
DIGEST

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Adley

SB No. 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 into 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 upon recommendation of the secretary of the DOTD for use by DOTD for the purpose of capitalizing the ferry service formerly operated by the CCCD in the Marine Trust Program. Whether or not tolls are extended on the Crescent City Connection Division, the balance of the money in the fund as of December 31, 2012 shall be appropriated to the New Orleans Regional Planning Commission for lighting of the eastbank and westbank approaches to the Crescent City Connection Bridge including General DeGaulle and the Westbank Expressway approach through ground level, improvements to ingress and egress points, lighting, maintenance, grass cutting, and landscaping of the westbank expressway and connecting arteries.

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 and shall be retained for a period of no less than 5 years following such transfer.

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.

Senate Floor Amendments to engrossed bill

1. Makes technical change in reference to the La. Constitution of 1921.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Appropriations to the reengrossed bill.

1. Added provision regarding the recommendation of the secretary of DOTD for appropriation of the Crescent City Transition Fund.
2. Added provisions regarding the use of the monies in the Crescent City Transition Fund by the New Orleans Regional Planning Commission.
3. Added provision that anything transferred from the MRBA or the CCCD to DOTD shall be retained for 5 years.