

Regular Session, 2012

ACT No. 865

HOUSE BILL NO. 1212 (Substitute for House Bill No. 935 by Representative St. Germain)

BY REPRESENTATIVE ST. GERMAIN

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AN ACT

To amend and reenact R.S. 47:481 and R.S. 48:196(A)(introductory paragraph) and to enact R.S. 47:820.5.8, Chapter 2 of Subtitle VIII of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:7011 through 7018, and R.S. 48:954 and 954.1, relative to the Department of Transportation and Development; to provide for an election to determine if tolls are collected on the Crescent City Connection Bridge; to provide relative to collection of tolls; to provide relative to the distribution of toll collections; to create a fund; to provide for an advisory body; to provide for ferry fares; to provide for privatization; to provide for the disposition of certain truck and trailer registration and license fees and taxes; to authorize the State Bond Commission to issue bonds secured by certain funds; to provide for the use of the proceeds of the bonds; to provide for special funds; to provide for certain requirements and limitations on the issuance of bonds; to provide for a procedure to contest the validity of issuance of the bonds; to provide for the rights of bondholders; to authorize the issuance of refunding bonds; to provide certain funds to operate a ferry; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:820.5.8 is hereby enacted to read as follows:

§820.5.8. Toll collection on the Crescent City Connection Bridge; proposition

A. The governor shall call an election to be held at the same time as the statewide election held on November 6, 2012, in the election area to determine whether tolls shall be collected beginning on January 1, 2013, and ending on

1 December 31, 2033, on the Crescent City Connection Bridge, at the rate provided by
 2 law.

3 B. As used in this Section, the following terms shall mean:

4 (1) "Crescent City Connection Bridge" collectively shall mean Bridges No.
 5 1 and No. 2, comprising the Crescent City Connection.

6 (2) "Election area" shall mean the parishes of Jefferson, Orleans, and
 7 Plaquemines.

8 C. The ballot for the election shall state as follows:

9 "PROPOSITION ON CRESCENT CITY CONNECTION BRIDGE TOLL

10 Shall the toll be renewed and collected on the Crescent City Connection
 11 Bridge at the rate provided by law beginning on January 1, 2013, and ending on
 12 December 31, 2033, with the toll revenue dedicated solely for the following purposes
 13 along U.S. 90Z from Interstate 10 to U.S. 90: operations, maintenance, landscaping,
 14 grass cutting, trash pickup, functional and ornamental lighting, police functions,
 15 inspections, motorist assistance patrols, and capital projects on the bridges,
 16 approaches, and roadways and with further authorization for such tolls to be funded
 17 into revenue bonds for any one or more capital projects?"

18 D.(1) If a majority of the qualified electors of the election area voting on the
 19 proposition approve the proposition, the tolls shall be renewed and collected on the
 20 Crescent City Connection Bridge, at the rate provided by law, such collection
 21 beginning on January 1, 2013, and ending on December 31, 2033.

22 (2) If a majority of the qualified electors of the election area voting on the
 23 proposition vote against such proposition, then no such toll shall be renewed and
 24 collected on the Crescent City Connection Bridge.

25 E. The secretary of state shall prepare the ballot for the election.

26 F. Except as otherwise provided, the election required pursuant to this
 27 Section shall be conducted in accordance with the Louisiana Election Code.

28 G. Notwithstanding Chapter 8-A of the Louisiana Election Code, the costs
 29 of the election required pursuant to this Section shall be borne by the state.

1 Section 2. R.S. 47:481 is hereby amended and reenacted and Chapter 2 of Subtitle
2 VIII of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:7011
3 through 7018, is hereby enacted to read as follows:

4 §481. Disposition of collections

5 Except as provided in R.S. 47:480, all fees and taxes provided for in this
6 Chapter, including the permit fees, shall be paid to the state treasurer on or before the
7 tenth day of each month following their collection and shall be credited to the
8 account of the Transportation Trust Fund, the State Highway Improvement Fund,
9 ~~and state highway fund No. 2, and the Algiers-Canal Street Ferry Fund,~~ as provided
10 by law.

11 * * *

12 CHAPTER 2. CRESCENT CITY CONNECTION BRIDGE

13 §7011. Definitions

14 As used in this Chapter, the following terms shall mean:

15 (1) "Crescent City Connection Bridge" collectively shall mean Bridges No.
16 1 and No. 2, comprising the Crescent City Connection.

17 (2) "Department" shall mean the Department of Transportation and
18 Development.

19 (3) "Regional Planning Commission of New Orleans" shall mean the
20 regional planning commission for Jefferson, Orleans, Plaquemines, St. Bernard, and
21 St. Tammany parishes.

22 §7012. Collection of tolls on the Crescent City Connection Bridge

23 A. Tolls on the Crescent City Connection Bridge shall be collected until
24 December 31, 2033, at the rate in effect as of December 31, 2012. The rates shall
25 be twenty cents per axle for toll tag users and fifty cents per axle for cash or credit
26 users. Automatic Vehicular Identification tags may be sold to patrons. All toll
27 revenue collected pursuant to this Section shall be deposited into the Crescent City
28 Connection Toll Fund provided for in this Chapter and used for the sole purposes
29 described therein.

1 B. The Department of Transportation and Development shall collect the tolls
2 and issue Automatic Vehicular Identification tags authorized by this Section if and
3 until such time such collection of tolls and issuance of tags is transferred or
4 contracted out to another entity.

5 §7013. Crescent City Connection toll violations

6 A. The Department of Transportation and Development may adopt such
7 rules and regulations for the method of taking tolls and enforcing violations in
8 accordance with the provisions of the Administrative Procedure Act.

9 B. Definitions of terms included in R.S. 32:1 apply to terms used in this
10 Chapter which are not specifically defined in this Subsection. As used in this
11 Section, unless the context otherwise indicates, the following terms shall have the
12 following meanings:

13 (1) "Electronic toll collection" or "ETC" means a system of collecting tolls
14 or charges that is capable of charging an account holder for the appropriate toll by
15 transmission of information between a device on a motor vehicle and a toll collection
16 facility.

17 (2) "Pay" means paying a toll by cash, by permitting a charge against a valid
18 toll tag account, or by another means of payment approved by the department as
19 applicable at the time.

20 (3) "Photo-monitoring system" means a motor vehicle sensor installed to
21 work in conjunction with a toll collection facility that automatically produces a
22 photograph, microphotograph, videotape, or other recorded image of a motor vehicle
23 or trailer when the operator of the motor vehicle or trailer fails to pay a toll.

24 (4) "Registered owner" means a person in whose name a motor vehicle or
25 trailer is registered under the law of a jurisdiction, including a person issued a dealer
26 or transporter registration plate or a lessor of motor vehicles or trailers for public
27 lease.

28 (5) "Toll" or "tolls" means tolls or charges prescribed by law for passage
29 over the Crescent City Connection Bridge.

1 (6) "Toll tag" means the electronic device issued for use with the ETC on the
2 Crescent City Connection Bridge.

3 (7) "Valid toll tag account" means an existing toll tag account with a balance
4 of not less than the minimum toll required for the vehicle.

5 C. No motor vehicle shall be driven and no motor vehicle or trailer shall be
6 towed through a toll collection facility on the Crescent City Connection without
7 payment of the proper toll. In the event of nonpayment of the proper toll, as
8 evidenced by video or electronic recording, the registered owner of such vehicle or
9 trailer shall be liable to make prompt payment of the proper toll and, in certain
10 circumstances, an administrative fee of twenty-five dollars to recover the cost of
11 collecting the toll.

12 D. A motor vehicle that is not toll-tag equipped may not pass through a
13 dedicated toll-tag lane. A toll-tag equipped motor vehicle that passes through any
14 toll lane incurs a toll, and the account holder shall pay the appropriate toll. Valid toll
15 tag accounts shall not be charged the administrative fee of twenty-five dollars.

16 E. The registered owner is prima facie responsible for the payment of the
17 tolls, administrative fees, and late charges assessed in accordance with this Section,
18 and it is not a defense to liability under this Section that a registered owner was not
19 operating the motor vehicle at the time of the failure to pay. However, if a report
20 that the motor vehicle or trailer was stolen is given to a law enforcement officer or
21 agency before the failure to pay a toll due pursuant to this Chapter occurs or within
22 forty-eight hours after the registered owner becomes aware of the theft, the registered
23 owner shall not be liable under this Section.

24 F. The following procedures shall be taken for the collection of tolls,
25 administrative fees, and late charges under this Section:

26 (1) A violation notice shall be sent by first class mail to a person alleged to
27 be liable as a registered owner at the address shown on the records of the Louisiana
28 Department of Public Safety and Corrections, office of motor vehicles. Multiple
29 violations may be aggregated in one violation notice. A manual or automatic record

1 of the mailing prepared in the ordinary course of business shall be prima facie
2 evidence of the mailing of the notice.

3 (2) The violation notice shall include the name and address of the person
4 alleged to be liable as a registered owner for the failure to pay a toll or tolls under
5 this Section, the amount of the toll or tolls not paid, the registration number of the
6 vehicle or trailer involved, the date and the approximate time of the failure or failures
7 to pay the toll or tolls, the administrative fees due, and such other information
8 deemed appropriate.

9 (3) The violation notice shall also include a warning that the registered
10 owner must pay the toll or tolls and administrative fees stated in the notice or appeal
11 the violation within thirty days after issuance and describe the means and content of
12 the response for payment or appeal. The failure of the registered owner to appeal the
13 violation in the manner provided and within the delays allowed shall be deemed to
14 be an admission of liability and a waiver of available defenses.

15 (4) Within thirty calendar days after the date of the issuance of the violation
16 notice, the registered owner to whom the violation notice is issued must either pay
17 the tolls and administrative fees provided by this Section, send a written dispute by
18 mail as provided by this Section, or request a hearing as provided by this Section.

19 (5) The registered owner may, without waiving the right to a hearing as
20 provided by this Section, and also without waiving judicial review, appeal a violation
21 notice and receive a review and disposition of the violation from a violation clerk by
22 mail. The appeal by mail must contain a signed statement from the registered owner
23 explaining the basis for the appeal. The signed statement may be accompanied by
24 signed statements from witnesses, police officers, government officials, or other
25 relevant parties or photographs, diagrams, maps, or other relevant documents that the
26 registered owner determines to submit. Statements or materials sent to a violation
27 clerk for review must have attached to them the name and address of the registered
28 owner as well as the number of the violation notice and the date of the violation. All
29 information submitted by the registered owner becomes part of the violation record.
30 The violation clerk shall, within sixty days of receipt of such material, review the

1 material and dismiss or uphold the violation and notify the registered owner of the
2 disposition of the hearing in writing by mail. If the appeal by mail is denied, the
3 violation clerk shall explain the reasons for the determination. The violation clerk
4 shall have the authority to waive administrative fees, in whole or in part, for good
5 cause shown.

6 (6) A registered owner issued a violation notice may make a written request
7 for an appeal hearing before a designated agent. The violation clerk shall, within
8 thirty days of receipt of a request for an appeal, notify the registered owner in writing
9 by first class mail of the date, time, and place of the hearing. The hearing shall be
10 informal, the rules of evidence shall not apply, the Administrative Procedure Act
11 shall not apply, and the decision of the agent shall be final, subject to judicial review.
12 The parties to the appeal hearing shall be notified in person or by mail of the decision
13 following the hearing. Each written appeal decision shall contain a statement of
14 reasons for the decision including a determination of each issue of fact necessary to
15 the decision. Failure to appear at the date, time, and place specified on the hearing
16 notice shall automatically result in the denial of the appeal. The hearing agent shall
17 have the authority to waive administrative fees, in whole or in part, for good cause
18 shown.

19 (7) These provisions do not apply to traffic citations and moving violations
20 issued by law enforcement personnel.

21 G. Failure to comply with the requirements of this Section shall result in the
22 following late charges or sanctions or both against the registered owner:

23 (1) The following late charges for late payment, failure to pay, or for
24 otherwise failing to respond to a violation notice as provided by this Section may be
25 assessed:

26 (a) A registered owner who fails to pay the administrative fees specified in
27 a violation notice and who fails to appeal a violation notice as provided by this
28 Section within thirty calendar days after the date of the issuance of the violation
29 notice shall incur a late charge of five dollars. The violation clerk shall notify the
30 registered owner by first class mail of this first notice of delinquency.

1 **(b) A registered owner who fails to respond to a violation notice as provided**
2 **by this Section within forty-five calendar days after the date of the issuance of the**
3 **violation notice shall incur an additional late charge of fifteen dollars. The violation**
4 **clerk shall notify the registered owner by first class mail of this notice of**
5 **delinquency.**

6 **(c) A registered owner who fails to respond to a violation notice as provided**
7 **by this Section within sixty calendar days after the date of the issuance of the**
8 **violation notice shall incur an additional late charge of twenty dollars. The violation**
9 **clerk shall notify the registered owner by first class mail of this notice of**
10 **delinquency and, in addition, notify the Louisiana office of motor vehicles. Upon**
11 **notice from a violation clerk, the office of motor vehicles shall place the matter on**
12 **record and shall not renew the driver's license of the registered owner or the**
13 **registration of the vehicle until after notice from the violation clerk that the matters**
14 **have been disposed of in accordance with law.**

15 **(d) After a notice to the office of motor vehicles provided in Subparagraph**
16 **(c) of this Paragraph, violation notices or notices of delinquency to registered owners**
17 **with ten or more toll violations shall not be required to be mailed. However, the tolls**
18 **and administrative fees of such registered owner shall continue to accumulate.**

19 **(2) Civil and criminal action may be pursued as appropriate to collect the**
20 **tolls and administrative fees assessed in the violation notice as well as such**
21 **subsequent late charges assessed in accordance with this Section.**

22 **H.(1) A photograph, microphotograph, videotape, or other recorded image**
23 **produced by a photo-monitoring device is admissible in a proceeding to collect a toll**
24 **or other charge, to collect criminal penalties imposed, or to impose criminal liability**
25 **for a failure to pay the toll or charge.**

26 **(2) An original or facsimile of a certificate, sworn to or affirmed by an agent**
27 **of the toll collector that states that a failure to pay has occurred and states that it is**
28 **based upon a personal inspection of a photograph, microphotograph, videotape, or**
29 **other recorded image produced by a photo-monitoring system, as defined in this**
30 **Section, is prima facie evidence of the facts contained in the certificate.**

1 (3) Notwithstanding any other provision of law to the contrary, a photograph,
 2 microphotograph, videotape, or other recorded image prepared for enforcement of
 3 tolls is for the exclusive use of the Department of Transportation and Development
 4 or contracting entity in the discharge of its duties under this Section.

5 I. The Department of Transportation and Development may hire or designate
 6 such personnel and organize such sections as the department may deem necessary,
 7 or contract for such services, in order to carry out the provisions of this Section.

8 J. The tolls, administrative fees, and any late charges provided by law which
 9 are collected shall be deposited into the Crescent City Connection Toll Fund
 10 provided for in R.S. 47:7015 and used for the sole purposes described therein.

11 §7014. New Orleans Regional Planning Commission; advisory authority

12 A. The New Orleans Regional Planning Commission shall serve as an
 13 advisory body for the collection of tolls on the Crescent City Connection Bridge. It
 14 shall recommend best practices for operations, maintenance, landscaping, grass
 15 cutting, trash pickup, functional and ornamental lighting, motorist assistance patrols,
 16 inspection, and capital projects on bridges, approaches, and roadways, including
 17 ingress and egress points to the Crescent City Connection Bridge along US 90Z from
 18 Interstate 10 to US 90.

19 B. In furtherance of this purpose, the commission shall have access to the
 20 accounting of all expenditures, revenues, project priorities, status of ongoing
 21 projects, and any other matters which relate to the Crescent City Connection Bridge,
 22 its operations, and related projects.

23 §7015. Crescent City Connection Toll Fund; bonds

24 A. There is hereby created, as a special fund in the state treasury, the
 25 Crescent City Connection Toll Fund, hereinafter referred to as the "fund". The
 26 source of monies for the fund shall be tolls collected for passage over the Crescent
 27 City Connection Bridge, and any administrative fees, and any late charges provided
 28 by law which are collected pursuant to R.S. 47:7012 and 7013, in such amounts as
 29 remain after the deposit of not less than ten million dollars annually of such monies
 30 into the Crescent City Connection Capital Projects Fund to provide for payment of

1 amounts due on bonds and related expenses and used to make payment under the
2 bond documents pursuant to which any bonds were issued pursuant to the provisions
3 of R.S. 47:7016, to provide funds to finance capital projects on a 'pay-as-you go'
4 basis, or to provide funds to match federal funds.

5 B. After compliance with the requirements of Article VII, Section 9(B) of
6 the Constitution of Louisiana, relative to the Bond Security and Redemption Fund,
7 and after deposit of not less than ten million dollars annually to the Crescent City
8 Connection Capital Projects Fund, an amount equal to that deposited into the state
9 treasury from the foregoing sources shall be deposited in and credited to the fund.
10 The monies in the fund shall be invested by the treasurer in the same manner as the
11 state general fund, and interest earnings shall be deposited into the fund. All
12 unexpended and unencumbered monies remaining in the fund at the end of each
13 fiscal year shall be transferred to and deposited by the treasurer into the Crescent
14 City Connection Capital Projects Fund.

15 C.(1) Monies in the fund shall be subject to annual appropriation as set forth
16 herein by the legislature for use by the Department of Transportation and
17 Development and the Department of Public Safety and Corrections, public safety
18 services.

19 (2) Monies appropriated from the fund to the Department of Public Safety
20 and Corrections, public safety services shall not exceed two million dollars annually
21 and shall be allocated to and disbursed solely for police functions on the Crescent
22 City Connection Bridge and along US 90Z between Interstate 10 and US 90.

23 (3) Monies appropriated from the fund to the Department of Transportation
24 and Development shall be allocated and disbursed solely for operations,
25 maintenance, landscaping, grass cutting, trash pickup, functional and ornamental
26 lighting, inspections, motorist assistance patrols, and capital projects on the bridges,
27 approaches and roadways, along U.S. 90Z from Interstate 10 to U.S. 90, including
28 ingress and egress points to the Crescent City Connection Bridge.

29 (4) No monies in the fund shall be used for any of the following purposes:

30 (a) As a part of the Transportation Trust Fund-Regular.

1 **(b) To fund the operations of any office, section, division, or other entity**
 2 **under the authority of the department for anything other than the purposes for which**
 3 **this Chapter authorizes for the Crescent City Connection Bridge.**

4 **(c) To finance, supplement, or in any manner fund any Louisiana**
 5 **Transportation Authority project, other than those related to the Crescent City**
 6 **Connection Bridge.**

7 **(d) To finance, supplement, or in any manner fund any other projects in the**
 8 **state of Louisiana, particularly those contained in Part VI of Chapter 7 of Subtitle II**
 9 **of Title 47, the Transportation Infrastructure Model for Economic Development.**

10 **(e) To finance, supplement, or in any manner fund any ferry operated in the**
 11 **state.**

12 **(5) Transportation Trust Fund - Regular monies shall not be expended to**
 13 **provide special, dedicated police functions on the Crescent City Connection.**

14 **§7016. Crescent City Connection Capital Projects Fund: capital projects; bonds**

15 **A. There is hereby created, as a special fund in the state treasury, the**
 16 **Crescent City Connection Capital Projects Fund, hereinafter referred to as the "CP**
 17 **Fund". The source of monies for the CP Fund shall be not less than ten million**
 18 **dollars annually of tolls collected for passage over the Crescent City Connection**
 19 **Bridge and all unexpended and unencumbered monies in the Crescent City**
 20 **Connection Toll Fund at the end of each fiscal year and transferred to the CP Fund**
 21 **pursuant to R.S. 47:7015. The monies in the CP fund shall be invested by the**
 22 **treasurer in the same manner as the state general fund, and interest earnings shall be**
 23 **deposited into the CP fund. All unexpended and unencumbered monies remaining**
 24 **in the fund at the end of each fiscal year shall remain in the CP fund and shall be**
 25 **used solely and exclusively for the purposes approved by the voters as provided in**
 26 **the proposition and for no other purpose.**

27 **B. Monies in the CP Fund shall be subject to annual appropriation by the**
 28 **legislature solely and exclusively to the Department of Transportation and**
 29 **Development to provide funds for capital projects on a pay-as-you-go basis, or as**
 30 **match for federal funds relative to the Crescent City Connection, or to provide funds**

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 for the payment of amounts due on bonds and related expenses as provided in this
2 Chapter.

3 C.(1) Notwithstanding any provision of law to the contrary, and as a grant
4 of power in addition to any other general or special law, the State Bond Commission,
5 hereinafter referred to as the "commission", on behalf of the Department of
6 Transportation and Development, hereinafter referred to as the "department", may
7 issue bonds, notes, certificates, or other evidences of indebtedness, hereinafter
8 collectively referred to as the "bonds". Monies available for pledge and dedication
9 for payment of the bonds shall be not less than ten million dollars in toll revenues
10 collected in each fiscal year, other funds collected pursuant to this Chapter, and any
11 other fees, rates, rentals, charges, grants, or other receipts or income derived by or
12 in connection with an undertaking, facility, project, or any combination thereof, all
13 of such sources being hereinafter referred to as "revenues". The bonds shall be
14 issued solely for capital projects for and related to the Crescent City Connection
15 Bridge and along US 90Z between Interstate 10 and US 90, including the following:

16 (a) Repainting the downriver span of the Crescent City Connection Bridge.

17 (b) Improving ingress and egress capacity at the following locations:

18 (i) Annunciation Street.

19 (ii) Barataria Boulevard.

20 (iii) Tchoupitoulas Street.

21 (iv) MacArthur Drive Interchange (east bound Peters Road on and off
22 ramps).

23 (v) Harvey Tunnel Rehabilitation.

24 (c) If funds are available to finance projects in addition to specific projects
25 listed in this Subsection, the Regional Planning Commission shall prioritize such
26 projects.

27 (2) The commission is further authorized, in its discretion, to pledge all or
28 any part of any gift, grant, donation, or other sum of money, aid, or assistance from
29 the United States, the state, or any political subdivision thereof, unless otherwise
30 restricted by the terms thereof, all or any part of the proceeds of bonds, credit

1 agreements, instruments, or any other money of the commission, from whatever
2 source derived, for the further securing of the payment of the principal and interest
3 of the bonds.

4 (3) Any bonds issued pursuant to the provisions of this Section shall
5 constitute revenue bonds under Article VII, Section 6 of the Constitution of
6 Louisiana, and such bonds shall be payable solely from an irrevocable pledge and
7 dedication of the revenues without a pledge of the full faith and credit of the state.

8 D. In accordance with the provisions of Article VII, Section 9(A)(6) of the
9 Constitution of Louisiana, there is hereby established a special fund for the purpose
10 of providing for the securitization of any bonds which may be issued pursuant to the
11 provisions of this Section which shall include requirements for reserves and credit
12 enhancement devices, all as may be provided in any resolution, trust agreement,
13 indenture, or other instrument pursuant to which such bonds were issued. The fund
14 shall be administered by a trustee as designated by the commission. The source of
15 monies for the fund shall be those revenues pledged for payment of bonds pursuant
16 to the provisions of this Section. All such revenues shall be classified and set aside
17 in a separately identifiable fund or account outside of the state treasury but
18 maintained by the state treasury, and such revenues shall be assigned and pledged to
19 the trustee under the documents pursuant to which the bonds were issued for the
20 benefit of the holders of the bonds. Only after satisfaction of all requirements of the
21 documents pursuant to which any bonds shall be issued shall any revenues pledged
22 herein be available for any other purposes, and specifically for the purposes provided
23 for in this Chapter.

24 E. Bonds issued under the provisions of this Section shall not be deemed to
25 constitute a pledge of the full faith and credit of the state or of any governmental unit
26 thereof. All such bonds shall contain a statement on their face substantially to the
27 effect that neither the full faith and credit of the state nor the full faith and credit of
28 any public entity of the state are pledged to the payment of the principal of or the
29 interest on such bonds. The issuance of bonds under the provisions of this Section
30 shall not directly, indirectly, or contingently obligate the state or any governmental

1 unit of the state to levy any taxes whatsoever therefore or to make any appropriation
2 for their payment.

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

11 G. Bonds shall be sold by the commission at public sale by competitive bid
12 or negotiated private sale and at such price as the commission may determine to be
13 in the best interest of the commission and the state.

14 H. The issuance of the bonds shall not be subject to any limitations,
15 requirements, or conditions contained in any other law, and bonds may be issued
16 without obtaining the consent of any political subdivision of the state or of any
17 agency, commission, or instrumentality of the state. The bonds shall be issued in
18 compliance with the provisions of this Section. Any bond or note, including the full
19 principal of and interest on any refunding bond or note, issued by the commission
20 pursuant to the provisions of the Act which originated as House Bill No.1212 of the
21 2012 Regular Session of the Legislature shall not be considered as "net state tax
22 supported debt" under the provisions of R.S. 39:1367.

23 I. For a period of thirty days after the date of publication of a notice of intent
24 to issue bonds in the official journal of the commission authorizing the issuance of
25 bonds hereunder, any person in interest shall have the right to contest the legality of
26 the resolution and the legality of the bond issue for any cause, but after that time no
27 one shall have any cause or right of action to contest the legality of the resolution or
28 of the bonds or the security therefore for any cause whatsoever. If no suit, action,
29 or proceeding is begun contesting the validity of the resolution, the bonds or the
30 security therefore within the thirty days prescribed in this Subsection, the authority

1 to issue the bonds and to provide for the payment thereof, the legality thereof, and
2 all of the provisions of the resolution authorizing the issuance of the bonds shall be
3 conclusively presumed to be legal and shall be incontestable. Any notice of intent
4 so published shall set forth in reasonable detail the purpose of the bonds, the security
5 therefore, and the parameters of amount, duration, and interest rates. Any suit to
6 determine the validity of bonds issued by the commission shall be brought only in
7 accordance with the provisions of R. S. 13:5121 et seq.

8 J. All bonds issued pursuant to this Section shall have all the qualities of
9 negotiable instruments under the commercial laws of the state.

10 K. Any pledge of the revenues or other monies made by the commission
11 shall be valid and binding from the time when the pledge is made. The revenues or
12 monies so pledged and thereafter received by the commission shall immediately be
13 subject to the lien of such pledge without any physical delivery thereof or further act,
14 and the lien of any such pledge shall be valid and binding as against all parties
15 having claims of any kind in tort, contract, or otherwise against the commission
16 irrespective of whether such parties have notice thereof. Any trust agreement or
17 other instrument by which a pledge is created need not be filed or recorded except
18 in the official records of the commission.

19 L. Neither the member of the commission nor any person executing the
20 bonds shall be personally liable for the bonds or be subject to any personal liability
21 or accountability by reason of the issuance thereof.

22 M. Bonds of the commission, their transfer, and the income thereof shall at
23 all times be exempt from all taxation by the state or any political subdivision thereof,
24 and may or may not be exempt for federal income tax purposes. The bonds issued
25 pursuant to this Section shall be and are hereby declared to be legal and authorized
26 investments for banks, savings banks, trust companies, building and loan
27 associations, insurance companies, fiduciaries, trustees, and guardians. Such bonds
28 shall be eligible to secure the deposit of any and all public funds of the state and any
29 and all public funds of municipalities, parishes, school districts, or other political
30 corporations or subdivisions of the state. Such bonds shall be lawful and sufficient

1 security for said deposits to the extent of their value. When any bonds shall have
2 been issued pursuant to this Section, neither the legislature, the state, nor any other
3 entity may act to impair any obligation or contract for the benefit of the holders of
4 the bonds or discontinue or decrease the tolls pledged to the payment of the bonds
5 authorized hereunder or permit to be discontinued or decreased said tolls in
6 anticipation of the collection of which such bonds have been issued, or in any way
7 make any change in the allocation and dedication of any fee which would diminish
8 the amount of tolls to be received by the commission, until all such bonds shall have
9 been retired as to principal and interest, and there is hereby vested in the holders
10 from time to time of such bonds a contract right in the provisions of this Section.

11 N. The commission may provide by resolution for the issuance of refunding
12 bonds pursuant to R.S. 39:1444 et seq.

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

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

26 Q. The commission is authorized to employ all professionals it deems
27 necessary in the issuance of the bonds.

28 R. The commission is authorized to enter into any and all agreements or
29 contracts, execute any and all instruments, and do and perform any and all acts

1 necessary, convenient, or desirable for the issuance of the bonds or to carry out any
 2 power expressly given in this Section.

3 S. Any other provision of law to the contrary notwithstanding, any revenues
 4 deposited in the bond fund that are pledged to the repayment of any bonds issued in
 5 accordance with this Section may be collected and disbursed in accordance with the
 6 documents pursuant to which such bonds were issued.

7 §7017. Ferry operation at New Orleans; rates

8 Should the ferry service formerly operated by the Crescent City Connection
 9 Division of the Department of Transportation and Development not be privatized as
 10 allowed pursuant to Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950,
 11 the department shall use best practices and establish and collect fares:

12 (1) A tourist rate or non-commuter rate may be set by the department under
 13 the direction of the New Orleans Regional Planning Commission pursuant to the
 14 authority granted to it pursuant to R.S. 47:7014.

15 (2) All fares collected shall be used solely for ferry operations formerly
 16 operated by the Crescent City Connection Division of the Department of
 17 Transportation and Development.

18 §7017.1. Algiers-Canal Street Ferry Fund; ferry operations

19 A. There is hereby created, as a special fund in the state treasury, the
 20 Algiers-Canal Street Ferry Fund, hereinafter referred to as the "fund".
 21 Notwithstanding any provision of law to the contrary, beginning January 1, 2013,
 22 and each fiscal year thereafter, after compliance with the requirements of Article VII,
 23 Section 9(B) of the Constitution of Louisiana, and after making the allocation for
 24 state highway fund No. 2, the treasurer shall deposit into the fund, all of the funds
 25 derived from the collection of registration and license fees and taxes collected by the
 26 state pursuant to R.S. 47:462, and as provided in R.S. 47:481, in the parish of
 27 Orleans.

28 B. The monies in the fund shall be subject to an annual appropriation by the
 29 legislature and shall be used only as provided in Subsection C of this Section. The
 30 monies in the fund shall be invested by the treasurer in the same manner as the

1 monies in the state general fund, and all interest earned shall be deposited and
2 credited to the fund. All unexpended or unencumbered monies remaining in the fund
3 at the end of the fiscal year shall remain to the credit of the fund.

4 C. Monies appropriated from the fund shall be used exclusively by the
5 Department of Transportation and Development to fund operations of the Algiers-
6 Canal Street ferry.

7 §7018. Termination

8 The provisions of this Chapter shall be null, void, and of no effect should the
9 majority of the qualified electorate voting in the election provided for in R.S.
10 47:820.5.8, vote not to have tolls collected on the Crescent City Connection Bridge.

11 Section 3. R.S. 48:196(A)(introductory paragraph) is hereby amended and reenacted
12 and R.S. 48:954 and 954.1 are hereby enacted to read as follows:

13 §196. State Highway Improvement Fund

14 A. There is hereby created, as a special fund in the state treasury, the State
15 Highway Improvement Fund, hereinafter referred to as the "fund". The source of
16 monies in this fund shall be registration and license fees and taxes collected by the
17 state pursuant to R.S. 47:462, and as provided in R.S. 47:481. Beginning July 1,
18 2007, and each fiscal year thereafter, after compliance with the requirements of
19 Article VII, Section 9(B) of the Constitution of Louisiana, and after making the
20 allocation for state highway fund No. 2, and the Algiers-Canal Street Ferry Fund, the
21 treasurer shall deposit into the fund the following amounts:

22 * * *

23 §954. Crescent City Connection Bridge; toll collection, maintenance, operations,
24 and other services; privatization

25 A. Notwithstanding any provision to the contrary, the department is hereby
26 authorized to privatize, let franchises, or enter into contracts for the collection of
27 tolls, operations, maintenance, and all associated activities, for the Crescent City
28 Connection Bridge. Operations and maintenance shall include inspection,
29 landscaping, grass cutting, trash pickup, and functional and ornamental lighting.

1 B. The department shall hold at least one public meeting in the New Orleans
 2 metropolitan area prior to issuing any solicitation.

3 C. Adequate public notice of any solicitation shall be given by advertising
 4 in the official journal of the state and the official journals of the parishes of Orleans,
 5 Jefferson, and Plaquemines, at least once. In addition, written notice may be
 6 provided to persons, firms, or corporations who are known to be in a position to
 7 furnish such service requested.

8 D. The department shall determine which offer for a desired service is the
 9 most advantageous to the state which meets all the qualitative restrictions established
 10 in any privatization solicitation.

11 E. The department shall give updates on its efforts to privatize the operations
 12 and maintenance of the Crescent City Connection Bridge upon request of the Senate
 13 Committee on Transportation, Highways and Public Works or the House Committee
 14 on Transportation, Highways and Public Works, or both.

15 F. The provisions of this Section shall be null, void, and of no effect on July
 16 1, 2014, should the department have not awarded a contract or contracts for Crescent
 17 City Connection Bridge toll collection and operations and maintenance.

18 G. "Crescent City Connection Bridge" as used in this Section shall
 19 collectively mean Bridges No. 1 and No. 2, comprising the Crescent City
 20 Connection.

21 §954.1. Crescent City Connection; best practices

22 The department shall utilize industry recognized best practices not in conflict
 23 with applicable laws in executing procurement contracts, engineering contracts, and
 24 other contracts entered into which affect the Crescent City Connection Bridge, with
 25 a public or nonpublic entity. "Crescent City Connection Bridge" as used in this
 26 Section shall collectively mean Bridges No. 1 and No. 2, comprising the Crescent
 27 City Connection.

28 Section 4. The legislative auditor of the state of Louisiana shall perform an audit of
 29 the Department of Transportation and Development's operations of the Crescent City
 30 Connection Bridge and provide a written report to the House and Senate committees on

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1 transportation, highways, and public works by March 1, 2014. Such report shall include but
2 not be limited to a determination of the Department of Transportation and Development's
3 compliance with the statutes, rules, and regulations of the state concerning procurement of
4 supplies and materials and obtaining professional services such as engineering, inspection,
5 and examination services.

6 Section 5. The Legislative Fiscal Office shall issue an opinion by March 1, 2014, as
7 to whether the Department of Transportation and Development's procurement policies and
8 systems as they relate to the Crescent City Connection Bridge have resulted in the most cost-
9 effective expenditure of public funds, in particular whether the amounts expended on
10 administration is out of line when compared with public and private entities performing the
11 same function. The Legislative Fiscal Office shall also make a determination of the sources
12 of revenue for the operation of the Crescent City Connection Bridge by the Department of
13 Transportation and Development.

14 Section 6. This Section and Sections 1 and 7 of this Act shall become effective upon
15 signature by the governor or, if not signed by the governor, upon expiration of the time for
16 bills to become law without signature by the governor, as provided by Article III, Section
17 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
18 by the legislature, this Act shall become effective on the day following such approval.

19 Section 7. Sections 2 and 3 of this Act shall be effective on January 1, 2013, should
20 the election provided for in Section 1 of this Act result in the renewal and collection of tolls
21 on the Crescent City Connection Bridge as defined in Section 1 of this Act.

1 Section 8. The provisions of Section 3 of this Act shall be null, void, and of no effect
2 should the majority of the qualified electorate voting in the election provided for in Section
3 1 of this Act vote not to have tolls collected on the Crescent City Connection Bridge.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____