

Regular Session, 2013

SENATE BILL NO. 173

BY SENATOR MORRELL

AIRCRAFT/AVIATION. Provides for management, control, and maintenance of the New Orleans Lakefront Airport. (1/1/14)

1 AN ACT

2 To amend and reenact R.S. 38:330.12.1(A) and to enact Part VI of Chapter 2 of Title 2 of
3 the Louisiana Revised Statutes of 1950, to be comprised of R.S. 2:361, relative to the
4 New Orleans Lakefront Airport; to create the New Orleans Lakefront Airport
5 Authority; to transfer the management, control, and maintenance of the New Orleans
6 Lakefront Airport from the Non-Flood Protection Asset Management Authority to
7 the authority; to provide for the powers, duties, and functions of the authority to be
8 exercised through a board of commissioners; to provide for the membership of the
9 board of commissioners; and to provide for related matters.

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Part VI of Chapter 2 of Title 2 of the Louisiana Revised Statutes of 1950,
13 comprised of R.S. 2:361, is hereby enacted to read as follows:

14 **PART VI. NEW ORLEANS LAKEFRONT AIRPORT AUTHORITY**

15 **§361. New Orleans Lakefront Airport Authority; creation; board of**
16 **commissioners; composition; powers, duties, functions**

17 **A. (1) Notwithstanding any other provision of law to the contrary, the**

1 New Orleans Lakefront Airport Authority is hereby created as a body politic
2 and corporate and a political subdivision of the state. The authority shall
3 exercise its duties, functions, powers, and responsibilities through a board of
4 commissioners, hereinafter referred to as the "board".

5 (2) The boundaries of the authority shall be coextensive with the
6 boundaries of the immovable property and facilities of the New Orleans
7 Lakefront Airport.

8 B. The domicile of the authority shall be in the parish of Orleans.

9 C. On and after January 1, 2014, the management, control, and
10 maintenance of the New Orleans Lakefront Airport shall be transferred from
11 the Non-Flood Protection Asset Management Authority, created in R.S.
12 38:330.12.1, to the board of commissioners of the New Orleans Lakefront
13 Airport Authority.

14 D.(1) The board of commissioners of the authority shall be composed of
15 the following members and, except as provided in Paragraph (2) of this
16 Subsection, shall be subject to Senate confirmation:

17 (a) One member appointed by the chairman of the Non-Flood Protection
18 Asset Management Authority.

19 (b) One member appointed by the fixed based operators who contract
20 with the New Orleans Lakefront Airport.

21 (c) The state senator, or his designee, from Senate District Three.

22 (d) The state senator, or his designee, from Senate District Four.

23 (e) The state representative, or his designee, from House District Ninety-
24 Seven.

25 (f) The state representative, or his designee, from House District Ninety-
26 Nine.

27 (g) The state representative, or his designee, from House District One
28 Hundred.

29 (h) One member appointed by the director of aviation of the New

1 **Orleans International Airport.**

2 **(i) One member appointed by the secretary of the Department of**
3 **Transportation and Development.**

4 **(j) One member appointed by the chairman of the Southeast Louisiana**
5 **Flood Protection Authority-East.**

6 **(2) No state senator or state representative appointed to serve on the**
7 **board shall be subject to Senate confirmation.**

8 **E. (1) Members, who are legislators, shall serve a term concurrent with**
9 **their term of elected office. Appointment of a designee shall be at the discretion**
10 **of the legislator and shall be in writing transmitted to the authority. The**
11 **appointing legislator may be represented at any meeting of the authority only**
12 **by his duly appointed designee or himself. A legislator may only have one**
13 **designee at a time. A designee shall serve at the pleasure of the appointing**
14 **legislator and may be terminated at any time. No subsequent appointment shall**
15 **be permitted unless the previous appointed designee has resigned or otherwise**
16 **has been terminated, and this resignation or termination shall be transmitted**
17 **in writing to the authority.**

18 **(2) Members of the board, who are not legislators, shall serve a term of**
19 **four years.**

20 **(3) Any vacancy occurring on the board shall be filled in the same**
21 **manner as the original member for the unexpired portion of the position**
22 **vacated.**

23 **(4) A majority of the members shall constitute a quorum for the**
24 **transaction of official business. All official actions of the authority shall require**
25 **an affirmative vote of a majority of the members present and voting at any**
26 **meeting.**

27 **(5) Members of the board shall not receive any compensation for serving**
28 **on the board but each member may receive not more than fifty dollars per day**
29 **for attendance at meetings of the board or its subcommittee meetings. In**

1 addition, members may be reimbursed for mileage expenses incurred while in
2 the performance of their official duties at the same mileage rate established by
3 the division of administration for travel by state officials.

4 F. The board shall elect from its members a chairman and a secretary
5 and shall select a vice-chairman to serve in the absence of the chairman. The
6 board may employ an executive director and such personnel as may be
7 necessary to implement the provisions of this Section.

8 G. For the purpose of this Section and R.S. 38:330.12.1(A), the authority
9 shall be the successor to the Non-Flood Protection Asset Management
10 Authority, who shall continue the routine operation, management, and
11 maintenance of all properties and facilities of the New Orleans Lakefront
12 Airport until the responsibility for such operation, management, and
13 maintenance is transferred to the authority.

14 H. (1) The board may enter into contracts, agreements, or cooperative
15 endeavors of any nature, on behalf of the authority with a state agency, political
16 subdivision, or other legal entity or person, or any combination thereof, for the
17 management, operation, and maintenance of the New Orleans Lakefront
18 Airport.

19 (2) The board shall conduct a national search for a management firm to
20 conduct the day-to-day operations of the airport. The board may execute a
21 contract with the management firm to conduct the day-to-day operation and
22 management of the New Orleans Lakefront Airport.

23 I. Except as required by federal law or regulation or our state
24 constitution, all revenues produced from the operation of any facility or
25 improvement at the New Orleans Lakefront Airport shall be collected and
26 retained by the authority.

27 J. The board of commissioners shall provide for the implementation of
28 this Section.

29 K. No action taken pursuant to this Section or to any provision of this

1 **Part shall impair the obligation of outstanding bonded indebtedness or of any**
2 **other contract of the Orleans Levee District or the Non-Flood Protection Asset**
3 **Management Authority or impair the ability of the Orleans Levee District to**
4 **satisfy any legal action or claim pending against the Orleans Levee District on**
5 **January 1, 2014, or the Non-Flood Protection Asset Management Authority on**
6 **January 1, 2014.**

7 Section 2. R.S. 38:330.12.1(A) is hereby amended and reenacted to read as follows:

8 §330.12.1. Non-Flood Protection Asset Management Authority; creation;
9 composition; powers, duties, functions

10 A. The Non-Flood Protection Asset Management Authority, hereafter
11 referred to as the "authority", is hereby created as a political subdivision possessing
12 full corporate power to manage, control, regulate, operate, and maintain any non-
13 flood protection facility or improvement asset or function within a levee district
14 within the jurisdiction of a flood protection authority, **except as provided in Part**
15 **VI of Chapter 2 of Title 2 of the Louisiana Revised Statutes of 1950, for the New**
16 **Orleans Lake Front Airport.**

17 * * *

18 Section 3. This Act shall become effective on January 1, 2014.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

Present law provides for the Non-Flood Protection Asset Management Authority [R.S. 38:330.12.1] to manage and control any non-flood protection asset within a levee district within the territorial jurisdiction of any flood protection authority.

Proposed law retains present law except for the New Orleans Lakefront Airport.

Proposed law creates the New Orleans Lakefront Airport Authority as a body corporate and politic and a political subdivision of the state and, effective 1/1/2014, transfers the management, control, and maintenance of the New Orleans Lakefront Airport to the board of commissioners of the authority.

Proposed law provides for such airport authority to exercise its duties, functions, powers, and responsibilities through a board of commissioners, as follows:

- (1) One member appointed by the chairman of the Non-Flood Protection Asset Management Authority.

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

- (2) One member appointed by the fixed based operators contracting with the New Orleans Lakefront Airport.
- (3) The state senator or his designee from Senate District Three.
- (4) The state senator or his designee from Senate District Four.
- (5) The state representative or his designee from House District Ninety-Seven.
- (6) The state representative or his designee from House District Ninety-Nine.
- (7) The state representative or his designee from House District One Hundred.
- (8) One member appointed by the director of aviation of the New Orleans International Airport.
- (9) One member appointed by the secretary of the Department of Transportation and Development.
- (10) One member appointed by the chairman of the Southeast Louisiana Flood Protection Authority-East.

Proposed law provides no state senator or state representative appointed to serve on the board be subject to Senate confirmation.

Proposed law provides that authority members who are senators serve a term concurrent with their term of office; authorizes a senator member to appoint a designee; that designee appointment be at senator's discretion, in writing, and transmitted to the authority; that only a senate member himself or his duly appointed designee may represent the member at authority meetings; requires senate member to have only one designee at a time; provides that a designee serves at appointing senator's pleasure, subject to termination at any time; prohibits any subsequent designee appointment until previously appointed designee resigns or is otherwise terminated, and requires transmittal in writing of such resignation or termination to the authority.

Proposed law provides that non-senator members serve for four years; that a majority of the members constitute a quorum; that official board action requires an affirmative vote by a majority of members present and voting at any meeting; that members receive no compensation for service but may receive per diem not to exceed \$50 for attending board or subcommittee meetings and mileage expense reimbursement incurred when performing official board duties at the rate established for travel by state officials.

Proposed law requires members to elect from its membership; a chairman, a secretary, and a vice-chairman, who serves in the chairman's absence; provides for employment of an executive director and such personnel necessary to implement proposed law.

Proposed law provides authority is the successor of the Non-Flood Protection Asset Management Authority; requires the Non-Flood Protection Asset Management Authority continue to manage, operate, and maintain the airport until such responsibility transfers to authority.

Proposed law authorizes the board to enter into contracts, agreements, or cooperative endeavors of any nature, on behalf of the authority with a state agency, political subdivision, or other legal entity or person, or any combination thereof, for the management, operation, and maintenance of the airport; requires the board to conduct a national search for a management firm to conduct day-to-day airport operations.

Proposed law provides that all revenues produced from the operation of any facility or

improvement at the airport be collected and retained by the authority, except as required by federal law, regulation, or state constitution.

Proposed law authorizes the board to implement provisions of proposed law.

Proposed law prohibits any action which impairs obligations of outstanding bonded indebtedness or contracts of the Orleans Levee District or the Non-Flood Protection Asset Management Authority or which impairs the ability of the Orleans Levee District to satisfy any legal action or claim pending against the levee district on January 1, 2014, or the Non-Flood Protection Asset Management Authority on January 1, 2014.

Effective January 1, 2014.

(Amends R.S. 38:330.12.1(A); adds R.S. 2:361)