TRANSPORTATION: Creates the Metropolitan Ferry Authority

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

CHAPTER 36. METROPOLITAN FERRY AUTHORITY

§2191. Short title

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

§2192. Purpose

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

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

Page 1 of 25

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
mass transportation needs, and enhance transportation facilities and related
developments operating in the metropolitan area.

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

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

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

§2193. Definitions

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

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

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

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

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

(5) "Executive officer" means the mayor, chief executive officer, parish
president, president of a police jury, or any other officer charged with the duties
customarily imposed on the mayor or chief executive officer of a local governmental subdivision.

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

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

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

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

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

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

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

(b) Contiguous parishes with populations between twenty thousand and forty thousand as determined by the latest federal decennial census and that share a northern border with the parishes described in Subparagraph (a) of this Paragraph.
§2194. Creation, organization, powers; purpose

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

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

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

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

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

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

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

§2195. Board of commissioners; membership; terms

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

(1) One member from each participating parish appointed by the chief executive officer of that parish, subject to the approval of its governing body.
(2) Two members appointed by the chief executive officer of the parish with
the greatest percentage of daily departures and arrivals at a ferry terminal operating
within the territorial jurisdiction of the parish prior to August 1, 2012, chosen from
recommendations of the legislative delegation of that parish as follows:

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

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

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

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

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

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

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

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

C. All members of the board and every employee of the board or of the
authority shall be subject to the provisions of state law governing governmental
ethics in all matters relating to any interest or business, direct or indirect, of the
authority. No member shall receive per diem.

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

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

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

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

(4) Any parish thus admitted shall be a participant in the authority and its
rights and responsibilities shall, insofar as possible, be the same as if it had
participated in the authority from its beginning, provided that said parish shall
assume its pro rata share of the then current expenses of the authority, as determined
by the authority. By virtue of their participation in the authority, whether initially or
subsequently by board approval, all participating parishes concur fully and accept
without reservation, the exclusive rights and power of the authority as stated herein,
and further agree and obligate themselves to remain in the authority until all
outstanding obligations of the authority are liquidated or until the authority is
abolished, whichever occurs first.

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

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

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

H. The board shall hold at least one meeting per quarter. The secretary of the
board shall give written notice and an agenda to each member of the board at least
five days prior to any meeting. The secretary shall be informed of any meeting so as
to provide for giving notice as above.

1. The following actions by the board shall require the affirmative vote of a
majority of the board:

   (1) The issuance and sale of bonds.

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

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

   (4) The grant of any concession.

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

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

§2196. Employees

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

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

C. All classified and unclassified employees of the authority as such shall be
eligible to participate in the Louisiana State Employees' Retirement System. The
authority shall pay the employer's share of all contributions to such system.
D. No part-time employee shall participate in group insurance or retirement benefits. Consultants or other persons or groups furnishing services under contract, including but not limited to managerial, engineering, planning, or legal services, shall not be a part of the state civil service system, regardless of the length of their contracts or the nature of the services rendered.

§2197. Powers of authority

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

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

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

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

4. To sue and be sued in its own name.

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

6. To impose, revise, and adjust from time to time fares, fees, rates, rentals, tolls, and charges in connection with its projects at reasonable rates to be determined by the board, sufficient to pay all project costs, maintenance, operation, debt service and reserve or replacement costs, and other necessary or usual charges.
(7) The power to operate visitor tolls and rental areas, to levy and collect charges, tolls, fares, fees, head taxes, or use taxes, or all of the preceding, to grant permits for admission to or for the use of its facilities, and to issue licenses and permits for ferries to operate upon specified routes located exclusively within the metropolitan area or between fixed terminals located within the parish or parishes in which the authority is operating a ferry system, and to promulgate regulations governing the operation of such ferries upon specified routes or between fixed terminals, as set forth above, including regulations governing the rates the public is to be charged for such operations, regulations promoting the safety of such operations, and regulations establishing the criteria for the issuance or denial of permits to provide such services, which criteria may include provisions for the limitation of services or service providers.

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

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

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

(11) To hold, sell, assign, lease, or otherwise dispose of any real or personal property or any interest therein; to release or relinquish any right, title, claim, lien, interest, easement, or demand however acquired, including any equity or right of redemption in property foreclosed by it; to take assignments of leases and rentals; to
proceed with foreclosure actions; or to take any other actions necessary or incidental to the performance of its corporate purposes.

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

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

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

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

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

(17) To open accounts at financial institutions necessary for the conduct of its business and to invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement in such investments as may be provided in any financing document relating to the use of such funds, or, if not so provided, as the authority may determine, subject to compliance with state laws relative to investments by political subdivisions.
(18) To borrow money and issue bonds for any authority purpose. The bonds shall be authorized and issued by one or more resolutions adopted by a majority vote of the members of the authority and shall be payable solely from the income and revenues as set forth in the resolution authorizing the issuance of the bonds.

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

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

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

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

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

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

(25) The power to develop data, plans, and information and to develop and carry out demonstration projects, including the development, testing, and demonstration of new facilities, equipment, techniques, and methods, and the improvement and utilization of services and facilities, and any other means of developing, utilizing, or improving ferry services in the metropolitan area, as well as the power to conduct engineering, financial, and economic studies and to make
plans, designs, and tests related to ferry projects and associated developments. In
order to accomplish these purposes, the authority may enter in a reasonable manner
upon any lands, waters, or premises for the purpose of making reasonable surveys,
soundings, drillings, and examinations, and such entries shall not be deemed a
trespass except that the authority shall be liable for any actual and consequential
damages resulting from such entries.

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

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

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

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

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

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

(32) To do all acts and perform things necessary or convenient to execute the
powers granted to the authority by law.
§2198. Fares, rates, rentals, tolls, and charges

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

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

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

D. Before determining the basic routes over which the authority shall operate its system and terminals, the board shall consult with the local governing body of the territory involved, and, additionally, shall hold at least one public hearing within the territory of each local government within the area the affected area at which the local governing body, or its representative, and the public may be heard.
§2199. Public records; public meetings; right of public agencies to records

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

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

§2200. Bonds

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

B. Bonds issued under the provisions of this Chapter shall not be deemed to constitute a pledge of the full faith and credit of the state or of any of its political subdivisions other than the authority. All such bonds shall contain a statement on their face substantially to the effect that neither the full faith and credit of the state nor the full faith and credit of any other political subdivision of the state are pledged to the payment of the principal of or the interest on such bonds. The issuance of
bonds under the provisions of this Chapter shall not directly, indirectly, or
contingently obligate the state or any of its political subdivisions other than the
authority to levy any taxes whatsoever therefor or to make any appropriation for their
payment, other than obligations to make payments by the state or any political
subdivision to the authority arising out of contracts authorized under this Chapter.

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

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

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

F. For a period of thirty days after the date of publication of a notice of intent
to issue bonds in the official journal of the authority authorizing the issuance of
bonds hereunder, any person in interest shall have the right to contest the legality of
the resolution and the legality of the bond issue for any cause, but after that time no
one shall have any cause or right of action to contest the legality of the resolution or
of the bonds or the security therefor for any cause whatsoever. If no suit, action, or
proceeding is begun contesting the validity of the resolution, the bonds or the
security therefor within the thirty days herein prescribed, the authority to issue the
bonds and to provide for the payment thereof, the legality thereof, and of all of the
provisions of the resolution authorizing the issuance of the bonds shall be
conclusively presumed to be legal and shall be incontestable. Any notice of intent
so published shall set forth in reasonable detail the purpose of the bonds, the security
therefor, and the parameters of amount, duration, and interest rates. The authority
may designate any paper of general circulation in its geographical jurisdiction to
publish the notice of intent or may utilize electronic media available to the general
public. Any suit to determine the validity of bonds issued by the authority shall be
brought only in accordance with the provisions of R.S. 13:5121 et seq.

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

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

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

J. Bonds of the authority, their transfer, and the income therefrom shall at all
times be exempt from all taxation by the state or any political subdivision thereof,
and may or may not be exempt for federal income tax purposes. The bonds issued
pursuant to this Chapter shall be and are hereby declared to be legal and authorized
investments for banks, savings banks, trust companies, building and loan
associations, insurance companies, fiduciaries, trustees, and guardians. Such bonds
shall be eligible to secure the deposit of any and all public funds of the state and any
and all public funds of municipalities, parishes, school districts, or other political
corporations or subdivisions of the state. Such bonds shall be lawful and sufficient
security for said deposits to the extent of their value. When any bonds shall have
been issued pursuant to Subsection A of this Section, neither the legislature, the
authority, nor any other authority may discontinue or decrease the revenues pledged
to the payment of the bonds authorized hereunder or permit to be discontinued or
decreased said revenues in anticipation of the collection of which such bonds have
been issued, or in any way make any change in the allocation and dedication of the
revenues which would diminish the amount of the revenues to be received by the
authority, until all of such bonds shall have been retired as to principal and interest,
and there is hereby vested in the holders from time to time of such bonds a contract
right in the provisions of this Section.

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

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

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

N. The authority created hereunder is authorized to employ all professionals
it deems necessary in the issuance of its bonds.
O. The authority created hereunder shall be deemed to be a public entity for purposes of Chapters 13, 13-A, 14, 14-A, 14-B, and 15-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, which statutes shall apply to bonds of the authority, provided that in the event of a conflict with the provisions of this Chapter, the provisions of this Chapter shall control.

§2201. Acquisition of lands and property

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

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

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

D. The right of eminent domain conferred by this Chapter must be exercised by the authority in the manner provided by Part XVIII of Chapter 1 of this Title.
E. When an authority acquires property for a project, it is not subject to any
liability imposed by pre-existing conditions. This Subsection does not, however,
affect the rights or liabilities of any past or future owners of the acquired property,
nor does it affect the liability of any governmental entity for the results of its actions
which create or exacerbate a pollution source. The authority and the Department of
Environmental Quality may enter into interagency agreements for the performance,
funding, and reimbursement of the investigative and remedial acts necessary for
property acquired by the authority.

$2202. Public utilities

A.(1) The authority shall have 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.

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

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

B. Any utility which requests and is permitted to occupy an authority
right-of-way shall be responsible for any cost of relocation, removal, or grade
separation and all expenses related thereto.
§2203. Contracts; construction; professional services

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

§2204. Tax and regulatory exemptions, audits, reports

A. Except as provided herein, 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.

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

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

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

§2205. Taxing power defined

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

B. Notwithstanding any other provision of law to the contrary, the authority may exercise its powers of taxation within any local governmental subdivision located wholly within the metropolitan area, provided that the tax shall first have
been approved by a majority of voters within the affected local governmental subdivision voting thereon.

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

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

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

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

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

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

(2) If such determination contemplates a contractual obligation on the part of a local government to make payments to the authority over a period of time exceeding one year or to issue any bonds or other obligations evidencing indebtedness, such determination shall take the form of an intergovernmental contract to be entered into between the authority and the local government.
(3) The final execution of an intergovernmental contract shall be completed in every instance in the manner hereinafter set forth in this Section.

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

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

E. A local government may select any method provided in this Section to finance the participation required of it in whole or in part, and the selection of one method shall not preclude the selection of another method with respect thereto or with respect to any additional or supplementary participation determined to be necessary.
F. When the authority and a local government have completed and fully
executed an intergovernmental contract in compliance with the requirements of this
Chapter, and the voters shall have approved the contract as herein provided, the
contract shall constitute an obligation on the part of the local government for the
payment of which its good faith and credit are pledged.

§2207. Taxing power

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