

SENATE BILL NO. 416

BY SENATOR CARTER

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AN ACT

To amend and reenact R.S. 33:4530(A), (B), and (C), 4531, and 4532, to enact R.S. 33:4530(D), 4534, 4535, 4536, and 4537, and to repeal R.S. 33:4533 and Act 279 of the 2011 Regular Session, relative to the New Orleans public belt railroad; to provide for the creation of the New Orleans Public Belt Railroad Commission; to provide for the composition of the commission membership; to provide for the commission's purpose; to provide for the operation and maintenance of the Huey P. Long Bridge; to authorize the transfer of assets; to provide for employee arrangements; to provide for financial matters; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4530(A) is hereby amended and reenacted to read as follows:

§4530. New Orleans public belt railroad; ~~operation by city of New Orleans through~~
public belt railroad commission

A. ~~Except as hereinafter provided in § 4531, the city of New Orleans shall~~

1 ~~continue the operation of a public belt railroad by and through a commission to be~~
2 ~~known as the Public Belt Railroad Commission for the city of New Orleans, to be~~
3 ~~composed of the mayor of said city and sixteen citizen taxpayers who shall now and~~
4 ~~hereafter be chosen in the manner and for the terms provided in Ordinance 2683,~~
5 ~~New Council Series of the city of New Orleans, approved October 8, 1904, except~~
6 ~~that, in case any commercial organization mentioned therein shall cease to exist, and~~
7 ~~there be no other organization performing similar functions, the members thereof~~
8 ~~appointed on recommendation of such organization shall be appointed by the public~~
9 ~~belt railroad commission. The mayor of the city of New Orleans shall be the~~
10 ~~president of said commission and shall have the right to vote at all meetings. The~~
11 ~~president pro tem shall be chosen by the commission from those members appointed~~
12 ~~from the commercial organizations described in said city ordinance. The present~~
13 ~~members of the commission shall continue to serve until the expiration of their~~
14 ~~terms.~~ **(1)The New Orleans Public Belt Railroad Commission for the Port of**

15 **New Orleans is hereby created as a political subdivision of the state pursuant**
16 **to Article VI, Section 19 and Article VI, Section 43 of the Louisiana Constitution**
17 **of 1974, hereinafter referred to in this Part as the "railroad commission". The**
18 **railroad commission is hereby granted all of the rights, powers, privileges, and**
19 **immunities accorded by law and the Constitution of Louisiana to political**
20 **subdivisions of the state, subject to the limitations provided in this Part. The**
21 **railroad commission shall exercise, in conjunction with the Board of**
22 **Commissioners of the Port of New Orleans, the powers and functions**
23 **hereinafter set forth in this Part or otherwise provided by law. The railroad**
24 **commission and all properties at any time owned by it and the income**
25 **therefrom shall be exempt from any form of taxation in the state of Louisiana.**

26 **(2)(a) Except as provided in Subparagraph (b) of this Paragraph, the**
27 **board of the railroad commission shall be composed of the members of the**
28 **Board of Commissioners of the Port of New Orleans. If any person ceases to**
29 **serve as a member of the Board of Commissioners of the Port of New Orleans**
30 **for any reason, that person shall at the same time simultaneously cease to be a**

1 member of the board of the railroad commission. A person's successor in office
2 as a member of the Board of Commissioners of the Port of New Orleans shall
3 take office automatically and, without necessity of further action by anyone,
4 become a member of the board of the railroad commission, if that successor
5 meets the qualifications for members set forth in Subparagraph (b) of this
6 Paragraph. A member of the Board of Commissioners of the Port of New
7 Orleans whose term in office has expired but who retains the qualifications
8 required by law shall continue to serve as a member of the railroad commission
9 until that person's successor has been appointed and taken office with the board
10 of the port. Each member holds the office as a member of the railroad
11 commission by virtue of the office to which he is appointed as a member of the
12 Board of Commissioners of the Port of New Orleans. This combination of offices
13 is in the public interest and no other law pertaining to dual office holding shall
14 be construed or applied to prohibit the combination of these offices.

15 (b) No director, attorney, officer, or employee of any other rail carrier
16 shall be a member of the board of the railroad commission. For purposes of this
17 Subparagraph, the prohibition regarding an attorney refers only to an
18 individual attorney who represents a rail carrier, and there shall be no imputed
19 disqualification to an attorney based on representations of rail carriers by other
20 lawyers associated in that attorney's firm. For purposes of this Subparagraph,
21 "rail carrier" has the meaning provided in 49 U.S.C. 10102(5) or any successor
22 statutory provision, and also includes an entity which directly or indirectly
23 controls or is controlled by such a rail carrier. Furthermore, Subparagraph (a)
24 of this Paragraph shall not be construed or applied to permit a person to serve
25 on the board of the railroad commission if prohibited by the Code of
26 Governmental Ethics. A vacancy on the railroad commission caused by
27 disqualification under this Subparagraph shall not be filled.

28 (3) The chairman, the vice chairman, and the secretary-treasurer of the
29 board of the railroad commission, whose duties shall be those usual to those
30 officers, shall be the same as the corresponding board officers of the Board of

1 Commissioners of the Port of New Orleans, unless the port board officer lacks
 2 the qualification under Subparagraph (2)(b) of this Subsection, in which case
 3 the board of the railroad commission shall elect a substitute from its
 4 membership. The board of the railroad commission shall meet once a month in
 5 regular session. It shall meet in special sessions as often as the chairman of the
 6 board convenes it, or on written request of four members. Four members of the
 7 railroad commission shall constitute a quorum for the transaction of business.
 8 The railroad commission shall prescribe rules to govern its meetings and shall
 9 keep suitable offices convenient to the business center of the city of New
 10 Orleans.

11 (4) The chief executive officer of the Board of Commissioners of the Port
 12 of New Orleans shall serve as chief executive officer of the railroad commission.
 13 He shall appoint as an employee of the railroad commission the general
 14 manager for railroad operations of the railroad commission who shall report
 15 to the chief executive officer. The chief executive officer of the railroad
 16 commission shall hold office by virtue of his appointment and employment as
 17 chief executive officer of the Board of Commissioners of the Port of New
 18 Orleans. Such employment is in the public interest, and no other law shall be
 19 construed or applied to prohibit this combination of offices and employment.
 20 The railroad commission and the Board of Commissioners of the Port of New
 21 Orleans may determine that each political subdivision shall pay a portion of the
 22 total compensation of the chief executive officer and other port senior executive
 23 employees in the unclassified service who provide services to the railroad
 24 commission pursuant to R.S. 33:4535.

25 * * *

26 Section 2. R.S. 33:4530(B) and (C) are hereby amended and reenacted and R.S.
 27 33:4530(D) is hereby enacted to read as follows:

28 §4530. New Orleans public belt railroad; operation by ~~city of New Orleans through~~
 29 ~~public belt~~ railroad commission

30 * * *

1 B. ~~The city of New Orleans by and through the said commission~~ **The**
 2 **railroad commission** shall have the power to make contracts; **and to** acquire lands,
 3 leases, and other forms of property necessary for the operation of a railroad system
 4 **and port railroad terminals**, either by purchase, expropriation, or otherwise, and
 5 shall have the right to operation within or without the parish of Orleans. **The**
 6 **railroad commission shall have the same right to lease or sublease any property,**
 7 **whether movable or immovable, that is owned or leased by it, that is provided**
 8 **to the Board of Commissioners of the Port of New Orleans under R.S.**
 9 **9:1102.2(A)(2).**

10 C. The control, operation, management, and development of the public belt
 11 railroad system **upon its acquisition as provided in R.S. 33:4535** shall be
 12 exclusively vested in said **the railroad** commission, **subject to the provisions of**
 13 **this Part with respect to the related powers and functions of the Board of**
 14 **Commissioners of the Port of New Orleans**, provided, however, that said **the**
 15 public belt railroad commission shall have the power and authority ~~subject to~~
 16 ~~compliance with any applicable provisions of the charter of the city of New Orleans~~
 17 to contract with other firms or corporations, either public or private, or local
 18 governmental subdivisions or political subdivisions, or state agencies, for the
 19 operation, management, and development of the **entire** public belt railroad system,
 20 provided that the ~~council of the city~~ **Board of Commissioners of the Port** of New
 21 Orleans shall determine that the interests of the city of New Orleans, ~~and the port of~~
 22 New Orleans, **and the public belt railroad system** would best be served thereby and
 23 shall approve the terms and conditions of any such contract; provided that any such
 24 contract shall recognize and maintain the rights of the employees of the public belt
 25 railroad system under existing labor contracts and applicable law; **however, this**
 26 **requirement shall not be interpreted to prohibit future changes as may be**
 27 **permitted by law, contract, or negotiated agreement with employees.**

28 **D. The primary and specific purpose of the railroad commission is to**
 29 **promote economic growth and development in trade and commerce through the**
 30 **operation of a neutral switching and terminal carrier for the New Orleans rail**

1 gateway. The provision of freight handling and transportation within the Port
 2 of New Orleans, whether by roadway, rail, or other means, shall be within the
 3 powers and functions of the Board of Commissioners of the Port of New
 4 Orleans, subject to this Part assigning all rail freight common carrier
 5 obligations to the railroad commission.

6 Section 3. R.S. 33:4531 and 4532 are hereby amended and reenacted to read as
 7 follows:

8 §4531. Authority to transfer the public belt railroad system

9 Upon the recommendation of the ~~public belt railroad commission~~ railroad
 10 commission and the determination by the ~~council of the city~~ Board of
 11 Commissioners of the Port of New Orleans that the interests of the state of
 12 Louisiana, the city of New Orleans, ~~and the port of New Orleans,~~ and the public
 13 belt railroad system would best be served if the public belt railroad system were
 14 owned ~~and/or~~ or operated by another firm or corporation, public or private, or
 15 another political subdivision or state agency, the ~~council of the city~~ Board of
 16 Commissioners of the Port of New Orleans shall have, ~~subject to compliance with~~
 17 ~~any applicable provisions of the charter of the city of New Orleans,~~ the right and
 18 authority to direct the railroad commission to assign, transfer, and deliver to such
 19 firm or corporation, political subdivision or state agency all of its rights of way, rails,
 20 tracks, locomotives, switch yards, and such other assets of the public belt railroad
 21 system as are needed or useful in connection with the operation of a terminal
 22 railroad, upon such terms and conditions as the ~~council of the city~~ Board of
 23 Commissioners of the Port of New Orleans and the railroad commission each
 24 shall approve by ~~ordinance~~ resolution duly adopted at a regular or special meeting
 25 of the ~~council~~ respective boards. Any such transfer shall require that such firm,
 26 corporation, political subdivision, or state agency agree (i) to continue to operate,
 27 maintain, and develop the public belt railroad system to serve the ~~port~~ Port of New
 28 Orleans and the industries located on ~~said the~~ system; (ii) to ~~assume and~~ make proper
 29 and legal provision for the pledge of railroad net revenues toward for the payment
 30 of ~~the~~ outstanding ~~New Orleans Public Belt Railroad Bonds and the City~~ Port of

1 New Orleans Public Belt Railroad Port Facility Revenue Bonds and other
 2 indebtedness outstanding at such time and the City of New Orleans Public Belt
 3 Notes; and (iii) to recognize and maintain the rights of the employees of the public
 4 belt railroad system under existing labor contracts and applicable law; however, this
 5 requirement shall not be interpreted to prohibit future changes that may be
 6 permitted by law or contract or negotiated agreement with employees. With the
 7 exception of any agreement with the ~~board of commissioners of the port~~ Board of
 8 Commissioners of the Port of New Orleans, any such agreement with any state
 9 agency which directly or indirectly affects an expenditure of state funds shall require
 10 the approval of the legislature.

11 §4532. The Huey P. Long Bridge; operation, maintenance, etc.

12 A.(1) The city of New Orleans, ~~by and through the Public Belt Railroad~~
 13 ~~Commission,~~ railroad commission shall ~~continue to~~ own, maintain, and operate the
 14 Huey P. Long Bridge, its approaches and appurtenances, across the Mississippi River
 15 at or near Mile Point J-3.7 in Jefferson Parish, Louisiana, which bridge and the
 16 property heretofore acquired by the Public Belt Railroad in connection with its
 17 construction shall be under the exclusive control and management of the ~~Public Belt~~
 18 ~~Railroad Commission~~ railroad commission.

19 (2) The city of New Orleans, ~~acting through the Public Belt Railroad~~
 20 ~~Commission,~~ railroad commission shall have the exclusive right to transport or
 21 convey for any railroad its trains over ~~such~~ the bridge and over the lines of the Public
 22 Belt Railroad system. However, the city of New Orleans, ~~acting through the Public~~
 23 ~~Belt Railroad Commission,~~ railroad commission shall have the authority to contract
 24 upon such terms and conditions, and for such duration, as may be approved by a vote
 25 of two-thirds of the members of ~~said~~ the railroad commission, with any railroad
 26 company for the use of the bridge by ~~such~~ that railroad company, its approaches and
 27 appurtenances, and for the use of any tracks owned by the ~~Public Belt Railroad~~
 28 ~~Commission~~ railroad commission for the purpose of transporting and conveying its
 29 locomotives, cars, and trains and other equipment under its own power or power
 30 provided by the Public Belt Railroad.

1 B. ~~Said~~ **The** Huey P. Long Bridge, its approaches and appurtenances, and the
 2 lands and other things acquired in connection with the construction, operation, and
 3 maintenance thereof, shall be exempt from any form of taxation, and shall not be
 4 hypothecated, leased, or alienated by the ~~city of New Orleans~~ **railroad commission**,
 5 except that:

6 (1) Lands acquired which, by a two-thirds vote of all members of ~~said the~~ **the**
 7 ~~Commission~~ **railroad commission**, are declared not necessary for the construction
 8 of ~~said the~~ **the** bridge and appurtenances, or for use in the operation thereof, may be
 9 leased or sold. The proceeds of any such lease or sale may be used by the ~~public belt~~
 10 railroad commission for general railroad purposes. **Such lands also may be**
 11 **exchanged with or transferred to the Board of Commissioners of the Port of**
 12 **New Orleans for compensation and value as may be mutually agreed by the**
 13 **political subdivisions.**

14 (2) The ~~public belt~~ railroad commission may contract for the operation and
 15 management of the bridge as a part of the public belt railroad system under the
 16 circumstances and subject to the conditions ~~set forth in §4530 of this Title~~ **provided**
 17 **in R.S. 33:4530; and.**

18 (3) The ~~city of New Orleans~~ **railroad commission** may transfer, assign, and
 19 deliver the bridge, its approaches and appurtenances, as a part of the public belt
 20 railroad to another political subdivision or agency of the state, if such political
 21 subdivision or agency acquires the assets of the public belt railroad system pursuant
 22 to the authority granted in ~~§4531 above~~ **R.S. 33:4531**. Any such transfer shall require
 23 that such political subdivision **or state agency** undertake and agree: (i) to continue
 24 to operate and maintain the Huey P. Long Bridge as a part of the public belt railroad
 25 system; (ii) to assume and comply with all obligations of the city of New Orleans
 26 and the public belt railroad commission under all contracts, including by way of
 27 illustration but not limitation, all the contracts between the city of New Orleans,
 28 acting by and through the public belt railroad commission and the railroad companies
 29 using the Huey P. Long Bridge and the tracks of the public belt railroad system, and
 30 the rights of the ~~Louisiana~~ Department of ~~Highways~~ **Transportation and**

1 **Development**, in and to the perpetual use of the highway portions of ~~said the~~ bridge;
 2 and (iii) to recognize and maintain the rights of the employees of the Public Belt
 3 Railroad System under existing labor contracts and applicable law; **however, this**
 4 **requirement shall not be interpreted to prohibit future changes that may be**
 5 **permitted by law or contract or negotiated agreement with employees.**

6 Section 4. R.S. 33:4534 is hereby enacted to read as follows:

7 **§4534. Transfer of assets by the city of New Orleans**

8 **The assignment, transfer, and delivery by the city of New Orleans by and**
 9 **through the public belt railroad commission, with the concurrence of the**
 10 **council of the city of New Orleans, of all of the rights of way, rails, tracks,**
 11 **locomotives, switch yards, and the Huey P. Long Bridge, its approaches and**
 12 **appurtenances and the lands and other things in connection therewith, and all**
 13 **other lands, leases, equipment, books, records, accounts receivable, monies,**
 14 **intellectual property, contracts, properties and assets of the public belt railroad**
 15 **system or the Public Belt Railroad Commission for the city of New Orleans**
 16 **effective February 1, 2018, to the New Orleans Public Belt Railroad**
 17 **Corporation, a public nonprofit corporation formed and owned by the Board**
 18 **of Commissioners of the Port of New Orleans, is ratified.**

19 Section 5. R.S. 33:4535, 4536, and 4537 are hereby enacted to read as follows:

20 **§4535. Railroad commission acquisition of assets; cooperation with the port of**
 21 **New Orleans**

22 **A.(1) All rights and properties of every kind, movable and immovable,**
 23 **corporeal and incorporeal, including but not limited to lands, servitudes, leases,**
 24 **rails, tracks, locomotives, equipment, motor vehicles, switch yards, books,**
 25 **records, accounts receivable, monies, intellectual property, contracts, actions,**
 26 **and the Huey P. Long Bridge, its approaches and appurtenances and the lands**
 27 **and other things in connection therewith, and all other properties and assets**
 28 **owned, possessed, or used by the New Orleans Public Belt Railroad Corporation**
 29 **on the effective date of this Section are hereby transferred to the railroad**
 30 **commission. No instruments of transfer need be executed or recorded and no**

1 notice of assignment need be given to third persons, and the transfer of
2 ownership as to all property shall be effective against third persons upon the
3 effective date of this Section, provided that the railroad commission and the
4 New Orleans Public Belt Railroad Corporation are authorized to register a
5 notice of the transfer in the conveyance records of applicable parishes making
6 reference to this Section.

7 (2) Upon the effective date of this Section, any pending or unfinished
8 business of the New Orleans Public Belt Railroad Corporation shall be taken
9 over and be completed by the railroad commission.

10 (3) After the effective date of this Section, whenever the Public Belt
11 Railroad Commission for the city of New Orleans or the New Orleans Public
12 Belt Railroad Corporation is a party to or is referred to or designated in any
13 contract, the railroad commission shall be deemed to be a successor party to
14 that contract and any such reference or designation shall be deemed to apply to
15 the railroad commission. A provision in a contract that prohibits, restricts, or
16 requires consent for this substitution and assignment or provides that it gives
17 rise to a default, claim, defense, right of termination, or other remedy is
18 ineffective.

19 B.(1) The railroad commission shall be the successor in every way to the
20 New Orleans Public Belt Railroad Corporation. All of the obligations and debts
21 of that corporation are hereby assumed by the railroad commission, including
22 but not limited to the obligations and debts of the Public Belt Railroad
23 Commission for the city of New Orleans expressly assumed in writing by that
24 corporation pursuant to the Cooperative Endeavor Agreement effective
25 February 1, 2018, among the city of New Orleans, the Public Belt Railroad
26 Commission for the city of New Orleans, the Board of Commissioners of the
27 Port of New Orleans, and that corporation.

28 (2) For purposes of this Subsection, legal proceeding includes but is not
29 limited to any suit, action, incidental demand or action, claim, or any other
30 matter filed or pending before any court, administrative agency, or other

1 judicial or quasi-judicial body.

2 (3) For purposes of this Subsection, pleading includes but is not limited
3 to any petition, application, exception, motion, rule, answer, incidental demand,
4 citation, notice, return, affidavit, certificate, oath, bond or other security,
5 summons, subpoena, writ, interrogatory, deposition, court record, and any
6 other pleading or instrument permitted or required in any legal proceeding.

7 (4) Any legal proceeding to which the New Orleans Public Belt Railroad
8 Corporation is a party and which is pending upon the effective date of this
9 Section, and all pleadings involved in the legal proceeding, shall retain their
10 effectiveness and shall be continued in the name of the railroad commission.
11 This provision shall not interrupt or suspend the running of any prescription
12 or peremption or revive or renew any matter or action. All further legal
13 proceedings and pleadings in the continuation, disposition, and enforcement of
14 the legal proceeding shall be in the name of the railroad commission, and the
15 railroad commission shall be substituted for the original party, whether the
16 original party is the Public Belt Railroad Commission for the city of New
17 Orleans or the New Orleans Public Belt Railroad Corporation, without
18 necessity for formal amendment of any pleading.

19 C. The powers and functions of the Board of Commissioners of the Port
20 of New Orleans include the formation and ownership of the New Orleans Public
21 Belt Railroad Corporation. The corporation and all properties at any time
22 owned by it and the income therefrom shall be exempt from any form of
23 taxation in the state of Louisiana. The property and assets of the New Orleans
24 Public Belt Railroad Corporation, transferred to the railroad commission by
25 this Section, were acquired by the corporation in direct exchange for properties
26 transferred by the Board of Commissioners of the Port of New Orleans to the
27 city of New Orleans.

28 D. The railroad commission, and any of its successors and assigns that
29 operate, manage, and develop the public belt railroad system, shall be subject
30 to the provisions of all federal railroad laws to the extent applicable by their

1 terms to the public belt railroad system, including the Railway Labor Act, the
2 Federal Employers Liability Act, the Railroad Retirement Act, the Railroad
3 Retirement Tax Act, the Railroad Unemployment Insurance Act, the Federal
4 Railroad Safety Act, and the Interstate Commerce Act. The railroad
5 commission shall exercise and perform its powers and functions in cooperation
6 with the Board of Commissioners of the Port of New Orleans. The railroad
7 commission is a rail common carrier, and the railroad commission shall possess
8 and retain all rail common carrier status and obligations under federal laws
9 with respect to the public belt railroad system. Nothing in this Part is intended
10 or shall be construed to create or impose any rail common carrier status or
11 obligation on the Board of Commissioners of the Port of New Orleans. When
12 appropriate, the respective officers and employees of the Board of
13 Commissioners of the Port of New Orleans and the railroad commission are
14 authorized to render support and services to the other political subdivision
15 within their respective functions. In order to achieve economy, effectiveness, or
16 coordination of planning, marketing, or operation, subject to the separation
17 required by this Subsection, the Board of Commissioners of the Port of New
18 Orleans and the railroad commission may contract with each other by
19 cooperative endeavor agreement or otherwise coordinate or combine the use of
20 administrative, legal, executive, financial, marketing, community outreach, and
21 other personnel upon such basis of compensation and value therefor as may be
22 mutually agreed upon by the political subdivisions, provided such arrangement
23 shall in no event include employees performing rail carrier operations.
24 Pursuant to a written agreement, either political subdivision is authorized to
25 donate the use of public equipment and personnel of the political subdivision
26 upon request to the other political subdivision for an activity or function the
27 requesting political subdivision is authorized to exercise.

28 E. The railroad commission pursuant to Article VI, Section 20 of the
29 Louisiana Constitution of 1974, may exercise and perform any authorized
30 power and function, including financing, jointly or in cooperation with the

1 Board of Commissioners of the Port of New Orleans. Pursuant to Article VI,
2 Sections 19 and 21 of the Louisiana Constitution of 1974, the railroad
3 commission shall be granted all of the rights, powers, privileges, and immunities
4 granted to political subdivisions for economic development purposes for the
5 object and purpose of promoting and expanding the transportation of goods in
6 domestic or international commerce through or related to and for the benefit
7 of the Port of New Orleans and the public belt railroad system.

8 F. The railroad commission and the Board of Commissioners of the Port
9 of New Orleans may make agreements between themselves to engage jointly in
10 the construction, finance, acquisition, or improvement of any public port or rail
11 project or improvement, the promotion and maintenance of any undertaking,
12 or the exercise of any power, provided that at least one of those political
13 subdivisions is authorized under a provision of general or special law to
14 perform such activity to exercise such power as may be necessary for
15 completion of the undertaking. Such arrangements may provide for the joint
16 use of funds, facilities, or property or any combination thereof necessary to
17 accomplish the purposes of the agreement, and such agreements may include
18 but are not limited to activities concerning the construction, finance, acquisition
19 or improvement, or repair and maintenance, of public port or rail projects or
20 improvements.

21 G. The railroad commission and the Board of Commissioners of the Port
22 of New Orleans are authorized to exchange properties of any kind, immovable
23 or movable, corporeal or incorporeal, when mutually agreed to be in the best
24 interests of the Port of New Orleans.

25 H. It is intended that the railroad commission and the Board of
26 Commissioners of the Port of New Orleans will engage in cooperative endeavors
27 with each other to implement the purposes identified in this Part and other
28 public purposes. Cooperative endeavor agreements between these political
29 subdivisions that are consistent with the provisions of this Part shall be
30 presumed to be for a public purpose for both political subdivisions and

1 presumed not to be in contravention of Article VII, Section 14(A) of the
2 Louisiana Constitution of 1974.

3 I. Upon the determination by the board of the railroad commission that
4 the interests of the railroad commission would best be served, the railroad
5 commission may incorporate a nonprofit corporation to be solely owned and
6 controlled by it for the purpose of exercising or supporting a part of the
7 railroad commission's functions.

8 §4536. Employees of the railroad commission

9 A. The employees of the public belt railroad system, which were
10 transferred from the Public Belt Railroad Commission of the city of New
11 Orleans to the New Orleans Public Belt Railroad Corporation and pursuant to
12 this Part are further transferred to the railroad commission, may continue with
13 the railroad commission their existing employment arrangements upon such
14 transfer, including but not limited to existing labor contracts. These employees
15 are to be included in the unclassified service of state civil service pursuant to
16 Article X, Section 2 of the Louisiana Constitution of 1974. The railroad
17 commission shall recognize and maintain the rights of these employees under
18 existing labor contracts and applicable law. This Subsection shall not be
19 interpreted to prohibit future changes as may be permitted by law, contract, or
20 negotiated agreement with employees.

21 B. Members of the board of the railroad commission and officials,
22 officers, and employees holding office or employment with the railroad
23 commission, while acting within the scope of their duties or employment, shall
24 have the indemnification rights and shall be deemed covered individuals, as
25 provided in R.S. 13:5108.1, with respect to such actions.

26 C. The chief executive officer of the railroad commission shall have the
27 power to organize or reorganize the legal, executive, and other departments and
28 forces of the railroad commission and to fix the duties, powers, and
29 compensation of all officers, agents, and employees in such departments and
30 forces, subject to modification of any determination by the board of the railroad

1 commission.

2 §4537. Financial matters and cooperation by the railroad commission

3 A. The railroad commission is authorized to pledge the income, revenue,
4 and receipts derived or to be derived from the properties and facilities owned,
5 leased, maintained, or operated by the railroad commission or received by the
6 railroad commission from these properties and facilities, or from contracts or
7 agreements relating to these properties and facilities, to the payment of the
8 revenue bonds and indebtedness issued by the Board of Commissioners of the
9 Port of New Orleans from time to time. Any such pledge of and grant of security
10 interest in income, revenues, monies, or receipts made by the railroad
11 commission in connection with the issuance of securities by the Board of
12 Commissioners of the Port of New Orleans shall be valid, binding, and perfected
13 and have priority from the time when the pledge is made in the same manner
14 as if the pledge and grant of security interest were made by the railroad
15 commission in connection with the issuance of securities directly by the railroad
16 commission.

17 B. The Board of Commissioners of the Port of New Orleans is authorized
18 pursuant to Article VI, Section 20 of the Louisiana Constitution of 1974, to issue
19 revenue bonds or other indebtedness of the port board jointly or in cooperation
20 with the railroad commission, which bonds or indebtedness may be the
21 obligation of the port board or the joint obligation, several obligations, or joint
22 and several obligations of the political subdivisions, as determined by the Board
23 of Commissioners of the Port of New Orleans. Nothing contained in this Section
24 shall be construed as a restriction or a limitation upon any powers which the
25 Board of Commissioners of the Port of New Orleans might otherwise have
26 under the laws of this state. This Section shall be regarded as supplemental and
27 additional to powers conferred by other laws.

28 C. Upon the determination by the Board of Commissioners of the Port
29 of New Orleans that the interests of the Port of New Orleans and the railroad
30 commission would best be served if the financial statements of both political

1 subdivisions are prepared and issued on a consolidated basis, with each political
2 subdivision also reported separately within the report as required by law, the
3 port board shall be authorized to undertake and prepare the joint consolidated
4 financial statements and the railroad commission shall cooperate in the
5 preparation thereof. The annual audit report and annual financing statements
6 of both political subdivisions shall be distributed to the legislative auditor and
7 to the other persons provided by law within six months of the close of their
8 common fiscal years.

9 D. Upon the determination by the Board of Commissioners of the Port
10 of New Orleans that the interests of the Port of New Orleans and the railroad
11 commission would best be served, the port board and the railroad commission
12 may provide for the joint use of revenue bond proceeds, other indebtedness,
13 other funds, facilities, or properties or any combination thereof, upon such basis
14 of compensation and value therefor as may be mutually agreed by the political
15 subdivisions to best serve the commerce and industry of the Port of New
16 Orleans or as may be required by indentures or other agreements governing
17 indebtedness of any of such political subdivisions.

18 Section 6. R.S. 33:4533 is hereby repealed.

19 Section 7. Act 279 of the 2011 Regular Session is hereby repealed.

20 Section 8. The provisions of this Section and Sections 1, 2, and 4 of this Act shall
21 become effective upon signature by the governor or, if not signed by the governor, upon
22 expiration of the time for bills to become law without signature by the governor, as provided
23 by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and
24 subsequently approved by the legislature, this Act shall become effective on the day
25 following such approval.

26 Section 9. The provisions of Sections 3, 5, and 6 of this Act shall take effect and
27 become operative on the first day of the month that commences no less than fifteen days
28 following the effectiveness of the federal Surface Transportation Board authority or
29 exemption for the transfer of the public belt railroad system to the New Orleans Public Belt
30 Rail Commission.

1 Section 10. Notwithstanding any provisions of this Act to the contrary, the provisions
2 of this Act shall not supersede the obligations set forth in the cooperative endeavor
3 agreement between the city of New Orleans, the Public Belt Railroad Commission of the city
4 of New Orleans, the Board of Commissioners of the Port of New Orleans, and New Orleans
5 Public Belt Railroad Corporation, dated February 1, 2018, including but not limited to
6 post-closing transfers.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____