

Regular Session, 2012

HOUSE BILL NO. 991

BY REPRESENTATIVE CONNICK

TRANSPORTATION: Creates the Metropolitan Ferry Authority

1 AN ACT

2 To enact Chapter 36 of Title 48 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 48:2191 through 2207, relative to ferries; to provide for the Metropolitan  
4 Ferry Authority; to provide the power to tax; to provide for membership; to provide  
5 bonding authority; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Chapter 36 of Title 48 of the Louisiana Revised Statutes of 1950,  
8 comprised of R.S. 48:2191 through 2207, is hereby enacted to read as follows:

9 CHAPTER 36. METROPOLITAN FERRY AUTHORITY

10 §2191. Short title

11 This Chapter shall be known and may be referred to as the "Metropolitan  
12 Ferry Authority Act".

13 §2192. Purpose

14 A. Parishes south of Lake Pontchartrain share a common interest in the  
15 movement of people and vehicles and in the development of tourism and commerce  
16 on and alongside of the Mississippi River. Traffic conditions, congestion, and mass  
17 transportation needs limit or impair the development of these common interests  
18 toward their fullest potential.

19 B. A coordinated, well-planned, and well-managed ferry system will  
20 alleviate the challenges posed by traffic conditions and congestion, assist in meeting

1 mass transportation needs, and enhance transportation facilities and related  
2 developments operating in the metropolitan area.

3 C. Establishing, maintaining, and developing a ferry system through a joint  
4 authority of the local governments within the metropolitan area constitutes a  
5 reasonable response to these needs and will advance the cultural, social, and  
6 economic well-being of people in the metropolitan area.

7 D. Establishing a joint authority to maintain and develop the ferry system is  
8 a matter of public interest and concern to the state. Maintaining an additional system  
9 for river crossings will also serve the homeland security interests of the metropolitan  
10 area in the event of manmade or natural disasters.

11 E. Accordingly, as a matter of public health, safety, convenience, and  
12 welfare, the public policy of this state is to promote the establishment of such a joint  
13 authority, encourage participation in it by local governments, and support the  
14 maintenance and development of a ferry system and related developments in the  
15 metropolitan area.

16 §2193. Definitions

17 Unless the text clearly indicates otherwise, the following words or phrases  
18 shall have the following meanings:

19 (1) "Authority" means the Metropolitan Ferry Authority.

20 (2) "Board" means the board of commissioners and governing body of the  
21 authority.

22 (3) "Bonds" means bonds, notes, renewal notes, refunding bonds, interim  
23 certificates, certificates of indebtedness, debentures, warrants, commercial paper, or  
24 other obligations or any other evidence of indebtedness or evidence of borrowed  
25 money issued or entered into by the authority to finance a project or projects.

26 (4) "Civil service" means the state civil service system.

27 (5) "Executive officer" means the mayor, chief executive officer, parish  
28 president, president of a police jury, or any other officer charged with the duties

1 customarily imposed on the mayor or chief executive officer of a local governmental  
2 subdivision.

3 (6) "Federal government" means the United States of America, or any  
4 department, agency, or instrumentality thereof, corporate or otherwise, of the United  
5 States of America.

6 (7) "Ferry project" means any unit, structure, facility, or undertaking in any  
7 combination which may be a component part of a ferry system or its associated  
8 developments as well as any capital project undertaken pursuant to this Chapter,  
9 including the acquisition of real property, construction, reconstruction, improvement,  
10 extension, installation, development, landscaping, or operation of a tollway.

11 (8) "Ferry system" means all property, real or personal, useful for the  
12 movement of people and vehicles on or alongside the river, including but not limited  
13 to power plants, substations, terminals, garages, aerial structures, lines, poles, wires,  
14 stations, concessions, off-street parking, and all other facilities for the comfort,  
15 safety, convenience, health and welfare of ferry passengers, all associated rights and  
16 licenses necessary or useful for the operation of such facilities, and rights to provide  
17 group and party services.

18 (9) "Local governing body" means the city council, parish council, police  
19 jury, or similar official governing body of a parish, municipality, or other political  
20 subdivision within the metropolitan area.

21 (10) "Local government" means any one of parishes described in Paragraph  
22 11 of this Section.

23 (11) "Metropolitan area" means the following jurisdictional areas:

24 (a) Contiguous parishes with populations between three hundred forty  
25 thousand and four hundred thirty five thousand as determined by the latest federal  
26 decennial census that are bordered on the north by Lake Pontchartrain; and

27 (b) Contiguous parishes with populations between twenty thousand and forty  
28 thousand as determined by the latest federal decennial census and that share a  
29 northern border with the parishes described in Subparagraph (a) of this Paragraph.

1        §2194. Creation, organization, powers; purpose

2            A. There is hereby created the Metropolitan Ferry Authority, subject to the  
3        conditions hereinafter set forth, which shall be a body politic and corporate and a  
4        political subdivision of the state of Louisiana comprised of the parishes within the  
5        metropolitan area.

6            B. The jurisdiction of the authority shall include parishes within the  
7        metropolitan area, but shall exclude the territory of any local government which may  
8        decline membership on the board as hereinafter provided.

9            C. The domicile of the authority shall be determined by a majority vote of  
10       the board at its first meeting.

11           D. The authority is created and vested with the power to plan, design, lease,  
12       purchase, acquire, hold, own, construct, improve, repair, have an equity in, finance,  
13       maintain, operate, and administer a ferry system, or to administer any component  
14       parts of the ferry system and associated development, within the metropolitan area,  
15       either directly or by contract with private parties or to lease as lessor the same for  
16       any or all of the aforementioned activities.

17           E.(1) By October 31, 2012, the governing authority of each parish situated  
18       within the metropolitan area shall certify by resolution whether or not it desires to  
19       participate in the authority.

20           (2) Should the governing body of the parish fail to adopt such a resolution,  
21       the parish shall be deemed to have declined participation in the authority.

22           (3) By December 31, 2012, the board shall be appointed in accordance with  
23       the provisions of this Chapter.

24        §2195. Board of commissioners; membership; terms

25           A. The board of commissioners of the authority shall be composed of  
26       members selected in the following manner:

27           (1) One member from each participating parish appointed by the chief  
28       executive officer of that parish, subject to the approval of its governing body.

1           (2) Two members appointed by the chief executive officer of the parish with  
2           the greatest percentage of daily departures and arrivals at a ferry terminal operating  
3           within the territorial jurisdiction of the parish prior to August 1, 2012, chosen from  
4           recommendations of the legislative delegation of that parish as follows:

5           (a) One member shall be appointed by the executive officer of a parish from  
6           a list of three names submitted by the senators from that parish's legislative  
7           delegation.

8           (b) One member shall be appointed by an executive officer of a parish from  
9           a list of six names submitted by the state representatives of that parish's legislative  
10          delegation.

11          (c) If the senators or representatives of a parish's legislative delegation fail  
12          to submit a list of names to the executive officer of that parish by December 1, 2012,  
13          then the executive officer of a parish shall appoint such member or members  
14          pursuant to this Subsection.

15          (d) Each member appointed by the executive officer of a parish shall be  
16          domiciled within that parish of the executive officer who appointed each member.

17          (3) One member appointed by the regional planning commission for the  
18          metropolitan area.

19          (4) One member appointed by a development district within a parish with a  
20          population between three hundred thousand and three hundred sixty thousand by the  
21          latest federal decennial census or its successor.

22          (5) One member appointed by a development district within a parish with a  
23          population exceeding four hundred thousand by the latest federal decennial census.

24          B. Such appointees shall be qualified voters holding no elective public office.  
25          Appointees to any agency, board, or commission of any participating parish are  
26          eligible for appointment to the board, provided that no per diem is received from any  
27          such agency, board, or commission by such appointee.

28          C. All members of the board and every employee of the board or of the  
29          authority shall be subject to the provisions of state law governing governmental

1 ethics in all matters relating to any interest or business, direct or indirect, of the  
2 authority. No member shall receive per diem.

3 D. All members appointed to the board of commissioners shall serve for a  
4 term of four years with the initial terms staggered to provide a four-year term for the  
5 appointees from each participating parish, a three-year term for the two appointees  
6 chosen from lists submitted by members of the House and Senate legislative  
7 delegations, a two-year term for members appointed by the development districts,  
8 and a one-year term for the member appointed by the regional planning commission;  
9 thereafter, each member shall serve a full four-year term, and any successor  
10 appointed to fill a vacancy shall serve the remainder of that member's unexpired  
11 term. A member may be reappointed to serve a succeeding term.

12 E.(1) The parishes within the metropolitan area may initially decline  
13 membership on the board and participation in the authority. In any parish which has  
14 withdrawn from participation in the authority pursuant to this Chapter, the local  
15 governing body may at any time request of the board the parish's entrance and  
16 participation in the authority.

17 (2) If participation in the authority requires the adoption or implementation  
18 of any tax on the citizens of the parish, such local governing body of the parish  
19 which is seeking to participate in the authority shall submit to the qualified voters  
20 thereof in a referendum, held in accordance with law, the question of whether or not  
21 the parish should participate in the authority. If a majority of those voting in such  
22 referendum vote in favor of participation in the authority, the local governing body  
23 shall request the board to permit the parish's participation in the authority.

24 (3) If no financial advantage over participating parishes has accrued to that  
25 parish by having previously declined membership, the board shall approve such  
26 request for membership at its next regularly scheduled meeting.

27 (4) Any parish thus admitted shall be a participant in the authority and its  
28 rights and responsibilities shall, insofar as possible, be the same as if it had  
29 participated in the authority from its beginning, provided that said parish shall

1 assume its pro rata share of the then current expenses of the authority, as determined  
2 by the authority. By virtue of their participation in the authority, whether initially or  
3 subsequently by board approval, all participating parishes concur fully and accept  
4 without reservation, the exclusive rights and power of the authority as stated herein,  
5 and further agree and obligate themselves to remain in the authority until all  
6 outstanding obligations of the authority are liquidated or until the authority is  
7 abolished, whichever occurs first.

8 (5) If a parish ceases to participate in the authority through discontinuation  
9 of ferry services, termination of financial support, or other reasons, the parish may  
10 voluntarily withdraw from the authority upon request from the governing body of the  
11 parish, which request shall be granted by the board of the authority unless approval  
12 of the request would be to the financial detriment of the authority. A parish that has  
13 ceased to participate but has not voluntarily withdrawn from the authority may be  
14 removed upon a two-thirds vote by the board of the authority, provided that the  
15 authority has first assured no continuing tax or revenue obligation to support the  
16 authority will be imposed upon the parish or its residents.

17 F. Members of the board may be removed for just and reasonable cause at  
18 the discretion of the respective appointing authority. In cases of abandonment of  
19 office, conviction of a felony, or a plea of nolo contendere to a felony, the office of  
20 a member shall be vacant upon the declaration of the board. A member shall be  
21 deemed to have abandoned the office upon failure to attend three consecutive regular  
22 or special meetings of the board without an excuse approved by a resolution of the  
23 board, or upon a change of domicile from the parish that the member represents on  
24 the authority.

25 G. The board shall elect from its members a chair and vice chair for terms  
26 to expire on December thirty-first of each year. The presiding officer of the board  
27 may continue to vote as any other member.

28 H. The board shall hold at least one meeting per quarter. The secretary of the  
29 board shall give written notice and an agenda to each member of the board at least

1 five days prior to any meeting. The secretary shall be informed of any meeting so as  
2 to provide for giving notice as above.

3 I. The following actions by the board shall require the affirmative vote of a  
4 majority of the board:

5 (1) The issuance and sale of bonds.

6 (2) The purchase or lease of any privately owned system of transportation  
7 of passengers for hire in its entirety, or any substantial part thereof.

8 (3) The award of any contract for construction, alterations, supplies,  
9 equipment, repairs, maintenance, or services other than professional services, or for  
10 the purchase, sale, or lease of any property required to be advertised and let by  
11 contract to the lowest responsible bidder who had bid according to the advertised  
12 specifications.

13 (4) The grant of any concession.

14 (5) The award of any contract for the management of any authority-owned  
15 property or facility.

16 (6) The choosing of the domicile of the authority.

17 §2196. Employees

18 A. The board may appoint, as needed, a general manager, a secretary, a  
19 treasurer, a general counsel, and assistant manager, none of whom may be members  
20 of the board or a relative of a member of the board, and shall delegate to them such  
21 authority as it deems appropriate. The persons appointed pursuant to the provisions  
22 of this Subsection shall be unclassified employees of the authority.

23 B. All full-time employees of the authority, other than the secretary, the  
24 treasurer, the general counsel, the general manager, and an assistant manager, if any,  
25 shall be classified employees in the state civil service system.

26 C. All classified and unclassified employees of the authority as such shall be  
27 eligible to participate in the Louisiana State Employees' Retirement System. The  
28 authority shall pay the employer's share of all contributions to such system.



1           D. No part-time employee shall participate in group insurance or retirement  
2           benefits. Consultants or other persons or groups furnishing services under contract,  
3           including but not limited to managerial, engineering, planning, or legal services,  
4           shall not be a part of the state civil service system, regardless of the length of their  
5           contracts or the nature of the services rendered.

6           §2197. Powers of authority

7           The authority may exercise powers necessary, appurtenant, convenient, or  
8           incidental to the carrying out of its purposes, including but not limited to the  
9           following rights and powers:

10           (1) The authority may adopt bylaws or rules and regulations as it deems  
11           appropriate for its own governance, not inconsistent with this Chapter, including the  
12           creation of an executive committee to exercise such authority as its bylaws may  
13           prescribe.

14           (2) To adopt, use, and alter at will an official seal.

15           (3) To plan, or construct, reconstruct, maintain, improve, operate, own, or  
16           lease projects within its jurisdiction in the manner determined by the authority and  
17           to pay any project costs in connection therewith.

18           (4) To sue and be sued in its own name.

19           (5) The power to develop, build, and operate a ferry system between  
20           facilities operated by the authority, to provide concessions through lease or purchase,  
21           to provide off-street parking including the acquisition of existing facilities which  
22           private enterprise no longer desires to operate but whose continuation the authority  
23           deems necessary in the public interest, and to provide other facilities for the comfort,  
24           safety, and convenience of ferry passengers.

25           (6) To impose, revise, and adjust from time to time fares, fees, rates, rentals,  
26           tolls, and charges in connection with its projects at reasonable rates to be determined  
27           by the board, sufficient to pay all project costs, maintenance, operation, debt service  
28           and reserve or replacement costs, and other necessary or usual charges.

1           (7) The power to operate visitor tolls and rental areas, to levy and collect  
2           charges, tolls, fares, fees, head taxes, or use taxes, or all of the preceding, to grant  
3           permits for admission to or for the use of its facilities, and to issue licenses and  
4           permits for ferries to operate upon specified routes located exclusively within the  
5           metropolitan area or between fixed terminals located within the parish or parishes  
6           in which the authority is operating a ferry system, and to promulgate regulations  
7           governing the operation of such ferries upon specified routes or between fixed  
8           terminals, as set forth above, including regulations governing the rates the public is  
9           to be charged for such operations, regulations promoting the safety of such  
10           operations, and regulations establishing the criteria for the issuance or denial of  
11           permits to provide such services, which criteria may include provisions for the  
12           limitation of services or service providers.

13           (8) To contract with any person, partnership, association, or corporation  
14           desiring the use of any part of a project, including the right-of-way adjoining the  
15           paved portion, for placing thereon telephone, fiber optic, telegraph, electric light, or  
16           power lines, gas stations, garages, and restaurants, or for any other purpose, and to  
17           fix the terms, conditions, rents, and rates of charges limited to no more than the  
18           authority's direct and actual cost of administering the permitting process.

19           (9) To acquire, hold, and dispose of real and personal property in the  
20           exercise of its powers and the performance of its duties under this Chapter in  
21           accordance with law.

22           (10) To acquire public or private lands in the name of the authority by  
23           purchase, donation, exchange, foreclosure, lease, or otherwise, including rights or  
24           easements, as it may deem necessary for carrying out the provisions of this Chapter.

25           (11) To hold, sell, assign, lease, or otherwise dispose of any real or personal  
26           property or any interest therein; to release or relinquish any right, title, claim, lien,  
27           interest, easement, or demand however acquired, including any equity or right of  
28           redemption in property foreclosed by it; to take assignments of leases and rentals; to

1 proceed with foreclosure actions; or to take any other actions necessary or incidental  
2 to the performance of its corporate purposes.

3 (12) To establish control of access, designate the location, and establish,  
4 limit, and control points of ingress and egress for each project as may be necessary  
5 or desirable in the judgment of the authority to ensure its proper operation and  
6 maintenance, and to prohibit entrance to such project from any point or points not  
7 so designated, subject to the prior written concurrence of the department when the  
8 state highway system is affected.

9 (13) To relocate parish, municipal, or other public roads affected or severed  
10 by authority projects with equal or better facilities at the expense of the authority.

11 (14) To enter, or authorize its agents to enter, upon any lands, waters, and  
12 premises within the geographic boundaries of the authority for the purpose of making  
13 surveys, soundings, drillings, and examinations as it may deem necessary or  
14 appropriate for the purposes of this Chapter provided that the authority shall  
15 reimburse any actual damages resulting to such lands, waters, and premises as a  
16 result of such activities; such entry shall not be deemed a trespass or unlawful.

17 (15) To procure insurance in such amount or amounts appropriate to the size  
18 of the project, as determined by the authority, insuring the authority against all  
19 losses, risk, and liability arising out of the construction, operation, maintenance, and  
20 ownership of any project.

21 (16) To apply for, receive, and accept grants, loans, advances, and  
22 contributions from any source of money, property, labor, or other things of value, to  
23 be held, used, and applied for its corporate purposes.

24 (17) To open accounts at financial institutions necessary for the conduct of  
25 its business and to invest any funds held in reserves or sinking funds, or any funds  
26 not required for immediate disbursement in such investments as may be provided in  
27 any financing document relating to the use of such funds, or, if not so provided, as  
28 the authority may determine, subject to compliance with state laws relative to  
29 investments by political subdivisions.

1           (18) To borrow money and issue bonds for any authority purpose. The  
2           bonds shall be authorized and issued by one or more resolutions adopted by a  
3           majority vote of the members of the authority and shall be payable solely from the  
4           income and revenues as set forth in the resolution authorizing the issuance of the  
5           bonds.

6           (19) To enter contracts and agreements and execute all instruments necessary  
7           or convenient thereto with any federal or state governmental agency, public or  
8           private corporation, lending institution, or other entity or person for accomplishing  
9           the purposes of the authority.

10           (20) To enter into agreements with a public or private entity to construct,  
11           maintain, repair, or operate authority projects.

12           (21) To authorize the investment of public and private money to finance  
13           authority projects, subject to compliance with state law relative to use of public  
14           funds.

15           (22) To employ consultants, engineers, attorneys, accountants, construction  
16           and financial experts, superintendents, managers, and such other employees and  
17           agents necessary for the accomplishment of authority purposes, and to fix their  
18           compensation.

19           (23) To exercise the power of eminent domain in accordance with Part XVIII  
20           of Chapter 1 of this Title.

21           (24) To receive, administer, and expend appropriations from the legislature  
22           and financial assistance, guarantees, insurance, or subsidies from the federal or state  
23           government.

24           (25) The power to develop data, plans, and information and to develop and  
25           carry out demonstration projects, including the development, testing, and  
26           demonstration of new facilities, equipment, techniques, and methods, and the  
27           improvement and utilization of services and facilities, and any other means of  
28           developing, utilizing, or improving ferry services in the metropolitan area, as well  
29           as the power to conduct engineering, financial, and economic studies and to make

1        plans, designs, and tests related to ferry projects and associated developments. In  
2        order to accomplish these purposes, the authority may enter in a reasonable manner  
3        upon any lands, waters, or premises for the purpose of making reasonable surveys,  
4        soundings, drillings, and examinations, and such entries shall not be deemed a  
5        trespass except that the authority shall be liable for any actual and consequential  
6        damages resulting from such entries.

7                (26) The power to contract with any public utility, railroad, or transportation  
8        company for the joint use of property or rights, or for the establishment of through  
9        routes, joint fares, or transfer of passengers.

10               (27) The power to apply for and accept grants or other assistance from the  
11        federal government or from any source whatsoever, to act as agent for the federal  
12        government, and to enter into contracts, loans, leases, or other transactions with the  
13        federal government.

14               (28) The power to contract with the fiscal agents of the local governments  
15        within its jurisdiction for the collection of any tax or taxes authorized by law.

16               (29) The power to provide for police and fire protection having jurisdiction  
17        over the facilities of the authority or to contract for such services with municipalities  
18        or parishes, or both, or with private enterprise within its jurisdiction.

19               (30) The power to provide, by contract, service to parishes or municipalities  
20        within parishes not represented in the authority at the request of such a parish or  
21        municipality, provided said extension is deemed by the authority to be not in conflict  
22        with an overall master plan of the authority.

23               (31) The authority shall have no power in any manner to pledge the property,  
24        credit, or taxing power of any local government, nor shall any of its obligations be  
25        deemed to be obligations of any local government, nor shall any local government  
26        be liable for the payment of principal or interest on such obligations.

27               (32) To do all acts and perform things necessary or convenient to execute the  
28        powers granted to the authority by law.

1        §2198. Fares, rates, rentals, tolls, and charges

2            A. The board shall fix such fares, rates, rentals, tolls, and charges in such  
3        amounts as shall be sufficient in the aggregate, when added to any other grants or  
4        funds available to the authority, to provide funds for the payment of the interest on  
5        and principal of all bonds, certificates, and other obligations payable from said  
6        revenues, and to meet all other encumbrances upon such revenues as provided by any  
7        agreement executed by the authority in connection with the issuance of bonds or  
8        certificates under this Chapter, and for the payment of all operating costs and  
9        expenses which shall be incurred by the authority, including provisions for  
10       appropriate reserves.

11           B. The term "charges" shall include revenues from contracts with the local  
12        governments within the metropolitan area under which the authority has agreed to  
13        render services for them.

14           C. The board shall determine, after public hearings as hereinafter provided,  
15        the routes, types of construction, equipment, facilities, and the scope and standards  
16        of service to be operated by the authority, the scheduled services to be made  
17        available to the public and the amounts to be charged therefor. Before making any  
18        determinations as to scheduled services or amounts to be charged therefor, the board  
19        first shall hold at least one public hearing after giving notice of the time and place  
20        by twice advertising on different days in the newspaper having the largest circulation  
21        in the metropolitan area not more than ten days nor less than five days prior to the  
22        hearings. As to all other matters, the board may hold such public hearings as it deems  
23        appropriate.

24           D. Before determining the basic routes over which the authority shall operate  
25        its system and terminals, the board shall consult with the local governing body of the  
26        territory involved, and, additionally, shall hold at least one public hearing within the  
27        territory of each local government within the area the affected area at which the local  
28        governing body, or its representative, and the public may be heard.

1        §2199. Public records; public meetings; right of public agencies to records

2            A. The board and authority created by this Chapter shall be subject to and  
3        fully comply with the Public Records Law, R.S. 44:1 et seq., the Governmental Code  
4        of Ethics, and the Open Meetings Law, R.S. 42:11 et seq., of the state.

5            B. The proceedings and documents of the board shall be public record. All  
6        reports, maps, or other technical documents produced in whole or in part by the  
7        board or authority may be utilized by the board, authority, or any other public agency  
8        in any manner that it deems necessary and advisable in the conduct of its duties.

9        §2200. Bonds

10           A. Without reference to any provision of the Constitution of Louisiana and  
11        the laws of Louisiana, and as a grant of power in addition to any other general or  
12        special law, the authority created pursuant to this Chapter may issue bonds for any  
13        authority purpose and pledge revenues for the payment of the principal and interest  
14        of such bonds. The authority is further authorized, in its discretion, to pledge all or  
15        any part of any gift, grant, donation, or other sum of money, aid, or assistance from  
16        the United States, the state, or any political subdivision thereof, unless otherwise  
17        restricted by the terms thereof, all or any part of the proceeds of bonds, credit  
18        agreements, instruments, or any other money of the authority, from whatever source  
19        derived, for the further securing of the payment of the principal and interest of the  
20        bonds. Any bonds issued pursuant to the provisions hereof shall constitute revenue  
21        bonds under Article VII, Section 6 of the Constitution of Louisiana and such bonds  
22        shall be payable solely from revenues and bond proceeds, pending their  
23        disbursement, and investment income thereon.

24           B. Bonds issued under the provisions of this Chapter shall not be deemed to  
25        constitute a pledge of the full faith and credit of the state or of any of its political  
26        subdivisions other than the authority. All such bonds shall contain a statement on  
27        their face substantially to the effect that neither the full faith and credit of the state  
28        nor the full faith and credit of any other political subdivision of the state are pledged  
29        to the payment of the principal of or the interest on such bonds. The issuance of

1 bonds under the provisions of this Chapter shall not directly, indirectly, or  
2 contingently obligate the state or any of its political subdivisions other than the  
3 authority to levy any taxes whatsoever therefor or to make any appropriation for their  
4 payment, other than obligations to make payments by the state or any political  
5 subdivision to the authority arising out of contracts authorized under this Chapter.

6 C. Bonds shall be authorized by a resolution of the authority and shall be of  
7 such series, bear such date or dates, mature at such time or times, bear interest at  
8 such rate or rates, including but not limited to fixed, variable, or zero rates, be  
9 payable at such time or times, be in such denominations, be in such form, carry such  
10 registration and exchangeability privilege, be payable in such medium of payment  
11 and at such place or places, be subject to such terms of redemption prior to maturity  
12 at such price or prices as determined by the authority, and be entitled to such priority  
13 on the revenues as such resolution or resolutions may provide.

14 D. Bonds shall be sold by the authority at public sale by competitive bid or  
15 negotiated private sale and at such price as the authority may determine to be in the  
16 best interest of the authority.

17 E. The issuance of bonds shall not be subject to any limitations,  
18 requirements, or conditions contained in any other law except the provisions of this  
19 Chapter, and bonds may be issued without obtaining the consent of the state or any  
20 political subdivision, or of any agency, commission, or instrumentality thereof,  
21 except that the issuance of such bonds shall be subject to the approval of the State  
22 Bond Commission. The bonds shall be issued in compliance with the provisions of  
23 this Chapter.

24 F. For a period of thirty days after the date of publication of a notice of intent  
25 to issue bonds in the official journal of the authority authorizing the issuance of  
26 bonds hereunder, any person in interest shall have the right to contest the legality of  
27 the resolution and the legality of the bond issue for any cause, but after that time no  
28 one shall have any cause or right of action to contest the legality of the resolution or  
29 of the bonds or the security therefor for any cause whatsoever. If no suit, action, or



1 proceeding is begun contesting the validity of the resolution, the bonds or the  
2 security therefor within the thirty days herein prescribed, the authority to issue the  
3 bonds and to provide for the payment thereof, the legality thereof, and of all of the  
4 provisions of the resolution authorizing the issuance of the bonds shall be  
5 conclusively presumed to be legal and shall be incontestable. Any notice of intent  
6 so published shall set forth in reasonable detail the purpose of the bonds, the security  
7 therefor, and the parameters of amount, duration, and interest rates. The authority  
8 may designate any paper of general circulation in its geographical jurisdiction to  
9 publish the notice of intent or may utilize electronic media available to the general  
10 public. Any suit to determine the validity of bonds issued by the authority shall be  
11 brought only in accordance with the provisions of R.S. 13:5121 et seq.

12 G. All bonds issued pursuant to this Chapter shall have all the qualities of  
13 negotiable instruments under the commercial laws of the state.

14 H. Any pledge of revenues or other monies made by the authority shall be  
15 valid and binding from the time when the pledge is made. The revenues or monies  
16 so pledged and thereafter received by the authority shall immediately be subject to  
17 the lien of such pledge without any physical delivery thereof or further act, and the  
18 lien of any such pledge shall be valid and binding as against all parties having claims  
19 of any kind in tort, contract, or otherwise against the authority irrespective of  
20 whether such parties have notice thereof.

21 I. Neither the members of the authority nor any person executing the bonds  
22 shall be liable personally for the bonds or be subject to any personal liability or  
23 accountability by reason of the issuance thereof.

24 J. Bonds of the authority, their transfer, and the income therefrom shall at all  
25 times be exempt from all taxation by the state or any political subdivision thereof,  
26 and may or may not be exempt for federal income tax purposes. The bonds issued  
27 pursuant to this Chapter shall be and are hereby declared to be legal and authorized  
28 investments for banks, savings banks, trust companies, building and loan  
29 associations, insurance companies, fiduciaries, trustees, and guardians. Such bonds

1 shall be eligible to secure the deposit of any and all public funds of the state and any  
2 and all public funds of municipalities, parishes, school districts, or other political  
3 corporations or subdivisions of the state. Such bonds shall be lawful and sufficient  
4 security for said deposits to the extent of their value. When any bonds shall have  
5 been issued pursuant to Subsection A of this Section, neither the legislature, the  
6 authority, nor any other authority may discontinue or decrease the revenues pledged  
7 to the payment of the bonds authorized hereunder or permit to be discontinued or  
8 decreased said revenues in anticipation of the collection of which such bonds have  
9 been issued, or in any way make any change in the allocation and dedication of the  
10 revenues which would diminish the amount of the revenues to be received by the  
11 authority, until all of such bonds shall have been retired as to principal and interest,  
12 and there is hereby vested in the holders from time to time of such bonds a contract  
13 right in the provisions of this Section.

14 K. The authority may provide by resolution for the issuance of refunding  
15 bonds pursuant to R.S. 39:1444 et seq.

16 L. The holders of any bonds issued hereunder shall have such rights and  
17 remedies as may be provided in the resolution or trust agreement authorizing the  
18 issuance of the bonds, including but not by way of limitation, appointment of a  
19 trustee for the bondholders and any other available civil action to compel compliance  
20 with the terms and provisions of the bonds and the resolution or trust agreement.

21 M. Subject to the agreements with the holders of bonds, all proceeds of  
22 bonds and all revenues pledged under a resolution or trust agreement authorizing or  
23 securing such bonds shall be deposited and held in trust in a fund or funds separate  
24 and apart from all other funds of the state. Subject to the resolution or trust  
25 agreement, the trustee shall hold the same for the benefit of the holders of the bonds  
26 for the application and disposition thereof solely to the respective uses and purposes  
27 provided in such resolution or trust agreement.

28 N. The authority created hereunder is authorized to employ all professionals  
29 it deems necessary in the issuance of its bonds.

1           O. The authority created hereunder shall be deemed to be a public entity for  
2           purposes of Chapters 13, 13-A, 14, 14-A, 14-B, and 15-A of Title 39 of the  
3           Louisiana Revised Statutes of 1950, as amended, which statutes shall apply to bonds  
4           of the authority, provided that in the event of a conflict with the provisions of this  
5           Chapter, the provisions of this Chapter shall control.

6           §2201. Acquisition of lands and property

7           A. For the purposes of this Chapter, the authority may acquire private or  
8           public property and property rights, including rights of access, air, view, and light,  
9           moveable and immovable property, improved or unimproved, and to make  
10          improvements thereon, by gift, devise, purchase, or condemnation by eminent  
11          domain proceedings, as the authority may deem necessary for any of the purposes  
12          of this Chapter, including but not limited to any lands reasonably necessary for  
13          securing applicable permits, areas necessary for management of access, placement  
14          access for landowners whose access is impaired due to the construction of a project,  
15          and replacement rights-of-way for relocated rail and utility facilities for existing,  
16          proposed, or anticipated transportation facilities in the transportation corridor  
17          designated by the authority.

18          B. In the acquisition of land and property, an authority may acquire an entire  
19          lot, block, or tract of land, if, by so doing, the acquisition costs to the authority will  
20          be equal to or less than the cost of acquiring only that portion of the property thereof  
21          necessary for the project. This Subsection is a specific recognition that this means  
22          of limiting the rising costs of such property acquisition is a public purpose and that,  
23          without this limitation, the viability of many public projects will be threatened.

24          C. An authority may sell, lease, or otherwise dispose of all or any portion of  
25          a project. Notwithstanding any law to the contrary, any surplus property may be sold  
26          in accordance with procedures adopted by the authority that maximize the price  
27          received for such property.

28          D. The right of eminent domain conferred by this Chapter must be exercised  
29          by the authority in the manner provided by Part XVIII of Chapter 1 of this Title.

1           E. When an authority acquires property for a project, it is not subject to any  
2           liability imposed by pre-existing conditions. This Subsection does not, however,  
3           affect the rights or liabilities of any past or future owners of the acquired property,  
4           nor does it affect the liability of any governmental entity for the results of its actions  
5           which create or exacerbate a pollution source. The authority and the Department of  
6           Environmental Quality may enter into interagency agreements for the performance,  
7           funding, and reimbursement of the investigative and remedial acts necessary for  
8           property acquired by the authority.

9           §2202. Public utilities

10           A.(1) The authority shall have the power to make reasonable regulations, not  
11           inconsistent with rules and regulations promulgated by the federal government,  
12           construction, maintenance, repair, renewal, relocation, or removal of any public  
13           utility, railroad, or pipeline, in, on, along, over, or under a project.

14           (2) Whenever the authority shall determine that it is necessary to relocate,  
15           remove, or carry along or across a commission project by grade separation, any  
16           public utility facilities presently located in, on, along, over, or under a authority  
17           project, the owner or operator of such facilities shall relocate or remove the same in  
18           accordance with the order of the commission; however, the cost and expense of such  
19           relocation, removal, or grade separation, including the cost of installing such  
20           facilities in a new location or locations, including the cost of any land, or any rights  
21           or interest in lands, and any other rights acquired to accomplish such relocation or  
22           removal, shall be paid as project costs by the authority.

23           (3) In case of relocation or removal, the owners or operators of public utility  
24           facilities, their successors or assigns, may use and operate said public utility facilities  
25           in the new location or locations upon the same terms and conditions enjoyed prior  
26           to relocation or removal.

27           B. Any utility which requests and is permitted to occupy an authority  
28           right-of-way shall be responsible for any cost of relocation, removal, or grade  
29           separation and all expenses related thereto.

1        §2203. Contracts; construction; professional services

2                Contracts shall be made and awarded pursuant to Chapter 10 of Title 38 of  
3        the Louisiana Revised Statutes of 1950 and the Louisiana Procurement Code.

4        §2204. Tax and regulatory exemptions, audits, reports

5                A. Except as provided herein, the authority shall not be subject in any respect  
6        to the authority, control, or supervision of any regulatory body of the state, including  
7        but not limited to the Public Service Commission, or any political subdivision of the  
8        state, but its books and records shall be subject to an annual audit by the legislative  
9        auditor.

10               B.(1) The board of the authority shall annually prepare a financial statement  
11        which shall be presented to the legislative auditor pursuant to the provisions of R.S.  
12        24:513. The legislative auditor shall thereafter publish its findings in the official  
13        journal of the authority.

14               (2) Within thirty days following submission of the financial statement to the  
15        legislative auditor, the board of the authority, or a designated officer of the board,  
16        shall, at a public meeting, make a copy of such statement for public review and post  
17        the financial statement on the authority's website, should one be created.

18               C. All expenses associated with this Section shall be borne by the authority.

19        §2205. Taxing power defined

20               A. The authority shall have power to impose any tax on any subject of  
21        taxation within the metropolitan area for any purposes whatsoever related to the  
22        operation of its ferry system and associated developments. Except as otherwise  
23        prohibited in this Chapter or by the constitution or laws of this state. No tax shall be  
24        imposed within the metropolitan area by the authority unless it has first been  
25        approved by a majority of voters voting in an election in each of the parishes having  
26        membership in the authority.

27               B. Notwithstanding any other provision of law to the contrary, the authority  
28        may exercise its powers of taxation within any local governmental subdivision  
29        located wholly within the metropolitan area, provided that the tax shall first have

1 been approved by a majority of voters within the affected local governmental  
2 subdivision voting thereon.

3 C.(1) The avails of a tax imposed by the authority shall be expended in or  
4 distributed within the parish in which they were collected. Within ninety days of the  
5 end of the authority's fiscal year, all unexpended tax proceeds received within that  
6 year shall be expended and distributed in accordance with this Subsection.

7 (2) The monies shall first be available for use by the authority for expenses  
8 related to the operation of ferry service and associated operational activity and  
9 development within the respective parish. Operational activity shall include  
10 expenses related to the maintenance and operation of the authority's facilities.

11 (3) The monies remaining after satisfaction of the requirements of Paragraph  
12 (1) of this Subsection shall be distributed proportionately by the authority to the  
13 governing authorities of the local governmental subdivisions based on their relative  
14 contribution to the total taxes collected that year.

15 §2206. Participation by local government; alternative methods of financing

16 A. For the purposes of this Chapter, provision for a ferry system within the  
17 metropolitan area is declared to be an essential governmental function and a public  
18 purpose.

19 B.(1) The board, with the approval of the local governing body of the  
20 parishes within the metropolitan area, subject to such limitations as set forth in this  
21 Section, shall determine the extent of financial participation and the time or times  
22 such financial participation may be required with respect to each of the local  
23 governments in order to finance provisions for a ferry system through the joint  
24 instrumentality of the authority.

25 (2) If such determination contemplates a contractual obligation on the part  
26 of a local government to make payments to the authority over a period of time  
27 exceeding one year or to issue any bonds or other obligations evidencing  
28 indebtedness, such determination shall take the form of an intergovernmental  
29 contract to be entered into between the authority and the local government.

1           (3) The final execution of an intergovernmental contract shall be completed  
2           in every instance in the manner hereinafter set forth in this Section.

3           C. As one method of providing the financial participation determined by its  
4           local governing body to be its proper share of the cost of financing a ferry project or  
5           projects, a local government may, in the manner prescribed by law and subject to the  
6           conditions and limitations prescribed by law, issue its general obligation bonds, pay  
7           over the proceeds thereof to the authority, and thereby complete and make final the  
8           execution of the proposed intergovernmental contract anticipated by such bond  
9           authorization and issuance, and the authority shall agree in such contract to perform  
10           for such local government the aforesaid governmental function and to provide  
11           specified ferry services and facilities.

12           D. As an alternative method of providing the financial participation  
13           determined by its local governing body to be its proper share of the cost of financing  
14           a ferry project or projects, a local government may enter into intergovernmental  
15           contract or contracts calling for the authority to perform for it the aforesaid  
16           governmental function and calling for it to make periodic payments to the authority  
17           for the ferry services and facilities contracted for, which payments may include  
18           amounts required to defray the periodic principal and interest payments on any  
19           obligations issued by the authority for the purpose of financing the cost of any ferry  
20           project or projects, amounts necessary to establish and maintain reasonable reserves  
21           to ensure the payment of said debt service, and to provide for renewals, extensions,  
22           repairs, and improvements and additions to the ferry system, and amounts required  
23           to defray any operational deficit which the system or any part thereof may incur from  
24           time to time.

25           E. A local government may select any method provided in this Section to  
26           finance the participation required of it in whole or in part, and the selection of one  
27           method shall not preclude the selection of another method with respect thereto or  
28           with respect to any additional or supplementary participation determined to be  
29           necessary.

1           F. When the authority and a local government have completed and fully  
 2           executed an intergovernmental contract in compliance with the requirements of this  
 3           Chapter, and the voters shall have approved the contract as herein provided, the  
 4           contract shall constitute an obligation on the part of the local government for the  
 5           payment of which its good faith and credit are pledged.

6           §2207. Taxing power

7           Subject to the conditions contained in this Chapter, each local government  
 8           may, upon voter approval, levy and collect any taxes authorized under the  
 9           constitution or laws of this state to fulfill bond obligation or obligations incurred in  
 10          an intergovernmental contract or other contract or contracts with the authority. The  
 11          authority is hereby authorized to participate in any new or additional tax related to  
 12          its ferry system and associated developments that may be imposed in the future by  
 13          the legislature.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Connick

HB No.

**Abstract:** Creates the Metropolitan Ferry Authority.

Proposed law provides that the purpose is to create a coordinated, well-planned, and well-managed ferry system within the metropolitan area.

Proposed law defines the "metropolitan area" as follows:

- (1) Contiguous parishes with populations between 340,000 and 435,000 as determined by the latest federal decennial census that are bordered on the north by Lake Pontchartrain; and
- (2) Contiguous parishes with populations between 20,000 and 40,000 as determined by the latest federal decennial census and that share a northern border with the parishes encompassed by the those described in proposed law.

Proposed law provides method by which parishes participate or decline membership in the authority.

Proposed law provides method in which a board of commissioners for the Metropolitan Ferry Authority is created as well as the board's powers and duties.

Proposed law provides that the board and authority may hire employees.



Proposed law provides that the board and authority shall be subject to and fully comply with the Public Records Law, Governmental Code of Ethics, and the Open Meetings Law, as well as the Public Bid Law, and the La. Procurement Code.

Proposed law provides the authority with the power to set fares, rates, and tolls.

Proposed law provides the authority with the power to issue bonds for any authority purpose.

Proposed law provides the authority the right of eminent domain.

Proposed law provides the authority with the power to make reasonable regulations, not inconsistent with rules and regulations promulgated by the federal government, construction, maintenance, repair, renewal, relocation, or removal of any public utility, railroad, or pipeline, in, on, along, over, or under a project.

Proposed law provides the authority shall not be subject in any respect to the authority, control, or supervision of any regulatory body of the state, including but not limited to the Public Service Commission, or any political subdivision of the state, but its books and records shall be subject to an annual audit by the legislative auditor.

Proposed law provides that the board shall prepare and submit a financial statement to the legislative auditor annually.

Proposed law provides the authority with the power to tax.

Proposed law provides method by which local governments will financially participate in authority.

(Adds R.S. 48:2191-2207)