the property, assets, or activities of the regional authority.

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

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

16 B. Except as otherwise prohibited by this Chapter, the regional authority
17 shall have all the powers of a political subdivision pursuant to this act. The
18 powers granted to the regional authority are public and governmental
19 functions.

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

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

1 indebtedness pledging, on a parity basis, any revenues from airport facilities
2 that are otherwise pledged to secure any obligation, note, bond, or other
3 instrument of indebtedness for which the full faith and credit of the Baton
4 Rouge Metropolitan Council has been pledged.

5 E. Upon the creation or incorporation of the authority provided for in
6 this Chapter, the Baton Rouge Metropolitan Council shall not pledge airport
7 facilities or assets to secure any instrument of indebtedness except to secure
8 bonds issued for airport capital improvement projects after the creation or
9 incorporation of the regional authority and before the approval date.

10 F. The regional authority shall not take any action contrary to
11 obligations assumed or entered into under state law or federal rules or
12 regulations or any agreement entered into or assumed with respect to state or
13 federal grants.

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

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

25 I. The regional authority shall serve as the agent of the local government
26 for the preparation, submission, execution, and administration of any state or
27 federal grants pending on the approval date. The regional authority shall also
28 act as the custodian of all money received or to be received by the local
29 government or the regional authority for the projects for which the grants were
30 awarded.

1 **§709. Implementation; requirements; approval date**

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

3 **(1) The regional authority may acquire, and shall assume the exclusive**
4 **right, responsibility, and authority to occupy, operate, control, and use, the**
5 **airport and the airport facilities owned by the local government pursuant to an**
6 **agreement or agreements between the regional authority and the local**
7 **government on the date in which the FAA issues approval, subject only to any**
8 **restrictions imposed by this Chapter.**

9 **(2) The local government shall convey title to or enter into a lease of the**
10 **immovable property comprising the airport with the regional authority, which**
11 **shall otherwise acquire and succeed to all rights, title, and interests in and to the**
12 **fixtures, equipment, materials, furnishings, and other movable property owned**
13 **and used for purposes of the airport on that date by the local government**
14 **pursuant to an agreement or agreements between the regional authority and the**
15 **local government. The officers of the local government shall execute the**
16 **instruments of conveyance, assignment, and transfer that are necessary and**
17 **appropriate to comply with this Section.**

18 **(3) The regional authority shall assume, accept, and become solely liable**
19 **for all of the lawful obligations, promises, covenants, commitments, and other**
20 **requirements in respect of the airport of the local government, whether known**
21 **or unknown, contingent or matured, except for any full faith and credit pledge**
22 **of the local government in respect of bonds issued by the local government for**
23 **airport purposes, and shall perform all of the duties and obligations and is**
24 **entitled to all of the rights of the local government in respect of the airport**
25 **under any ordinances, agreements, or other instruments and under law.**
26 **Consistent with this Chapter, this assumption includes, and any person shall**
27 **transfer to the regional authority the following:**

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

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

1 (c) The right to receive any money, including any passenger facility
 2 charges, payable to the local government on the approval date and money paid
 3 to the local government after the approval date.

4 (d) The benefit of contracts and agreements.

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

8 B. All lawful actions, commitments, and proceedings including but not
 9 limited to revenue bond financing for which a notice of intent resolution has
 10 been adopted, of the local government made, given, or undertaken before the
 11 date of assumption by the regional authority pursuant to this Section are
 12 ratified, confirmed, and validated on assumption by the regional authority. All
 13 actions, commitments, or proceedings undertaken shall, and all actions,
 14 commitments, or proceedings of the local government in respect of the airport
 15 in the process of being undertaken by, but not yet a commitment or obligation
 16 of, the local government in respect of the airport may, from and after the date
 17 of assumption by the regional authority pursuant to this Section, be undertaken
 18 and completed by the regional authority in the manner and at the times
 19 provided in this Chapter or other applicable law and in any lawful agreements
 20 made by the local government before the date of assumption by the regional
 21 authority pursuant to this Section.

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

24 (1) Operational jurisdiction over all movable and immovable property
 25 of the airport, including but not limited to terminals, runways, taxiways,
 26 aprons, hangars, aids to air navigation, vehicles or facilities, parking facilities
 27 for passengers and employees, and buildings and facilities used to operate,
 28 maintain, and manage the airport, subject to any liens on the immovable
 29 property and restrictions and limitations on the use of the immovable property.

30 (2) The local government's right, title, and interest in, and all of the local

1 government's responsibilities arising under, leases, concessions, and other
2 contracts for airport facilities.

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

5 (1) All contracts and other obligations with airlines, tenants,
6 concessionaires, leaseholders, and others at the airport.

7 (2) All financial obligations secured by revenues and fees generated from
8 the operations of the airport including but not limited to airport revenue bonds,
9 special facilities revenue bonds, and all bonded indebtedness associated with the
10 airport.

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

18 (4) All office equipment including but not limited to computers, records
19 and files, software, and software licenses required for financial management,
20 personnel management, accounting and inventory systems, and general
21 administration.

22 §710. Operational jurisdiction; transfers

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

26 B. Upon the transfer of operational jurisdiction over the airport, the
27 local government is relieved from all further costs and responsibility arising
28 from or associated with control, operation, development, and maintenance of
29 the airport, except as otherwise required under obligations retained by the local
30 government pursuant to this Chapter or as otherwise agreed by the local

1 government.

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

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

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

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

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

15 (5) Maintain, repair, and keep clear, including providing debris and
16 snow removal for, any road that provides ingress and egress to the airport over
17 which responsibility for maintenance and repair is retained by the local
18 government pursuant to agreement or law.

19 D. At the request of the regional authority, the local government may
20 provide the regional authority with transitional services previously performed
21 by the local government and related to the operation of the airport until the
22 date the regional authority elects to assume the services. The regional authority
23 shall pay the cost of the services in compliance with its obligations under
24 applicable federal law, regulations, and assurances associated with accepting
25 grants from the FAA or another agency of the United States or this state
26 including but not limited to policies of the FAA that prohibit revenue diversion
27 or the payment of fees that exceed the value of services provided by a
28 governmental agency.

29 §711. Employees; retirement; pension plans

30 A. Employees at the airport may transfer to the regional authority to

1 which operational jurisdiction of the airport will be transferred as provided in
2 this Section on one or more dates agreed to by the regional authority and the
3 local government. The date or dates shall be as soon as administratively feasible,
4 but not later than one hundred eighty days after the FAA approval date. The
5 initial terms of employment, including for purposes of pension and other
6 benefits, for transferring employees shall be substantially similar to the terms
7 of employment for the employees immediately before the transfer. The regional
8 authority shall offer to enter into a collective bargaining agreement covering
9 transferring employees who on their transfer date were covered by a collective
10 bargaining agreement with the local government. The agreement offered by the
11 regional authority shall have substantially similar terms of employment as the
12 local government collective bargaining agreement and remain in effect for the
13 same period. The regional authority shall become the employer of transferring
14 employees on the date of transfer without a break in employment and shall
15 recognize the length of service of the transferring employees with the local
16 government for purposes of the regional authority's benefit plans and
17 programs. The local government shall not be an employer of any employee at
18 the airport after the transfer date. The accrued local government pension
19 benefits or credits of a transferring employee shall not be diminished because
20 of the transfer. The pension benefits and credits shall be transferred to the
21 retirement system or pension plan established by the regional authority as
22 provided in Subsections B and C of this Section.

23 B.(1)(a) Except as provided in Paragraph (2) of this Subsection, by the
24 approval date, the regional authority shall have taken all necessary steps to
25 become a participating employer in the Employees' Retirement System of the
26 city of Baton Rouge and parish of East Baton Rouge. In the alternative, the
27 regional authority may, by the approval date, adopt another or establish its own
28 retirement system or pension plan that initially provides benefits to each
29 transferring employee that are substantially similar to the benefits provided by
30 the local government's retirement system or pension plan before the FAA

1 approval date. The regional authority's retirement system or pension plan shall
 2 credit a transferring employee for his prior employment with the local
 3 government, including for purposes of eligibility, vesting, and accruals, and the
 4 employee shall make any mandatory employee contribution to the regional
 5 authority's retirement system or pension plan.

6 (b) If the regional authority elects to adopt another or establish its own
 7 retirement system or pension plan, then the regional authority shall pay to the
 8 Employees' Retirement System of the city of Baton Rouge and the parish of East
 9 Baton Rouge an amount calculated in accordance with the ordinances
 10 governing the city-parish retirement system that accounts for the loss of the
 11 positions of the employees transferred to the regional authority who are no
 12 longer covered by the city-parish retirement system.

13 (2) Notwithstanding any provision of Paragraph (1) of this Subsection to
 14 the contrary, the regional authority may elect to become a participating
 15 employer in the Municipal Police Employees' Retirement System. By the
 16 approval date, the authority shall notify the system's board of trustees of the
 17 authority's election to become a participating employer or to establish its own
 18 retirement system or pension plan.

19 C. If the regional authority elects to establish its own retirement system
 20 or pension plan, the local government shall, as soon as administratively feasible,
 21 but not later than one hundred eighty days after all employee transfers under
 22 Subsection A of this Section, transfer to the trustees of the regional authority
 23 retirement system or pension plan both of the following:

24 (1)(a) For defined benefit plans to which R.S. 11:143 does not apply, all
 25 accrued benefits, all accrued liabilities, and a share of the assets of the local
 26 government's plan sufficient to fund the transferring employees' accrued
 27 benefits to the extent that the benefits have been funded by the local government
 28 on or before the transfer date.

29 (b) For defined benefit plans to which R.S. 11:143 applies:

30 (i) If the regional authority's retirement system or pension plan is

1 required to make transfers to other systems in accordance with R.S. 11:143,
2 then the defined benefit plan shall transfer to the regional authority's system or
3 plan an amount calculated in accordance with the provisions of R.S. 11:143
4 upon application of the member for a transfer of service credit.

5 (ii) If the regional authority's retirement system or pension plan is not
6 required to make transfers to other systems in accordance with R.S. 11:143,
7 then the defined benefit plan shall transfer to the regional authority's system or
8 plan the amount of the employee's contributions upon application of the
9 member for that refund and transfer.

10 (2) For defined contribution plans, the amount credited to each
11 transferring employee's account in the local government's retirement system or
12 pension plan on or before the transfer date. For purposes of this Paragraph, the
13 local government shall fully vest the account of the transferring employee on the
14 day immediately preceding the transfer date and shall make contributions on
15 behalf of the transferring employee for the portion of the transfer year in which
16 the employee was employed by the local government and eligible to participate
17 in the plans regardless of any allocation requirements that otherwise might
18 prevent the transferring employee from receiving a contribution for the year of
19 the transfer.

20 D. The local government shall transfer the amounts to be transferred
21 pursuant to Subsection E of this Section in cash or in some other form
22 acceptable to the trustees. The transfer of money to the trustees pursuant to this
23 Subsection terminates the local government's obligation to the transferring
24 employees and the transferring employees' rights under the local government's
25 retirement system and pension plans.

26 E. If the local government has an obligation to provide retiree health
27 benefits or payments to transferring employees, the regional authority shall
28 assume the obligations. The regional authority shall not assume obligations in
29 excess of the amount properly allocable to the transferring employees. The local
30 government shall, as soon as administratively feasible but not later than one

1 hundred eighty days after all employee transfers pursuant to Subsection A of
 2 this Section, transfer to the regional authority an amount sufficient to fund the
 3 transferring employees' accrued benefits to the extent that the benefits have
 4 been funded by the local government on or before the transfer date. The
 5 regional authority shall transfer the amounts required to be transferred under
 6 this Subsection to a qualifying entity established by the regional authority in
 7 cash, or in some other form acceptable to the qualifying entity. The transfer of
 8 money to a qualifying entity established by the regional authority pursuant to
 9 this Subsection terminates the local government's obligations to the transferring
 10 employees and the transferring employees' rights to receive the benefits from
 11 the local government.

12 F. This Section shall apply only to local government employees who
 13 transfer their employment to the regional authority in accordance with this
 14 Section.

15 G.(1) An employee hired by the regional authority, other than a
 16 transferring employee, is eligible to participate in the benefit plans established
 17 by the regional authority, in accordance with and subject to the terms of the
 18 plans as established by the regional authority, in its sole discretion.

19 (2)(a) If the regional authority elects to participate in the Employees'
 20 Retirement System of the city of Baton Rouge and parish of East Baton Rouge,
 21 an employee's membership in the system shall be governed by the ordinances
 22 and other plan provisions of the system.

23 (b) If the regional authority elects to participate in the Municipal Police
 24 Employees' Retirement System, an employee's membership in the system shall
 25 be governed by the statutes and other plan provisions of the system.

26 H. As used in this Section:

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

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

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

2 **A. The regional authority may accept the transfer of operational**
3 **jurisdiction of other publicly owned airports, in and outside of the local**
4 **government. In accepting a transfer, the regional authority shall not assume**
5 **financial obligations other than those associated with the operation of the**
6 **airport being transferred and with debt issued to finance improvements at the**
7 **airport being transferred.**

8 **B. The provisions of this Section shall in no way be construed to mean**
9 **that the regional authority created herein shall have the authority to intervene**
10 **in the administration or operation of any existing airport facility without the**
11 **consent of the public body owning and operating such airport or airport facility**
12 **and applicable federal regulations.**

13 **§713. Bonded indebtedness; authority**

14 **A. For the purpose of acquiring, purchasing, constructing, improving,**
15 **installing, enlarging, furnishing, equipping, reequipping, or repairing airports**
16 **and airport facilities for which operational jurisdiction is transferred pursuant**
17 **to this Chapter or is acquired by the regional authority, the regional authority**
18 **may issue self-liquidating bonds of the authority in accordance with and**
19 **exercise all of the powers conferred on public entities by and under state law.**

20 **B. The regional authority may borrow money and issue municipal**
21 **securities in accordance with and exercise all of the powers conferred on**
22 **municipalities by and under state law.**

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

27 **D. Any suit to determine the validity of bonds issued by the regional**
28 **authority shall be brought only in accordance with the provisions of R.S.**
29 **13:5121 et seq.**

30 **E. On request of the board of the regional authority, the Baton Rouge**

1 Metropolitan Council may take one or more of the following actions:

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

4 (2) To the extent allowed by law, advance money to the regional
5 authority for working capital and other purposes of the regional authority on
6 terms and conditions agreed to by the regional authority and the local
7 government consistent with obligations under applicable federal law,
8 regulations, and assurances associated with accepting grants from the FAA or
9 another agency of the United States or this state.

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

12 (4) Grant and convey to the regional authority movable or immovable
13 property of any kind or nature, or any interest in movable or immovable
14 property, for carrying out the authorized purposes of the regional authority
15 pursuant to an agreement or agreements between the regional authority and the
16 local government.

17 F. A pledge made under Subsection E of this Section shall be at the
18 discretion of the governing body and may be subject to an agreement providing
19 for terms and conditions of the pledge and for repayment of any amount paid
20 under the pledge as the regional authority and the local government determine
21 to be necessary and advisable consistent with obligations under applicable
22 federal law, regulations, and assurances associated with accepting grants from
23 the FAA or another agency of the United States or this state.

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

27 H. For the purpose of more effectively managing its debt service, the
28 regional authority may enter into an interest rate exchange or swap, hedge, or
29 similar agreement or agreements in connection with the issuance or proposed
30 issuance of obligations or other evidences of indebtedness or in connection with

1 its then outstanding obligations or other evidences of indebtedness. The
2 authority may create a reserve fund for the payment of the interest rate
3 exchange or swap, hedge, or similar agreement.

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

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

8 (2) The agreement is payable from general funds of the regional
9 authority or, subject to any existing contracts, from any available money or
10 revenue sources, including revenues that are specified by the agreement,
11 securing the obligation or evidence of indebtedness in connection with the
12 agreement.

13 J. Notwithstanding anything in this Chapter or any other law to the
14 contrary, all ordinances, resolutions, and other proceedings of the local
15 government with respect to any outstanding bonds, notes, or evidences of
16 indebtedness or liability assumed by a regional authority pursuant to this
17 Chapter constitute a contract between the regional authority and the holders of
18 the bonds, notes, or evidences of indebtedness or liability and shall have their
19 provisions enforceable against the regional authority or any or all of its
20 successors or assigns, by mandamus or any other appropriate action or
21 proceeding in law or in equity in any court of competent jurisdiction in
22 accordance with law.

23 K. Bonds, notes, or evidences of indebtedness or liability that are
24 assumed by the regional authority pursuant to this Chapter are payable solely
25 from and secured solely by the sources of revenue that were pledged to those
26 bonds, notes, or evidences of indebtedness or liability under the ordinance,
27 resolution, or other proceedings of the local government.

28 L. This Chapter and any other law shall not relieve the regional
29 authority from any bonded or other debt or liability lawfully contracted by the
30 local government with respect to the airport and outstanding on the effective

1 date of the transfer of the operational jurisdiction over the airport to the
 2 regional authority.

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

7 N. Effective on the FAA approval date, trustees, paying agents, and
 8 registrars for any obligation of the local government that has been assumed by
 9 the regional authority pursuant to Subsections A through G of this Section shall
 10 perform all of their duties and obligations and provide all notices related to the
 11 obligations as if the regional authority were the issuer of the obligations. The
 12 trustees, paying agents, and registrars shall care for and consider all revenues
 13 and money pledged to secure obligations of the local government that have been
 14 assumed by the regional authority under Subsections A through G of this
 15 Section as revenues and money of the regional authority. The regional authority
 16 shall indemnify and hold harmless the trustees, paying agents, and registrars
 17 from liability incurred in compliance with this Subsection.

18 §714 . Implementation; taxation

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

28 Section 2. R.S. 11:2213(12) is hereby amended and reenacted and R.S.
 29 11:2213(11)(k), 2214(A)(2)(f), and 2225.4(A)(2)(c) are hereby enacted to read as follows:

30 §2213. Definitions

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 the state senator for Senate District 14 and the state representative for**
 8 **House District 64 shall cease to exist and terminate from the commission on**
 9 **December 31, 2027.**

* * *

11 Section 4. The provisions and implementation of Section 1 and 2 of this Act shall be
 12 subject to the exercise of the authority provided for in this Act by the Baton Rouge
 13 Metropolitan Council and the approval of the transfer of the operating certificate pursuant
 14 to 14 CFR 139 by the Federal Aviation Administration.

15 Section 5. This Act shall become effective upon signature by the governor or, if not
 16 signed by the governor, upon expiration of the time for bills to become law without signature
 17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 19 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____