

Regular Session, 2010

SENATE BILL NO. 772

BY SENATOR MORRELL

AIRCRAFT/AVIATION. Provides for management, control, and maintenance of the New Orleans Lakefront Airport. (8/15/10)

1 AN ACT

2 To amend and reenact R.S. 36:801.1(A) and R.S. 38:330.12(A) and to enact R.S. 36:509(P)
3 and R.S. 38:330.12.1, relative to the New Orleans Lakefront Airport; to create the
4 New Orleans Lakefront Airport Authority; to provide for transfer of the
5 management, control, and maintenance of the airport facility to the authority; to
6 provide for the powers, duties, and functions of the authority exercised through a
7 board of commissioners of the authority; to provide for the membership of the board
8 of commissioners; and to provide for related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 36:801.1(A) is hereby amended and reenacted and R.S. 36:509(P) is
12 hereby enacted to read as follows:

13 §509. Transfer of agencies to Department of Transportation and Development

14 * * *

15 **P. The New Orleans Lakefront Airport Authority (R.S. 38:330.12.1) is**
16 **placed within the Department of Transportation and Development and shall**
17 **perform and exercise its powers, duties, functions, and responsibilities in the**

1 **manner provided for agencies transferred in accordance with the provisions of**
2 **R.S. 36:801.1.**

3 * * *

4 §801.1. Transfer; retention of all functions

5 A. The agencies transferred by the provisions of R.S. 36:4(D), 4.1(C) and
6 (G), 53(H), 209(R), 259(J), 409(N), 509(O), **(P), (Q), (R), (S), (T), and (U)**, 651(D),
7 725(A), and 769(J) shall continue to be comprised and selected as provided by law.

8 * * *

9 Section 2. R.S. 38:330.12(A) is hereby amended and reenacted and R.S. 38:330.12.1
10 is hereby enacted to read as follows:

11 §330.12. Ownership and management of non-flood protection functions and
12 activities

13 A. On and after January 1, 2007, any facility or improvement within a levee
14 district within the territorial jurisdiction of an authority, which facility or
15 improvement is not directly related to providing adequate drainage, flood control, or
16 water resources development pertaining to tidewater flooding, hurricane protection,
17 or saltwater intrusion, that is owned or operated by a board of commissioners of the
18 levee district, including all land, rights-of-way, servitudes, and improvements
19 situated thereon, or connected therewith, for such purpose, shall, **except as provided**
20 **in R.S. 38:330.12.1 for the New Orleans Lakefront Airport**, be managed and
21 controlled by the state, through the division of administration, without the necessity
22 of any other act or instrument, except that for purposes of the Orleans Levee District,
23 any such facilities or improvement shall continue to be owned by the Orleans Levee
24 District. For the purpose of this Section only, the division of administration shall be
25 the successor to the board of commissioners of such levee district. The levee district
26 shall continue the routine maintenance of all properties or facilities within its
27 jurisdiction until the division of administration receives responsibility for such
28 maintenance.

29 * * *

1 **Transportation and Development.**

2 **(i) One member appointed by the commissioner of the division of**
3 **administration.**

4 **(j) One member appointed by the executive director of the office of**
5 **coastal protection and restoration.**

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

8 **D.(1) Members of the board shall serve a term of four years. Any**
9 **vacancy occurring on the board shall be filled in the same manner as the**
10 **original appointment for the unexpired portion of the position vacated.**

11 **(2) A majority of the members of the board shall constitute a quorum for**
12 **the transaction of official business and all official actions of the board shall**
13 **require an affirmative vote by a majority of the members present and voting at**
14 **the meeting.**

15 **(3) Members of the board shall not receive any compensation for serving**
16 **on the board but each member may receive not more than fifty dollars per day**
17 **for attendance at meetings of the board or its subcommittee meetings. In**
18 **addition, members may be reimbursed for mileage expenses incurred while in**
19 **the performance of their official duties at the same mileage rate established by**
20 **the division of administration for travel by state officials.**

21 **E. The board shall elect from its members a chairman and a secretary**
22 **and shall select a vice-chairman to serve in the absence of the chairman. The**
23 **board may employ an executive director and such personnel as may be**
24 **necessary to implement the provisions of this Section.**

25 **F. For the purpose of this Section and R.S. 38:330.12, the authority shall**
26 **be the successor to the state and the state, through the division of**
27 **administration, shall continue the routine operation, management, and**
28 **maintenance of all properties and facilities of the New Orleans Lakefront**
29 **Airport until the responsibility for such operation, management, and**

1 **maintenance is transferred to the authority.**

2 **G. The board, may enter into contracts, agreements, or cooperative**
3 **endeavors of any nature, on behalf of the authority with a state agency, political**
4 **subdivision, or other legal entity or person, or any combination thereof, for the**
5 **management, operation and maintenance of the New Orleans Lakefront**
6 **Airport. The board shall conduct a national search for a management firm to**
7 **conduct the day-to-day operations of the lakefront airport and may execute a**
8 **contract with such management firm to conduct the day-to-day operation and**
9 **management of the New Orleans Lakefront Airport.**

10 **H. Except as required by federal law or regulation or state constitution,**
11 **all revenues produced from the operation of any facility or improvement at the**
12 **New Orleans Lakefront Airport shall be collected by the authority and any**
13 **monies remaining, after deducting expenses incurred by the authority for the**
14 **management, control, and maintenance of the New Orleans Lakefront Airport,**
15 **shall be disbursed by the authority to the Orleans Levee District.**

16 **I. The board of commissioners may provide for the implementation of**
17 **this Section through the promulgation of rules and regulations in accordance**
18 **with the Administrative Procedure Act.**

19 **J. No action taken pursuant to this Section or to any provision of this**
20 **Part shall do any of the following:**

21 **(1) Impair the obligation of outstanding bonded indebtedness or of any**
22 **other contract of the Orleans Levee District.**

23 **(2) Impair the ability of the Orleans Levee District to satisfy any legal**
24 **action or claim pending against the Orleans Levee District on January 1, 2011.**

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST

Morrell (SB 772)

Present law transfers, on and after 1/1/2007, management and control by the state, through the division of administration, of non-flood assets within a levee district within the territorial jurisdiction of any authority. Proposed law retains these provisions but excepts the New

Orleans Lakefront Airport.

Proposed law creates the New Orleans Lakefront Airport Authority as a political subdivision within the Department of Transportation and Development and that the authority exercise its authority through a board of commissioners. Provides that, on and after 1/1/2011, the management, control, and maintenance of the New Orleans Lakefront Airport is transferred to the board of commissioners of the New Orleans Lakefront Airport Authority.

- C.(1) The board of commissioners of the authority shall be composed of the following members who shall be subject to Senate confirmation:
- (a) One member appointed by the executive director of the Orleans Levee District.
 - (b) One member appointed by the director of aviation for the New Orleans Lakefront Airport.
 - (c) One member appointed by the state senator whose senatorial district is defined in R.S. 24:35.1(A)(3).
 - (d) One member appointed by the state senator whose senatorial district is defined in R.S. 24:35.1(A)(4).
 - (e) One member appointed by the state representative whose representative district is defined in R.S. 24:35.5(A)(94).
 - (f) One member appointed by the state representative whose representative district is defined in R.S. 24:35.5(A)(97).
 - (g) One member appointed by the state representative whose representative district is defined in R.S. 24:35.5(A)(101).
 - (h) One member appointed by the secretary of the Department of Transportation and Development.
 - (i) One member appointed by the commissioner of the division of administration.
 - (j) One member appointed by the executive director of the office of coastal protection and restoration.

Provides that no state senator or state representative appointed to serve on the board shall be subject to Senate confirmation.

Provides that the board members serve four year terms; that a majority of the board constitute a quorum; and that all actions of the board require an affirmative vote by majority of the members present and voting at any meeting. Provides that board members not receive any compensation for serving on the board except for a per diem not to exceed \$50 for attending board or subcommittee meetings. Authorizes board members to be reimbursed for mileage expenses incurred while in the performance of their official duties at the same mileage rate as established for travel by state officials.

Proposed law requires that the board elect from its members a chairman and a secretary and select a vice-chairman to serve in the absence of the chairman. Authorizes the board to employ an executive director and such personnel as may be necessary to implement the provisions of proposed law.

Proposed law provides that the authority is the successor to the state, through the division

of administration and requires the state, through the division of administration, to continue the routine management, control, and maintenance of all properties and facilities of the New Orleans Lakefront Airport until that responsibility is transferred to the authority.

Proposed law authorizes the board of commissioners 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 New Orleans Lakefront Airport. Requires that the board conduct a national search for a management firm to conduct the day-to-day operations of the airport.

Proposed law provides that, except as required by federal law or regulation or state constitution, all revenues produced from the operation of any facility or improvement at the airport be collected by the authority and any monies remaining, after deducting expenses incurred by the authority are to be disbursed by the authority to the Orleans Levee District.

Proposed law authorizes the board to promulgate rules and regulations in accordance with the Administrative Procedure Act to implement provisions in proposed law.

Prohibits any action under proposed law which would impair the obligation of outstanding bonded indebtedness or of any other contract of the Orleans Levee District or which would impair the ability of the Orleans Levee District to satisfy any legal action or claim pending against the levee district on January 1, 2011.

Effective August 15, 2010.

(Amend R.S. 36:801.1(A) and R.S. 38:330.12(A); adds R.S. 36:509(P) and R.S. 38:330.12.1)