

SENATE BILL NO. 176

BY SENATOR FOIL

## AN ACT

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

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

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

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

The following words and phrases, as used in this Chapter, unless a different meaning is plainly required by context, shall have the following meanings:

\* \* \*

(11) "Employee" shall mean any of the following classifications:

\* \* \*

**(k) Employee shall also mean any person employed by the Baton Rouge Regional Airport Authority who would be a system member if employed by the city of Baton Rouge.**

(12) "Employer" shall mean any municipality in the state of Louisiana which employs a full-time police officer, empowered to make arrests, or which has an elected chief of police whose salary is at least one thousand dollars per month, **the Baton Rouge Regional Airport Authority,** and the Municipal Police Employees' Retirement System.

\* \* \*

§2214. Membership

A. The membership of the retirement system shall be composed as follows:

\* \* \*

(2) \* \* \*

**(f) The mandatory membership provisions of this Paragraph shall not apply to employees of the Baton Rouge Regional Airport Authority if the authority elects to establish its own retirement system or pension plan as provided in the legislation authorizing the creation of the authority.**

\* \* \*

§2225.4. Unfunded accrued liability; payment by employer

(A) \* \* \*

(2) \* \* \*

**(c) If, on the June thirtieth immediately following the transfer of employees from the city to the Baton Rouge Regional Airport Authority, the city is deemed to have partially dissolved its police department, the system shall determine whether the partial dissolution would have occurred without the**

transfer of employees. If no dissolution would have occurred without the transfer and the employees transferred to the authority remain members of the system, the city shall not be required to make the payments otherwise required by this Section. If the system determines that a partial dissolution would have occurred regardless of the transfer, and the transferred employees remain members of the system, then the amount due under the provisions of this Subparagraph shall be calculated without regard to those transferred employees.

\* \* \*

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

### Section 3.

\* \* \*

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

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

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

10 \* \* \*

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: \_\_\_\_\_