

Regular Session, 2010

HOUSE BILL NO. 684

BY REPRESENTATIVE MONTOUCET

HIGHWAYS/EXPRESSWAYS: Changes the name of the commission, the composition of the board of directors, and the jurisdictional boundaries all of the Lafayette Metropolitan Expressway Commission

1 AN ACT

2 To amend and reenact the heading of Chapter 31 of Title 48 of the Louisiana Revised
3 Statutes of 1950, R.S. 48:2091, 2092, 2093, and 2094(A), (C), and (H) relative to the
4 Lafayette Metropolitan Expressway Commission, to change the name of the
5 commission; to change the composition of the board of directors; to change the
6 jurisdictional boundaries of the commission; and to provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. The heading of Chapter 31 of Title 48 of the Louisiana Revised Statutes
12 of 1950, R.S. 48:2091, 2092, 2093, and 2094(A), (C), and (H) are hereby amended and
13 reenacted to read as follows:

14 CHAPTER 31. ~~LAFAYETTE METROPOLITAN~~ ACADIANA REGIONAL
15 EXPRESSWAY COMMISSION

16 §2091. Short title

17 This Chapter shall be known and may be referred to as the "~~Lafayette~~
18 ~~Metropolitan Acadiana Regional~~ Expressway Commission Act".

1 §2092. Purpose; legislative findings

2 A. The legislature hereby finds and declares that the development,
3 construction, improvement, expansion, and maintenance of an efficient, safe, and
4 well-maintained limited access highway system and related ingress and egress is
5 essential to promote continued economic growth and to provide a high quality of life
6 for the people of the ~~Lafayette area~~ Acadiana region.

7 B. Public revenue, including federal funds, has not kept pace with the area's
8 growing transportation system needs. The legislature hereby finds and declares that
9 it is a matter of public necessity to create the ~~Lafayette Metropolitan~~ Acadiana
10 Regional Expressway Commission, to pursue alternative and innovative funding
11 sources, including but not limited to tolls to supplement public revenue sources and
12 to improve the ~~Lafayette area's~~ Acadiana region's transportation system.

13 §2093. Definitions

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

16 (1) "~~Act~~" means the ~~Lafayette Metropolitan Expressway Commission Act~~.

17 (2) (1) "Board" means the board of directors of the commission.

18 (3) (2) "Bonds" means any bonds, notes, renewal notes, refunding bonds,
19 interim certificates, certificates of indebtedness, debentures, warrants, commercial
20 paper, or other obligations or any other evidence of indebtedness or evidence of
21 borrowed money issued or entered into by the commission to finance projects.

22 (4) (3) "Commission" means the ~~Lafayette Metropolitan~~ Acadiana Regional
23 Expressway Commission created by this Chapter.

24 (5) (4) "Department" means the Department of Transportation and
25 Development.

26 (6) "~~Federal government~~" means the ~~United States of America~~ and any
27 agency or instrumentality, corporate or otherwise, of the ~~United States of America~~.

1 ~~(7)~~(5) "Person" means any individual, partnership, firm, corporation,
2 company, cooperative, association, society, trust, or any other business unit or entity,
3 including any state or federal agency.

4 ~~(8)~~(6) "Project" means any capital project undertaken pursuant to this
5 Chapter including the acquisition of real property, construction, reconstruction,
6 improvement, extension, installation, development, landscaping, or operation of a
7 tollway.

8 ~~(9)~~(7) "Project costs" means all costs associated with and necessary to plan,
9 design, acquire property rights, and to construct a project, construction costs, and
10 such other expenses as may be necessary or incidental to the construction, financing,
11 and operation of the project.

12 ~~(10)~~ (8) "Public utility facilities" means tracks, pipes, mains, conduits,
13 cables, wires, towers, poles, and other equipment and appliances which are either
14 publicly or privately owned.

15 ~~(11)~~ (9) "Real property" means lands, waters, rights in lands or waters,
16 structures, franchises, and interests in land, including lands under water, riparian
17 rights, property rights in air space or subsurface, and any and all other things and
18 rights usually included within said term, including any and all interests in such
19 property less than full title.

20 ~~(12)~~ (10) "Revenue" means:

21 (a) Any income, revenue, toll, and receipt derived or to be derived from the
22 construction and operation of projects by the commission or received by the
23 commission from any other sources whatsoever.

24 (b) Monies generated by way of contract, pledge, donation, or bequest.

25 ~~(13)~~ (11) "Secretary" means the secretary of the Department of
26 Transportation and Development.

27 ~~(14)~~ "State" means the state of Louisiana or any agency or instrumentality
28 thereof.

29 ~~(15)~~ (12) "Toll" means any fee or charge for the use of a tollway.

- (6) One member appointed by the chief executive officer of the incorporated areas of the parish other than the city of Lafayette.
- (7) One member appointed by the governing authority of the Lafayette consolidated government.

Proposed law makes changes in the board of directors as follows:

Adds two additional members to the board as follows:

- (1) One member appointed by the governing authority of Iberia Parish.
- (2) One member appointed by the governing authority of the city of New Iberia.

Reduces the number of appointments made by the University of Louisiana-Lafayette from two to one. Removes that authority granted to the secretary of DOTD to appoint two members to the board, one of whom is required to be the District-03 engineer from the department. Provides instead that the District-03 engineer shall serve as a member of the commission. Otherwise retains the membership of the commission.

Proposed law provides that one of the two members appointed by the University of Louisiana-Lafayette shall no longer serve as a member of the commission on and after the effective date of proposed law as determined by the university. Additionally provides that the member appointed by the secretary of DOTD who is not the District-03 engineer shall no longer serve as a member of the commission on and after the effective date of proposed law.

Present law provides that the boundaries and jurisdiction of the commission shall be coextensive with the boundaries of Lafayette Parish.

Proposed law expands the boundaries and jurisdiction of the commission to be coextensive with the boundaries of Iberia and Lafayette Parishes.

(Amends the heading of Chapter 31 of Title 48 of the L.R.S. of 1950, R.S. 48:2091, 2092, 2093, and 2094(A), (C), and (H))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill.

- 1. Changed the proposed new name of the commission from the "Regional Expressway Commission" to the "Acadiana Regional Expressway Commission".
- 2. Added a provision that one of the two members appointed by ULL shall no longer serve as a member of the commission and that the member appointed by the secretary of DOTD who is not the District-03 engineer shall no longer serve as a member of the commission.
- 3. Remainder of amendments are technical.