

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, 1161.2, 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; to create the Crescent City Transition Fund as a special fund in the state treasury; to provide for the use of monies in the fund; 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 secretary.

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

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

* * *

(11) The Mississippi River Bridge Authority.

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Section 2. R.S. 48:1161 is hereby amended and reenacted and R.S. 48:25.1, 197,1161.1, 1161.2, and 1167.1 are hereby enacted to read as follows:

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

A. The department may take over, control, operate, and regulate the ferries formerly operated by its Crescent City Connection Division. It may prescribe and collect such fees, tolls, fares, or ferry charges as it deems necessary to operate, maintain, and replace such ferry service. To that end, it may privatize, let franchises, or enter into contracts for such ferry service in the name of the state, alone or jointly with the parishes or municipalities of the state. If the department enters into a contract or franchise agreement with a non-public entity to provide ferry service formerly operated by its Crescent City Connection Division, the provisions of R.S. 48:999 and 1000 which provide for certain free and unhampered passage on toll ferries shall not apply.

B. If the department enters into a contract or franchise agreement with a non-public entity to provide such ferry service, such contract shall include a contract provision which appoints the New Orleans Regional Planning

Commission as an advisor to such ferry service contractor. The commission may follow its customary procedures to satisfy such advisory function.

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§197. Motor vehicle license tax; transportation trust fund

Beginning January 1, 2013, and each fiscal year thereafter, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, and after making the allocation for state highway fund No. 2, the treasurer shall deposit into the Transportation Trust Fund fifty percent 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.

* * *

§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

1 members of such authorities. ~~However, nothing herein shall be construed as~~
2 ~~abolishing or affecting the operation of the Mississippi River Bridge Authority which~~
3 ~~is hereby specifically continued in operation.~~

4 **§1161.1. Abolition of Mississippi River Bridge Authority; merger and**
5 **consolidation of bridge and ferry functions in Department of**
6 **Transportation and Development**

7 **The Mississippi River Bridge Authority is hereby abolished, effective**
8 **January 1, 2013, and all of its powers, duties, functions, immunities, restrictions,**
9 **and exemptions from taxation under any laws and particularly under the**
10 **effective provisions of Act 7 of 1952, Act 402 of 1976, Act 204 of 1980, Act 329**
11 **of 1981, Act 522 of 1984, Act 762 of 1988, and Act 315 of 1989, are transferred**
12 **to the Department of Transportation and Development effective January 1,**
13 **2013, and after such date the department shall have and exercise all of the**
14 **executive and administrative functions provided for by the constitution or laws**
15 **with respect to the Mississippi River Bridge Authority herein abolished.**

16 **§1161.2. Crescent City Transition Fund**

17 **A. Upon the final payment on any public indebtedness issued by the**
18 **Mississippi River Bridge Authority or the Crescent City Connection Division**
19 **of the Department of Transportation and Development, all books, papers,**
20 **records, actions, and other property and improvements thereon, both movable**
21 **and immovable, heretofore owned, possessed, controlled, or used by the**
22 **Mississippi River Bridge Authority or the Crescent City Connection Division**
23 **of the Department of Transportation and Development in the exercise of**
24 **functions of those bodies are hereby transferred to the department.**

25 **B. There is hereby created, as a special fund in the state treasury, the**
26 **Crescent City Transition Fund, hereinafter referred to as the "fund". The**
27 **source of monies for the fund shall be amounts paid to the Mississippi River**
28 **Bridge Authority pursuant to Sections 4.21 and 12.1 of the Amended and**
29 **Restated Indenture and Deed of Trust between the Secretary of the Department**

1 of Transportation and Development (Acting in the Name of and on Behalf of the
2 Mississippi River Bridge Authority) and Bank One Trust Company, N.A., dated
3 November 1, 2002, or funds possessed, controlled, or due to the Mississippi
4 River Bridge Authority or the Crescent City Connection Division of the
5 Department of Transportation and Development.

6 C. After compliance with the requirements of Article VII, Section 9(B)
7 of the Constitution of Louisiana, relative to the Bond Security and Redemption
8 Fund, an amount equal to that deposited into the state treasury from the
9 foregoing sources shall be deposited in and credited to the fund. The monies in
10 the fund shall be invested by the treasurer in the same manner as the state
11 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 remain in the fund.

14 D. Monies in the fund shall be subject to appropriation by the
15 legislature. The first four million dollars of monies deposited in the fund shall
16 be appropriated for use by the Department of Transportation and Development,
17 hereinafter referred to as the "department", for the purpose of capitalizing
18 ferry service formerly operated by the Crescent City Connection Division in the
19 Marine Trust Program. The balance of the monies in the fund shall be
20 appropriated to the New Orleans Regional Planning Commission.

21 E. As used in this Section, the "Mississippi River Bridge Authority"
22 shall mean the Mississippi River Bridge Authority originally created as a body
23 politic and corporate of the state under the authority of Act No. 7 of 1952 and
24 transferred to and incorporated within the Department of Transportation and
25 Development under the Executive Reorganization Act of Louisiana, as
26 amended, and called and operated as the Crescent City Connection Division of
27 the Department of Transportation and Development.

28 * * *

29 §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.

Section 8. Section 4 of this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the

1 legislature, this Act shall become effective on the day following such approval.

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

The original instrument was prepared by Sharon F. Lyles. The following digest, which does not constitute a part of the legislative instrument, was prepared by Riley Boudreaux.

DIGEST

Adley (SB 599)

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 being abolished..

Proposed law provides for DOTD to take over, operate, and regulate the 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 the ferry service. Provides that DOTD may privatize, franchise, or enter into contracts for ferry service alone or jointly with parishes or municipalities. Requires any contract or franchise agreement with a non-public entity to contain a provision which appoints the New Orleans Regional Planning Commission as an advisor to the ferry service contractor. The commission is authorized to follow its customary procedures to satisfy the advisory function. If the department enters into such a contract or agreement with a non-public entity the provisions of R.S. 48:999 and 1000 which provide free passage on toll ferries for the Boy and Girls Scouts, the Camp Fire Girls, and all employees of parish governing authorities in official vehicles in their passage to and from work on an official project shall not apply.

Proposed law requires amounts which were paid to the Mississippi River Bridge Authority (being abolished) pursuant to Secs. 4.21 and 12.1 of the Amended and Restated Indenture and Deed of Trust between the secretary of DOTD on behalf of the Mississippi River Bridge Authority and Bank One Trust Company, N.A., dated November 1, 2002, or funds possessed, controlled, or due to the authority or the CCCD to be deposited a special fund in the state treasury, the Crescent City Transition Fund. The first \$4 million in the fund is subject to appropriation by the legislature for use by DOTD for the purpose of capitalizing the ferry service formerly operated by the CCCD in the Marine Trust Program. The balance of the money in the fund must be appropriated to the New Orleans Regional Planning Commission.

The money in the fund is to be invested by the treasurer in the same manner as the state general fund, and interest earnings are deposited into the fund. All unexpended and unencumbered monies remaining in the fund at the end of each fiscal year remain in the fund.

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)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Deposits amounts which were paid to the Mississippi River Bridge Authority pursuant to a certain Indenture and Deed of Trust between the secretary of DOTD on behalf of the Mississippi River Bridge Authority and Bank One Trust Company, into the Crescent City Transition Fund and requires appropriation of the first \$4 million for use by DOTD for the purpose of capitalizing the ferry service formerly operated by the CCCD in the Marine Trust Program and the remainder to the New Orleans Regional Planning Commission
2. Requires any contract or franchise agreement by DOTD with a non-public entity to operate the former CCCD ferries to contain a provision which appoints the New Orleans Regional Planning Commission as an advisor to the ferry service contractor.

3. Provides that the provisions of R.S. 48:999 and 1000 which provide free passage on toll ferries do not apply if DOTD enters into such a contract or agreement with a non-public entity.