

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)

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AN ACT

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

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

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

**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 (3) Notwithstanding the provisions of R.S. 33:2740.70.1, no property or  
9 facility within the boundaries of the New Orleans Lakefront Airport, and  
10 operated, managed, or administered by the authority, shall be subject to the  
11 jurisdiction of the Downman Road Economic Development District.

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

13 C. On and after January 1, 2014, the management, control, and  
14 maintenance of the New Orleans Lakefront Airport shall be transferred from  
15 the Non-Flood Protection Asset Management Authority, created in R.S.  
16 38:330.12.1, to the board of commissioners of the New Orleans Lakefront  
17 Airport Authority; provided that, the New Orleans Lakefront Airport shall  
18 continue to be owned by the Orleans Levee District.

19 D. The board of commissioners of the authority shall be composed of the  
20 following members:

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

23 (2) One member appointed by the governor of the state of Louisiana.

24 (3) One member appointed by the state senators from Senate districts  
25 one, three, and four.

26 (4) One member appointed by the state representatives from House  
27 districts ninety-seven, ninety-nine, and one hundred.

28 (5) One member appointed by the council members from New Orleans  
29 City Council Districts D and E.

1                   (6) One member appointed by the Greater New Orleans, Inc.

2                   (7) One member appointed by the chairman of the New Orleans Regional  
3 Business Park.

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

6                   E. (1) Members of the board shall have experience in airport  
7 management, general aviation airports, vending procurement, law, economic  
8 development, accounting, or real estate, and shall serve a term of four years.

9                   (2) Any vacancy occurring on the board shall be filled in the same  
10 manner as the original member for the unexpired portion of the position  
11 vacated.

12                   (3) A majority of the members shall constitute a quorum for the  
13 transaction of official business. All official actions of the authority shall require  
14 an affirmative vote of a majority of the members present and voting at any  
15 meeting.

16                   (4) Members of the board shall not receive any compensation for serving  
17 on the board but each member may receive not more than fifty dollars per day  
18 for attendance at meetings of the board or its subcommittee meetings provided  
19 that the number of days that per diem shall be paid shall not exceed twelve days  
20 in any one calendar year. In addition, members may be reimbursed for mileage  
21 expenses incurred while in the performance of their official duties at the same  
22 mileage rate established by the division of administration for travel by state  
23 officials.

24                   F. The board shall elect from its members a chairman and a secretary  
25 and shall select a vice chairman to serve in the absence of the chairman. The  
26 board may employ an executive director and such personnel as may be  
27 necessary to implement the provisions of this Section.

28                   G. For the purpose of this Section and R.S. 38:330.12.1(A), the authority  
29 shall be the successor to the Non-Flood Protection Asset Management

1 Authority, who shall continue the routine operation, management, and  
2 maintenance of all properties and facilities of the New Orleans Lakefront  
3 Airport until the responsibility for such operation, management, and  
4 maintenance is transferred to the authority.

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

10 (2) The board may conduct a national search for a management firm to  
11 conduct the day-to-day operations of the airport. The board may execute a  
12 contract with the management firm to conduct the day-to-day operation and  
13 management of the New Orleans Lakefront Airport. No cost incurred by the  
14 board for a management firm contracted to conduct the day-to-day operation  
15 and management of the New Orleans Lakefront Airport shall be considered as  
16 an eligible cost payable from the aviation account of the Transportation Trust  
17 Fund. Further, no cost incurred by the board for a management firm shall be  
18 considered as a cost eligible for reimbursement under any federal or state  
19 contract which includes "construction management" or equivalent terminology.

20 I. Except as required by federal law or regulation or the Constitution of  
21 Louisiana, all revenues produced from the operation of any facility or  
22 improvement at the New Orleans Lakefront Airport shall be collected and  
23 retained by the authority.

24 J. The board of commissioners shall provide for the implementation of  
25 this Section.

26 K. No action taken pursuant to this Section or to any provision of this  
27 Part shall impair the obligation of outstanding bonded indebtedness or of any  
28 other contract of the Orleans Levee District or the Non-Flood Protection Asset  
29 Management Authority or impair the ability of the Orleans Levee District to

1 satisfy any legal action or claim pending against the Orleans Levee District on  
 2 January 1, 2014, or the Non-Flood Protection Asset Management Authority on  
 3 January 1, 2014.

4 L. The authority created pursuant to this Part and all members thereof  
 5 shall be subject to and shall fully comply with the provisions of the open  
 6 meetings law, R.S. 42:11 et seq., the Code of Governmental Ethics, R.S. 42:1101  
 7 et seq., and the public records law, R.S. 44:1 et seq., of the state.

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

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

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

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

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The original instrument was prepared by Sharon F. Lyles. The following digest, which does not constitute a part of the legislative instrument, was prepared by McHenry Lee.

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#### DIGEST

Morrell (SB 173)

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.

Present law includes all the territory within the geographic boundaries of the New Orleans Lakefront Airport (Airport) within the boundaries of the Downman Road Economic Development District (DREDD) [R.S. 33:2740.70.1].

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

Proposed law creates the New Orleans Lakefront Airport Authority (NOLAA) 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 Airport to the board of commissioners of the authority; provides that the Orleans Levee District continues to own the Airport; excludes the properties and facilities within the boundaries of the Airport which are operated, managed, or administered by the NOLAA from the jurisdiction of DREDD.

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.
- (2) One member appointed by the governor of the state of Louisiana.
- (3) One member appointed by the state senators from Senate districts one, three, and four.
- (4) One member appointed by the state representatives from House districts ninety-seven, ninety-nine, and one hundred.
- (5) One member appointed by the council members from New Orleans City Council District D and E.
- (6) One member appointed by the Greater New Orleans, Inc.
- (7) One member appointed by the chairman of the New Orleans Regional Business Park.
- (8) One member appointed by the chairman of the Southeast Louisiana Flood Protection Authority-East.

Proposed law provides that members appointed have experience in airport management, general aviation airports, vending procurement, law, economic development, accounting, or real estate; that 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; limits per diem paid to 12 days per year; provides for mileage expense reimbursement 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; authorizes the board to conduct a national search for a management firm to conduct day-to-day airport operations; further provides that costs associated for a management firm are not eligible for payment from the aviation account of the Transportation Trust Fund or for reimbursement under any federal or state contract which includes "construction management" or equivalent terminology.

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.

Proposed law requires that NOLAA and all members comply with open meetings law, Code of Governmental Ethics, and public records law.

Effective January 1, 2014.

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

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Provides that Orleans Levee District continues to own the New Orleans Lakefront Airport.
2. Excludes New Orleans Lakefront Airport from jurisdiction of the Downman Road Economic Development District.
3. Changes membership of the board and removes requirements for Senate confirmation of board members and limits per diem to no more than twelve days per year.
4. Requires that board members have experience in airport management, general aviation airports, vending procurement, law, economic development, accounting, or real estate.
5. Provides that costs associated with a management firm for day-to-day operations are not eligible for payment from the aviation account of the Transportation Trust Fund or for reimbursement under any federal or state contract which includes "construction management" or equivalent terminology.
6. Requires NOLAA and members to comply with open meetings law, Code of Governmental Ethics, and public records law.

##### Senate Floor Amendments to engrossed bill

1. Makes Legislative Bureau changes.
2. Adds a member appointed by the Senator of District One to the board.
3. Changes the member appointed by the mayor of New Orleans to a member appointed by Greater New Orleans, Inc.