

SENATE BILL NO. 496

BY SENATOR WARD

AN ACT

To enact Part VIII of Chapter 2 of Title 48 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 48:771 through 780, relative to the Capital Area Road and Bridge District; to provide for the territorial jurisdiction of the district; to provide for the appointment and term of the board of commissioners; to provide for meetings of the board of commissioners and the officers thereof; to provide relative to the powers of the district; to authorize the district to levy special taxes, parcel fees, and sales taxes if approved by a majority of the voters in the district; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VIII of Chapter 2 of Title 48 of the Louisiana Revised Statutes of 1950, comprised of R.S. 48:771 through 780, is hereby enacted to read as follows:

PART VIII. CAPITAL AREA ROAD AND BRIDGE DISTRICT

§771. Creation of district; territorial jurisdiction

A. The Capitol Area Road and Bridge District is hereby created as a political subdivision of the state of Louisiana for the purpose of raising revenue to finance road and bridge projects to alleviate traffic congestion in the district. The district shall be comprised of all territories within the geographical boundaries of the parishes of East Baton Rouge, Ascension, Livingston, Iberville, and West Baton Rouge.

B. The creation of the district and the carrying out of its public purpose is in all respects public and governmental purposes for the improvement of the health, safety, welfare, comfort, and security of the people of the district, for whom the district will be performing a public obligation in the exercise of the

1 powers conferred upon it by this Part.

2 §772. Definitions

3 As used in this Part, the following words, terms, and phrases shall have
4 the meaning ascribed to them in this Section, except where the context clearly
5 indicates a different meaning:

6 (1) "Bonds" means any bonds, notes, certificates, or other written
7 contracts or instruments evidencing the obligation to repay borrowed money
8 regardless of the designation thereof.

9 (2) "District" means the Capital Area Road and Bridge District created
10 by this Part.

11 (3) "Road or bridge project" means a project undertaken pursuant to
12 this Part for the construction, development, reconstruction, acquisition,
13 extension, or improvement of works of capital improvements related to public
14 roads, streets, highways, bridges, and associated drainage, the title to which
15 shall be in the public.

16 §773. Appointment and term of board of commissioners

17 A. The management and control of the district shall be vested in a board
18 of commissioners composed of seven members.

19 (1) The secretary of the Department of Transportation and Development
20 or his designee.

21 (2) The president of each parish comprising the district or the president's
22 designee.

23 (3) The governor shall appoint one resident of the district as a member
24 who shall serve at the pleasure of governor.

25 §774. Meetings of board; officers; quorum; removal of commissioners; salaries
26 and expenses

27 A. At the first meeting of the board and annually thereafter, the
28 members shall select a chairman and a secretary from the membership and
29 such other officers as the board deems necessary. The board shall meet at least
30 quarterly and the meetings shall be called by the chairman on his own notice or

1 on request of any five members. A majority of the commissioners shall
2 constitute a quorum to do business.

3 B. In case of the death, resignation, absence, inability, or failure to act
4 of the chairman, the secretary shall call the board together and the board shall
5 appoint one of their members to serve as acting chairman, and he shall perform
6 all the duties of chairman.

7 C. The members of the board shall serve without compensation, except
8 the compensation to which they may be individually entitled as a member or
9 employee of their respective agency. A board member may be reimbursed for
10 expenses actually incurred in the performance of his duties as a board member.
11 A mileage allowance shall be fixed by the board.

12 D. The board of commissioners shall prescribe rules to govern its
13 meetings.

14 §775. Powers of the district

15 A. The district is hereby declared to constitute and is declared to be a
16 body politic and political subdivision of the state of Louisiana, as defined in
17 Article VI, Section 44 of the Constitution of Louisiana. The district shall be
18 subject to and may avail itself of any law relating to political subdivisions
19 generally, including but not limited to the following:

20 (1) To sue and be sued.

21 (2) To adopt, use, and alter at will a corporate seal.

22 (3) To initiate or coordinate research, studies, and gathering of
23 information on the road and bridge projects, including but not limited to the
24 following:

25 (a) Engineering studies.

26 (b) Traffic flow and pattern studies.

27 (c) Environmental impact studies.

28 (d) Location of proposed routes.

29 (e) Economic development impacts and benefits.

30 (f) Utility relocation.

1 (g) Right-of-way acquisition.

2 (h) Project construction cost/benefit ratio studies.

3 (4) To be designated an official depository for information relating to
4 and about the road and bridge projects. As such, it is empowered to receive and
5 preserve all information gathered by other parties pertaining to the project.

6 (5) To receive money from any public or private body which may desire
7 to appropriate or donate such funds to be used to defray the expenses of the
8 district.

9 (6) To procure from the Department of Transportation and
10 Development, with the consent of its secretary, or from outside service
11 providers any service or portion of services necessary to fulfill the duties and
12 obligations of the board or the district.

13 (7) To enter into contracts and agreements and execute all instruments
14 necessary or convenient thereto for accomplishing the purposes of the district.

15 B.(1) In furtherance of these purposes, the commission is specifically
16 authorized to apply for, receive, and accept from any state or federal agency,
17 or local subdivision of this state, any grant or contribution of money, property,
18 or other things of value to be held, used, and applied for purposes for which
19 such grants and contributions may be made or for any other lawful purposes
20 that the commission has expressly authorized in this Part.

21 (2) The commission is also specifically authorized to hire such
22 accountants, attorneys, engineers, or other professional or scientific or other
23 expert advisors as the commission in its discretion may deem necessary or
24 advisable in order to carry out its mission. The professionals or scientific or
25 other expert advisors shall be compensated by the commission from funds
26 available to the commission pursuant to such agreement as may be entered into
27 by the commission with the hired or trained professionals or scientific or other
28 expert advisors. Neither the state nor any parish located within the boundaries
29 of the district shall in any way be a party to any agreement executed under the
30 provisions of this Paragraph, and neither the state nor any parish located within

1 the boundaries of the district shall in any way be held responsible for payment
2 of compensation under the agreements entered into by the commission.

3 C. The district may create subdistricts as provided in this Subsection.

4 The district shall publish notice of its intent to create a subdistrict in the official
5 journal of the district. At least ten days after publication of such notice in the
6 official journal of the district, the board shall conduct a public hearing on the
7 question of creating such subdistrict. Thereafter, the board may designate one
8 or more project areas within the boundaries of the district as a subdistrict of the
9 district. Each subdistrict shall constitute a political subdivision of the state and
10 shall be governed by the board. Each subdistrict shall have the same powers as
11 the district and shall be given a name and designated as "Capital Area Road
12 and Bridge Subdistrict No. ".

13 D.(1) With respect to the bridge constructed pursuant to this Part, the
14 district shall have all authority granted to parishes to establish, impose, collect,
15 and enforce tolls and issue revenue bonds secured by revenue from the tolls as
16 provided in the Bridge Revenue Bond Law.

17 (2) The rate of the tolls provided for in this Subsection shall be fixed and
18 adjusted in connection with any revenue bonds issued to provide a fund
19 sufficient, with other revenue from the bridge, to pay for the following:

20 (a) The cost of maintaining, repairing, and operating the bridge.

21 (b) The principal of and the interest on such bonds as such becomes due
22 and payable and creation of a reserve for these purposes.

23 E. The district may levy taxes, impose parcel fees, and incur debt as
24 otherwise provided by this Part; however, no proposition authorizing taxes,
25 fees, or bonds shall be submitted to the voters of the district or of any
26 subdistrict that does not provide funding for a new Mississippi River Bridge,
27 connectors from Interstate Highway 10 to the bridge on the west side of the
28 Mississippi River, and the connection to and widening of Louisiana Highway 30.

29 F. The district may use revenue available to it to pay costs associated
30 with road or bridge projects which costs may include the following:

1 (1) Costs of studies, surveys, development of plans and specifications,
2 preparation, implementation and administration, personnel and professional
3 services costs for architectural, engineering, legal, marketing, financial,
4 planning, police, fire, public works or other services incurred by the district
5 directly or on behalf of the district. No charges for professional services may be
6 based on a percentage of tax revenues.

7 (2) Property acquisition and assembly costs, including but not limited to
8 acquisition of land and other immovable or movable property or rights or
9 interests therein, incurred by the district directly or on behalf of the district.

10 (3) On and off-site preparation costs, including but not limited to
11 clearance of any area by demolition or removal of any existing buildings,
12 structures, fixtures, utilities, and improvements and clearing and grading and
13 including installation, repair, construction, reconstruction, or relocation of
14 public streets, public utilities, and other public improvements incurred by the
15 district directly or on behalf of the district.

16 (4) Costs of renovation, rehabilitation, relocation, repair, or remodeling
17 of any existing buildings, improvements, and fixtures.

18 (5) Costs of construction of public improvements, including but not
19 limited to buildings, structures, works, utilities, or fixtures, incurred by the
20 district directly or on behalf of the district.

21 (6) Financing costs of the district, including but not limited to all
22 necessary and incidental expenses related to the issuance of obligations,
23 payment of any interest on any obligations which accrues during the estimated
24 period of construction for which such obligations are issued and thereafter, and
25 any reasonable reserves related to the issuance of such obligations.

26 §776. Advice and service of the Department of Transportation and Development

27 The district and the board of commissioners therefor shall have, with
28 respect to all of the powers and functions prescribed by this Part, the advice and
29 services of the Department of Transportation and Development. Within reason,
30 it shall be the duty of the secretary of the Department of Transportation and

1 Development to make available such department staff, expertise, and support
2 as the commission may request.

3 §777. General compliance; enhancement

4 No provision of this Part shall be construed so as to exempt the district
5 from compliance with the provisions of Louisiana laws pertaining to open
6 meetings, public records, fiscal agents, official journals, dual office holding and
7 employment, public bidding for the purpose of supplies and materials, and the
8 Code of Governmental Ethics. The district shall be permitted to use alternative
9 competitive procurement and delivery methods for the award of any contracts
10 for a major road and bridge project.

11 §778. Special taxes

12 A. Pursuant to Article VI, Section 30 of the Louisiana Constitution of
13 1974, the board of commissioners may levy an ad valorem tax or taxes for a
14 term as determined by the board of commissioners, for the purpose of
15 acquiring, constructing, improving, equipping, furnishing, maintaining, or
16 operating any work of public improvement, including both movable and
17 immovable property necessary in connection with road and bridge projects,
18 which shall include a new Mississippi River bridge located within the
19 boundaries of the district.

20 B. For the purpose of providing revenue to carry out the objects
21 contemplated in this Part, the board of commissioners may levy on all property
22 in the district, subject to taxation, an ad valorem tax not to exceed five mills on
23 the dollar of its assessed valuation, as provided by Article VI, Section 19 of the
24 Constitution of Louisiana. The tax may be levied only after the question of its
25 levy has been submitted to the qualified electors of the district or subdistrict at
26 an election held for that purpose and conducted in accordance with the
27 Louisiana Election Code and the majority of those voting in each parish
28 comprising the district or subdistrict have voted in favor of the levy of the tax.

29 C.(1) Subject to the approval of the State Bond Commission, the
30 governing authority of the district shall have the authority to incur debt and

1 issue revenue bonds for the purpose of constructing, acquiring, extending, or
2 improving works of capital improvement related to roads and other similar
3 public works, which shall include a new Mississippi River bridge located within
4 the boundaries of the district.

5 (2) Such bonds shall be authorized and issued in accordance with the
6 provisions of Part XIII of Chapter 4, Chapter 13, and Chapter 13-A, all of Title
7 39 of the Louisiana Revised Statutes of 1950. Such bonds shall be issued in the
8 name of the district and shall not be general obligations of the district,
9 Ascension Parish, East Baton Rouge Parish, Iberville Parish, Livingston Parish,
10 West Baton Rouge Parish, or the state of Louisiana.

11 (3) Such bonds shall be issued by the commission of the district only after
12 authorization by a majority of the electors of the district voting in an election
13 held in accordance with the election laws of the state of Louisiana.

14 §779. Parcel fees

15 A. The district may levy and collect a parcel fee within the boundaries
16 of the district which shall not exceed five hundred dollars per parcel per year.
17 The parcel fee shall be imposed by resolution or ordinance of the board of
18 commissioners of the district only after question of its imposition and its
19 purpose, rate, and duration have been submitted to the qualified electors of the
20 district or subdistrict at an election held for that purpose and conducted in
21 accordance with the Louisiana Election Code and the majority of those voting
22 in each parish comprising the district or subdistrict have voted in favor of the
23 imposition of the parcel fee. The proceeds of such parcel fee shall be expended
24 for road and bridge projects, which shall include a new Mississippi River bridge
25 located within the boundaries of the district, as set forth in the proposition
26 approved by the electors including the payment of any bonds of the district
27 incurred for such purpose. Any parcel fee imposed pursuant to this Section shall
28 be levied and collected and be due and owing annually. The fee may be carried
29 on the tax rolls and collected at the same time as parish or municipal ad
30 valorem taxes.

1 B.(1) If any parcel fee is not paid when due, the district shall proceed
2 against the parcel for the collection of the amount of the fee unpaid and
3 delinquent, any collection costs incurred by the district, plus interest at a rate
4 not exceeding twelve percent on the unpaid amount of the parcel fee, and, in the
5 event legal proceedings are necessary to effect collection, court costs and
6 reasonable attorney fees. However, attorney fees shall be payable by the parcel
7 owner only if demand by the district has been made on the parcel owner by
8 registered or certified mail, and such parcel owner has failed to pay the amount
9 due within ten days after such demand.

10 (2) A judgment obtained for nonpayment of a parcel fee, upon being
11 recorded in the mortgage records of the parish, shall prime all other liens except
12 those for taxes and prior recorded local or special assessments. If there are one
13 or more property mortgages on such parcel, the district, prior to proceeding
14 against such parcel for failure to pay a parcel fee, shall give notice to each
15 mortgagee of the amount of the parcel fee due and owing on such parcel and
16 that such parcel fee must be paid within twenty days after the mailing of the
17 notice or proceedings will be commenced against the parcel. The notice shall be
18 sent to each such mortgage holder by certified mail, return receipt requested,
19 or be made by personal or domiciliary service on such mortgage holder. The
20 district shall not commence such proceedings until at least twenty days after the
21 certified mail return receipt for the notice is signed by the mortgagee.

22 (3) Alternatively, the lien authorized by this Section may be enforced by
23 assessing the amount of the lien against the parcel as a tax against the property.
24 The lien may be collected in the manner fixed for collection of taxes and shall
25 be subject to the same civil penalties for delinquencies. After the district has
26 incurred such costs and expenses as together with any amount of the parcel fee
27 which remains unpaid and delinquent constitute the lien on the property,
28 including any costs of court, attorney fees and interest, the governing authority
29 may send an attested bill of such unpaid amount, costs, and expenses to the tax
30 collector for the parish who shall add the amount of such bill to the next tax bill

1 of the property owner. The lien shall prime all other liens or privileges against
2 the property, except other tax liens, filed after the statement specified in this
3 Section is filed with the recorder of mortgages, regardless of the date on which
4 the lien is perfected.

5 §780. Sales taxes

6 (1) The district may, in accordance with the Subsection, levy and collect
7 a sales and use tax not to exceed one percent within the district. The sales and
8 use tax authorized by this Subsection shall be imposed by ordinance of the
9 district and shall be levied upon the sale at retail, the use, lease or rental,
10 consumption, and the storage for use or consumption of tangible personal
11 property, and on sales of services, all as defined in Chapter 2 of Subtitle II of
12 Title 47 of the Louisiana Revised Statutes of 1950 in the district. The proceeds
13 of the sales tax shall be expended for road and bridge projects, which shall
14 include a new Mississippi River bridge located within the boundaries of the
15 district. The tax may be levied only after the question of its levy has been
16 submitted to the qualified electors of the district or subdistrict at an election
17 held for that purpose and conducted in accordance with the Louisiana Election
18 Code and the majority of those voting in each parish comprising the district or
19 subdistrict have voted in favor of the levy of the tax.

20 (2) The tax shall be in addition to all other authorized sales and use taxes
21 and shall be collected at the same time and in the same manner as set forth in
22 Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950.
23 Any sales and use tax levied by the Capital City Road and Bridge District shall
24 be excluded from the calculation of total sales and use taxes levied within an
25 area for the purposes of R.S. 47:338.54.

26 (3) The tax shall be imposed and collected uniformly throughout the
27 district.

28 (4) The commission may fund the sales tax revenues into bonds in the
29 manner provided by Subpart F of Part III of Chapter 4 of Title 39 of the
30 Louisiana Revised Statutes of 1950. Such bonds may be issued only after the

1 question of their issuance has been submitted to the qualified electors of the
 2 district or subdistrict at an election held for that purpose and conducted in
 3 accordance with the Louisiana Election Code and the majority of those voting
 4 in each parish comprising the district or subdistrict have voted in favor of the
 5 issuance of the bonds. The question with respect to the funding of the sales tax
 6 revenues into bonds may be voted upon at the election held to authorize the
 7 imposition of the sales tax or may be submitted at a separate election held for
 8 such purpose. No proceeding, hearing, notice, or approval shall be required for
 9 the issuance of any bonds or any instrument as security therefor, except as
 10 provided by this Section or by the Constitution of Louisiana.

11 Section 2. This Act shall become effective upon signature by the governor or, if not
 12 signed by the governor, upon expiration of the time for bills to become law without signature
 13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 15 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____