



1            construction, and maintenance connected with the state highway system, it is the  
2            purpose of this Chapter to do the following:

3                    (1) Provide for the establishment and administration of a transportation  
4                    infrastructure bank to make loans and provide other assistance to public entities  
5                    carrying out or proposing to carry out eligible transportation projects and enter into  
6                    such cooperative agreements, interstate compacts, and cooperative endeavor  
7                    agreements as may be necessary and proper to fulfill the purposes of the Chapter.

8                    (2) Provide for the receipt, administration, and use by the transportation  
9                    infrastructure bank of federal funds contributed to it pursuant to federal law, rule, or  
10                   regulation, funds appropriated or otherwise provided by the state or any local  
11                   governing authority, and funds derived or contributed from, or otherwise provided  
12                   by, any other sources.

13                   (3) Authorize the transportation infrastructure bank to establish and  
14                   administer a revolving fund for eligible transportation projects and to use the sums  
15                   on deposit in, credited to, or otherwise received by the infrastructure bank for the  
16                   purposes provided in this Section.

17                   (4) Authorize the transportation infrastructure bank to issue bonds, notes, or  
18                   other evidences of indebtedness.

19                   B. The following terms as used in this Chapter shall have the following  
20                   meanings:

21                   (1) "Department" means the Department of Transportation and  
22                   Development.

23                   (2) "Eligible transportation project" means a plan or proposal approved by  
24                   the department which would require or use funds or other assistance provided by the  
25                   infrastructure bank, whether a transportation infrastructure bank loan or other  
26                   assistance in accordance with applicable federal provisions, to construct, improve,  
27                   or maintain a transportation project on the state highway system or that provides for  
28                   increased mobility on the state highway system or provides intermodal connectivity  
29                   with airports, seaports, rail facilities, and other transportation terminals for the  
30                   movement of people and goods.

1                   (3) "Infrastructure bank" means the Louisiana Transportation Infrastructure  
 2                   Bank provided for in this Chapter.

3                   (4) "Infrastructure bank loan" means any bond, note, or other evidence of  
 4                   indebtedness, or a commitment, pledge, loan, letter of credit, guarantee, subsidy, or  
 5                   other obligation of any public entity for an eligible transportation project.

6                   §1802. Louisiana Transportation Infrastructure Bank; structure; powers; duties

7                   A. There is hereby established within the Department of the Treasury the  
 8                   Louisiana Transportation Infrastructure Bank, which shall be allocated to the  
 9                   Department of the Treasury as an agency of the state.

10                   B.(1) The Louisiana Transportation Infrastructure Bank shall be governed  
 11                   by a board of directors, referred to as "the board", composed of the following  
 12                   members:

13                   (a) The secretary of the Department of Transportation and Development, or  
 14                   his designee.

15                   (b) The state treasurer, or his designee.

16                   (c) The chairman of the Senate Committee on Transportation, Highways, and  
 17                   Public Works, or his designee.

18                   (d) The chairman of the House Committee on Transportation, Highways, and  
 19                   Public Works, or his designee.

20                   (e)(i) One member appointed by a majority of the other members enumerated  
 21                   in this Paragraph from among three nominees who shall be nominated by the  
 22                   Louisiana Bankers Association and who shall possess no less than five years'  
 23                   experience in commercial lending or investment banking practices.

24                   (ii) The member selected pursuant to this Subparagraph shall serve a three-  
 25                   year term. A vacancy in this position shall be filled in the manner provided in Item  
 26                   (i) of this Subparagraph for the remainder of the three-year term.

27                   (f)(i) One member appointed by the board members of the State Board of  
 28                   Certified Public Accountants of Louisiana and who shall possess no less than five  
 29                   years' experience in professional accounting and auditing standards for financial  
 30                   accounting, management, and reporting.

1           (ii) The member appointed pursuant to this Subparagraph shall serve a three-  
2           year term. A vacancy in this position shall be filled in the manner provided in Item  
3           (i) of this Subparagraph for the remainder of the three-year term.

4           (g)(i) One member appointed by the governor from the board of directors of  
5           the Louisiana Good Roads and Transportation Association with no less than five  
6           years' experience in transportation program planning.

7           (ii) The member appointed pursuant to this Subparagraph shall serve a three-  
8           year term. A vacancy in this position shall be filled in the manner provided in Item  
9           (i) of this Subparagraph for the remainder of the three-year term.

10          (2) The board shall adopt bylaws for its own internal organization and  
11          government, including the election of officers and conduct of meetings in accordance  
12          with the Louisiana Open Meetings Law, R.S. 42:11 et seq.

13          (3) The board shall promulgate rules and regulations, in accordance with the  
14          Administrative Procedure Act, R.S. 49:950 et seq., for the appointment and  
15          responsibilities of committees; review, consideration, and approval or rejection of  
16          applications for infrastructure bank loans; and the administration of the infrastructure  
17          bank and the fulfillment of any and all responsibilities and duties and exercise of any  
18          rights and authority of such infrastructure bank as provided in this Chapter.

19          (4) The state treasurer shall serve as chairman of the infrastructure bank and  
20          the board may select such other officers as it may deem necessary.

21          C. The board shall have authority and responsibility for reviewing and acting  
22          to approve or deny any application for infrastructure bank loans or other assistance,  
23          made by any public entity for an eligible transportation project. No application for  
24          any infrastructure bank loan or other assistance shall be made without prior approval  
25          of the proposed transportation project by the department. The department shall have  
26          the sole discretion, authority, and control over all aspects of the review of any and  
27          all construction, engineering, and related technical aspects of such transportation  
28          projects.

29          D. Following the close of each state fiscal year, an annual report of  
30          infrastructure bank applications and approved transportation projects shall be

1           submitted to the House Committee on Transportation, Highways, and Public Works  
2           and the Senate Committee on Transportation, Highways, and Public Works no later  
3           than September first of each year. The infrastructure bank shall submit an annual  
4           report to the appropriate federal agency in accordance with requirements of any  
5           federal program.

6           E. The infrastructure bank shall have the powers necessary or convenient to  
7           carry out its mission and the purpose described in this Chapter, including the  
8           following:

9                   (1) To sue and be sued.

10                   (2) To adopt an official seal and alter the same at its pleasure.

11                   (3) To appoint an executive director to administer the affairs of the  
12           infrastructure bank, who shall be an employee of the state treasurer approved by the  
13           board of directors of the infrastructure bank.

14                   (4) To make and execute contracts and other agreements, instruments, and  
15           documents necessary or convenient for the exercise of its powers and functions under  
16           this Chapter, with any federal or state government agency, local government,  
17           political subdivision, or other public or private entity, and to act in furtherance of its  
18           interests therein, including but not limited to credit enhancement devices, guarantees,  
19           pledges, interest rate swap agreements, contracts, and agreements with federal  
20           agencies, political subdivisions, public trusts, departments, boards, agencies,  
21           commissions of the state, and other parties to the extent necessary or convenient for  
22           the implementation of the purpose of infrastructure bank as provided for in this  
23           Chapter.

24                   (5) To receive and administer grants from the federal government or its  
25           agencies allotted to the state for the capitalization of the state infrastructure bank or  
26           revolving loan or investment fund, state funds when required or otherwise made  
27           available, or any other funds or property lent, granted, or donated or otherwise  
28           provided for the purposes provided for in this Chapter, subject to compliance with  
29           the terms of a federal or state grant, if any, and other applicable state or federal law,  
30           rule, or regulation.

1                   (6) To make loans from federal funds or funds on deposit in, credited to, or  
 2                   to be received by the infrastructure bank, provided that no transportation project shall  
 3                   be considered by the infrastructure bank without prior approval of the department  
 4                   and interest on such loans shall be at or below market interest rates for a period not  
 5                   to exceed five years from the completion of the construction of an eligible  
 6                   transportation project.

7                   (7) To offer and to make or enter into loan guarantees, letters of credit, or  
 8                   other forms of assistance for eligible transportation projects.

9                   (8) To provide payments to reduce interest on loans and loan guarantees for  
 10                  eligible transportation projects.

11                  (9) To make bond interest subsidies for bonds issued to fund eligible  
 12                  transportation projects.

13                  (10) To provide bond guarantees to any public entity for eligible  
 14                  transportation projects.

15                  (11) To provide assistance to any parish, municipality, or other local political  
 16                  subdivision with respect to the nonfederal share of the costs of eligible transportation  
 17                  projects.

18                  (12) To finance the cost of and the preparation of plans, specifications, and  
 19                  estimates for construction of publicly-owned eligible transportation projects.

20                  (13) To finance the cost of purchase or lease agreements related to eligible  
 21                  transportation projects.

22                  (14) To secure the principal, interest, and premium, if any, on bonds or other  
 23                  evidence of indebtedness issued for an eligible transportation project, provided that  
 24                  the proceeds of such bonds are both of the following:

- 25                   (a) Deposited in the infrastructure bank.
- 26                   (b) Used only to pay for an eligible transportation project or to refund any  
 27                   obligation the proceeds of which are used to pay for an eligible transportation project  
 28                   to the extent provided and allowed by the terms of a federal grant, or the terms of any  
 29                   other type of loan, grant, or donation received for the purposes provided for in this  
 30                   Chapter.

1           (15) To improve credit market access by guaranteeing, arranging, or  
2           purchasing bond insurance or other credit enhancement devices for debt obligations  
3           issued for an eligible transportation project.

4           (16) To fund any other programs which the federal government authorizes  
5           by the terms of grants made for the fund or made for purposes for which the fund is  
6           authorized.

7           (17) To provide for any other expenditure consistent with a federal grant  
8           program and state law.

9           (18) To enter into contracts with participating entities through which such  
10          parties may agree to share in the costs of operating the infrastructure bank.

11          (19) To establish, by rule adopted pursuant to the Administrative Procedure  
12          Act, a schedule of reasonable fees and charges to pay the costs of administering the  
13          infrastructure bank.

14          §1803. Louisiana Transportation Infrastructure Fund; creation; sources of  
15          capitalization; authorizing and issuing debt

16          A. The Louisiana Transportation Infrastructure Fund is hereby established  
17          and shall be maintained and operated by the board of directors of the Louisiana  
18          Transportation Infrastructure Bank so authorized to administer a revolving fund for  
19          eligible transportation projects and to use the sums on deposit in, credited to, or  
20          otherwise received by the infrastructure bank for the purpose provided in this  
21          Chapter. The Louisiana Transportation Infrastructure Fund shall provide assistance  
22          to eligible recipients for eligible transportation projects of the Louisiana  
23          Transportation Infrastructure Bank as may be permitted by the federal act or federal  
24          regulations and by this Chapter.

25          B.(1) Money needed for the operation of the infrastructure bank or otherwise  
26          dedicated shall be invested by the state treasurer as provided by law for the  
27          investment of other state funds, except as may be limited by federal law or the terms  
28          and conditions of any grant, related to money deposited in the revolving loan fund.

29          (2) Provided that such monies shall be deposited in the Louisiana State  
30          Infrastructure Bank Fund only after satisfaction of all requirements of R.S. 47:820.2

1           and R.S. 48:196.1 have been met in the fiscal year, revenues used to capitalize the  
2           Louisiana State Infrastructure Bank Fund include but are not limited to the  
3           following:

4                   (a) Investments by the state treasurer as provided by law for the investment  
5                   of other state funds.

6                   (b) Seven percent of the remainder of total avails deposited in the  
7                   Transportation Trust Fund pursuant to R.S. 48:77(B)(2).

8                   C.(1) Notwithstanding any provision of the law to the contrary, and in  
9                   addition to the authority to lend or borrow money or incur or guarantee indebtedness  
10                   provided by any other provisions of the law, sums on deposit in and credited to the  
11                   Louisiana Transportation Infrastructure Bank Fund may be lent to parishes,  
12                   municipalities, and other political subdivisions of the state, or other public entities  
13                   for use in connection with eligible transportation projects. However, this Section  
14                   shall not be deemed to be the exclusive authority under which parishes,  
15                   municipalities, or other political subdivisions, or other political entities, may borrow  
16                   money or incur indebtedness.

17                   (2) Parishes, municipalities, or political subdivisions may enter into  
18                   infrastructure bank loans in accordance with this Section, provided that no such loan  
19                   shall be made nor debt evidencing such loan by any parish, municipality, or other  
20                   political subdivision shall be issued or incurred without the prior approval of the  
21                   State Bond Commission.

22                   D. No money in the fund may be expended or otherwise used, nor any bonds  
23                   or other evidences of indebtedness or other obligations issued or insured for any  
24                   specific transportation project or for any payment, expenditure, commitment, pledge,  
25                   loan, letter of credit, guarantee, subsidy, or other activity related to transportation  
26                   projects or the financing thereof without the prior written approval of the State Bond  
27                   Commission.

1            §1804. Louisiana Transportation Infrastructure Fund; security; interest rates; tax  
 2                    exemption

3            A. All bonds, notes, or other evidence of indebtedness of any parish,  
 4            municipality, or other political subdivision issued to represent an infrastructure bank  
 5            loan shall be authorized and issued pursuant to a resolution of the governing  
 6            authority of such political subdivision. Such resolution shall prescribe the form and  
 7            details thereof, including the terms, security for, manner of execution, repayment  
 8            schedule, and redemption features thereof, and such resolution may provide that an  
 9            officer of such political subdivision may execute in connection with such obligation  
 10           any related contract, including but not limited to a credit enhancement device,  
 11           indenture of trust, loan or pledge agreement, or any other agreement or contract  
 12           needed to accomplish the purpose of said resolution, but which final executed credit  
 13           enhancement device, indenture or trust, loan or pledge agreement, or other contract  
 14           or agreement may contain such changes, additions, and deletions as shall, in the sole  
 15           opinion of the executing officer, be appropriate under the circumstances. Any such  
 16           resolution shall include a statement as to the maximum principal amount of any such  
 17           obligation, the maximum interest rate to be incurred or borne by said obligation or  
 18           guaranteed by said obligation, the maximum redemption premium, if any, and the  
 19           maximum term in years for such obligation, guarantee, or pledge.

20            B. Notwithstanding any other provision of law to the contrary, a parish,  
 21            municipality, or other local political subdivision, upon entering into an infrastructure  
 22            bank loan as provided in this Chapter, may dedicate and pledge a portion of any  
 23            revenues it has available to it, including but not limited to revenues from the general  
 24            revenue fund, sales taxes, sewer user fees, assessments, parcel fees, or ad valorem  
 25            property taxes of the parish, municipality, or other local political subdivision for a  
 26            term not exceeding five years from the date of project completion for repayment of  
 27            the principal of, interest on, and any premium, administrative fee, or other fee or cost  
 28            incurred, in connection with such loan.

29            C. Any evidence of indebtedness authorized pursuant to this Chapter shall  
 30            bear a rate or rates of interest that shall not exceed the rate or rates set forth in the

1 resolution authorizing and providing for the issuance thereof. Any such rate or rates  
2 of interest may be at fixed, variable, or adjustable rates.

3 D. The general laws of the state governing fully registered securities of  
4 public entities shall be applicable to the bonds, notes, or other evidence of  
5 indebtedness issued pursuant to this Section.

6 E. Any resolution authorizing an infrastructure bank loan pursuant to this  
7 Section shall be published once in the official journal of the parish, municipality, or  
8 other political subdivision incurring such loan. It shall not be necessary to publish  
9 exhibits to any such resolution, but such exhibits shall be made available for public  
10 inspection at the offices of the governing authority of the parish, municipality, or  
11 other political subdivision at reasonable times, and such fact must be stated in the  
12 publication within the official journal. For a period of thirty days after the date of  
13 such publication, any person in interest may contest the legality of the resolution  
14 authorizing such evidence of indebtedness or other infrastructure bank loan and any  
15 provision thereof made for the security and payment thereof. After the thirty-day  
16 period, no one shall have any cause or right of action to contest the regularity,  
17 formality, legality, or effectiveness of said resolution and the provisions thereof or  
18 of the bonds, notes, or other evidence of indebtedness or other infrastructure bank  
19 loan, or to provide for the payment thereof, or the legality thereof, and all of the  
20 provisions of the resolutions and such evidence of indebtedness shall be conclusively  
21 presumed, and no court shall have authority or jurisdiction to inquire into any such  
22 matter.

23 F. Bonds, notes, or other evidence of indebtedness issued or any  
24 infrastructure bank loan entered into under authority of this Section shall be exempt  
25 from all taxation for state, parish, municipal, or other purposes. Such bonds, notes,  
26 or other evidence of indebtedness or infrastructure bank loans may be used for  
27 deposit with any officer, board, municipality, or other political subdivision of the  
28 state, in any case where, by present or future laws, deposit of security is required for  
29 state funds.



