

Regular Session, 2012

SENATE BILL NO. 599

BY SENATOR ADLEY

TRANSPORTATION/DEV DEPT. Provides relative to termination of the Crescent City Connection Division of the DOTD. (See Act)

AN ACT

To amend and reenact R.S. 36:508.2(A) and R.S. 48:1161; to enact R.S. 36:509(F)(11), R.S. 48:25.1, 197, 1161.1 and 1167.1; to repeal R.S. 33:2201(B)(17), R.S. 35:408, R.S. 36:504(A)(9) and 509(M), R.S. 47:820.5, 820.5.2, and 820.5.3, and R.S. 48:1092.1 and 1101.1, relative to the Department of Transportation and Development; provides relative to termination of the Crescent City Connection Division; provides relative to the Crescent City Connection Bridge and ferries; provides relative to the Mississippi River Bridge Authority; provides relative to transfer of funds, property, buildings, and improvements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:508.2(A) is hereby amended and reenacted and R.S. 36:509(F)(11) is hereby enacted to read as follows:

§508.2. Office of operations; functions; assistant secretary, powers and duties

A. There is hereby created within the Department of Transportation and Development, the office of operations, which shall administer all matters related to the operations of the department's district offices, the Crescent City Connection ~~Division~~ **Bridge**, the Sunshine Bridge, and other matters as may be directed by the

1 secretary.

2 * * *

3 §509. Transfer of agencies to Department of Transportation and Development

4 * * *

5 F. The following agencies, as defined in R.S. 36:3, are hereby abolished, and
6 their powers, duties, functions, and responsibilities are transferred to the secretary
7 of the Department of Transportation and Development and hereafter shall be
8 exercised and performed as provided in Part IV of Chapter 22 of this Title:

9 * * *

10 (11) The Mississippi River Bridge Authority.

11 * * *

12 Section 2. R.S. 48:1161 is hereby amended and reenacted and R.S. 48:25.1, 197,
13 1161.1 and 1167.1 are hereby enacted to read as follows:

14 §25.1. Operation or control of ferries; Crescent City Connection ferries

15 The department may take over, control, operate, and regulate the ferries
16 formerly operated by its Crescent City Connection Division. It may prescribe
17 and collect such fees, tolls, fares, or ferry charges as it deems necessary to
18 operate, maintain, and replace such ferry service. To that end, it may privatize,
19 let franchises, or enter into contracts for such ferry service in the name of the
20 state, alone or jointly with the parishes or municipalities of the state.

21 * * *

22 §197. Motor vehicle license tax; transportation trust fund

23 Beginning January 1, 2013, and each fiscal year thereafter, after
24 compliance with the requirements of Article VII, Section 9(B) of the
25 Constitution of Louisiana, and after making the allocation for state highway
26 fund No. 2, the treasurer shall deposit into the Transportation Trust Fund fifty
27 percent of all funds derived from the collection of registration and license fees
28 and taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S.
29 47:481, in the parishes of Orleans, Jefferson, St. John the Baptist, St. Charles,

Tangipahoa, and St. Tammany.

* * *

§1161. Abolition of bridge and ferry authorities; merger and consolidation of bridge and ferry functions in board of highways

In order to merge and consolidate into one department the duties and functions that are of a similar nature or character, under authority of Section 32 of Article III of the Constitution of Louisiana, the Ascension-St. James Bridge and Ferry Authority, the Iberville Parish Bridge and Ferry Authority, the Pointe Coupee-West Feliciana Bridge and Ferry Authority, and the St. Charles-St. John the Baptist Bridge and Ferry Authority are hereby abolished, effective January 1, 1973, and all of the powers, duties, functions, immunities, restrictions and exemptions from taxation under any laws, and particularly under the effective provisions of Act 7 of 1952, Act 526 of 1958, Act 555 of 1966, Act 413 of 1962, Act 413 of 1966, Act 269 of 1968, Act 290 of 1968, Act 57 of 1969 and R.S. 48:1151-1158 are transferred to the State Board of Highways and Department of Highways, effective January 1, 1973, and after said date the board of highways shall have and exercise all of the executive and administrative functions provided for by the constitution or laws with respect to the authorities herein abolished and with respect to the officers and members of such authorities. ~~However, nothing herein shall be construed as abolishing or affecting the operation of the Mississippi River Bridge Authority which is hereby specifically continued in operation.~~

§1161.1. Abolition of Mississippi River Bridge Authority; merger and consolidation of bridge and ferry functions in Department of Transportation and Development

The Mississippi River Bridge Authority is hereby abolished, effective January 1, 2013, and all of its powers, duties, functions, immunities, restrictions, and exemptions from taxation under any laws, are transferred to the Department of Transportation and Development effective January 1, 2013, and after such date the department shall have and exercise all of the executive and

administrative functions provided for by the constitution or laws with respect to the Mississippi River Bridge Authority herein abolished.

* * *

§1167.1. Effective date of merger, consolidation and transfer of functions; appropriations; termination; Mississippi River Bridge Authority; Crescent City Connection Division

The merger, consolidation and transfer of functions provided for by this Part shall take effect and become operative on January 1, 2013.

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Section 3. R.S. 33:2201(B)(17), R.S. 35:408, R.S. 36:504(A)(9) and 509(M), R.S. 47:820.5 and 820.5.2, and R.S. 48:1092.1 and 1101.1 are hereby repealed.

Section 4. R.S. 47:820.5.3 is hereby repealed.

Section 5. The secretary of the Department of Transportation and Development or his designee, on behalf of the state of Louisiana, is hereby specifically authorized to execute such documents, contracts, agreements, or other instruments, and to perform such other acts as are necessary to properly effectuate the purposes of this Act. The provisions of this Act shall supersede any other laws in conflict. The provisions of this Act shall be liberally construed to effectuate these purposes.

Section 6. All books, papers, records, money, actions, and other property and improvements thereon, both movable and immovable, heretofore owned, possessed, controlled, or used by the Mississippi River Bridge Authority and the Crescent City Connection Division of the Department of Transportation and Development in the exercise of functions herein transferred are hereby transferred to such department.

Section 7. It is hereby specifically provided that on the effective date of this Act that any appropriations made at this 2012 Regular Session of the legislature, or any funds otherwise made available, to carry out the functions herein transferred shall follow the functions and activities herein transferred and shall be transferred to the Department of Transportation and Development for use by such department in carrying out the functions and activities herein transferred to it.

1 Section 8. Section 4 of this Act shall become effective upon signature by the
2 governor or, if not signed by the governor, upon expiration of the time for bills to become
3 law without signature by the governor, as provided by Article III, Section 18 of the
4 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the
5 legislature, this Act shall become effective on the day following such approval.

6 Section 9. Except for Section 4, this Act shall take effect on January 1, 2013.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

Present law provides that the assistant secretary of the office of operations for DOTD administers all matters related to operations for its district offices, the CCC Division, the Sunshine Bridge, and other matters as directed by the secretary.

Proposed law changes CCC Division to CCC Bridge.

Present law abolishes and transfers certain agencies and their powers, duties, function, and responsibilities to the secretary of DOTD.

Proposed law adds the Mississippi River Bridge Authority (MRBA) to such agencies.

Proposed law provides for DOTD to take over, control, operate, and regulate ferries formerly operated by the CCCD and authorizes it to collect fees, tolls, fares, or ferry charges it deems necessary to operate, maintain, and replace such ferry service. Provides that DOTD may privatize, franchise, or enter into contracts for ferry service alone or jointly with parishes or municipalities.

Proposed law provides effective January 1, 2013, for credit to the Transportation Trust Fund of 50% of all funds derived from the collection of registration and license fees and taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S. 47:481, in the parishes of Orleans, Jefferson, St. John the Baptist, St. Charles, Tangipahoa, and St. Tammany.

Proposed law abolishes the MRBA and transfers its powers, duties, and functions, effective January 1, 2013, to the DOTD.

Proposed law repeals R.S. 33:2201(B)(17) which includes CCC police in the definition of law enforcement officers for purposes of providing financial security for surviving spouses and children.

Proposed law repeals R.S. 35:408 which provides for appointment of ex-officio notaries for the CCC police department.

Proposed law repeals R.S. 36:504(A)(9) which provides for the secretary of DOTD to have absolute control over the MRBA and R.S. 36:509(M) which provides that the MRBA is within DOTD as provided in R.S. 36:901.

Proposed law repeals R.S. 47:820.5 which provides relative to collection of tolls on the CCC bridge and ferries; .

Proposed law repeals R.S. 48:1092.1 which provides for terms of office of members of the MRBA; repeals R.S. 48:1101.1 which provides for the CCC police.

Proposed law authorizes the secretary of DOTD or his designee to execute documents of any type and to perform such acts necessary to properly effectuate the purposes of this Act.

Proposed law transfers all books, papers, records, money, actions, and other property owned or controlled by the MRBA and CCCD to DOTD.

Proposed law provides for transfer of appropriations made for transferred functions to DOTD.

Proposed law repeals R.S. 47:820.5.3 which provides for the Crescent City Connection Oversight Authority effective upon signature of the governor. The remaining provisions of the Act become effective January 1, 2013.

(Amends R.S. 36:508.2(A) and R.S. 48:1161; adds R.S. 36:509(F)(11), R.S. 48:25.1, 197, 1161.1 and 1167.1; repeals R.S. 33:2201(B)(17); R.S. 35:408; R.S. 36:504(A)(9) and 509(M), R.S. 47:820.5, 820.5.2, and 820.5.3, and R.S. 48:1092.1 and 1101.1)