

SENATE BILL NO. 599

BY SENATOR ADLEY

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 that 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.

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§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 **of 1921**, 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 and particularly under the
effective provisions of Act 7 of 1952, Act 402 of 1976, Act 204 of 1980, Act 329
of 1981, Act 522 of 1984, Act 762 of 1988, and Act 315 of 1989, are transferred**

1 to the Department of Transportation and Development effective January 1,
2 2013, and after such date the department shall have and exercise all of the
3 executive and administrative functions provided for by the constitution or laws
4 with respect to the Mississippi River Bridge Authority herein abolished.

5 §1161.2. Crescent City Transition Fund

6 A. Upon the final payment on any public indebtedness issued by the
7 Mississippi River Bridge Authority or the Crescent City Connection Division
8 of the Department of Transportation and Development, all books, papers,
9 records, actions, and other property and improvements thereon, both movable
10 and immovable, heretofore owned, possessed, controlled, or used by the
11 Mississippi River Bridge Authority or the Crescent City Connection Division
12 of the Department of Transportation and Development in the exercise of
13 functions of those bodies are hereby transferred to the department. All books,
14 papers, and records transferred to the department pursuant to this Section or
15 as a result of the Act originating as Senate Bill 599 of the 2012 Regular
16 Legislative Session shall be retained for a period of no less than five years
17 following such transfer.

18 B. There is hereby created, as a special fund in the state treasury, the
19 Crescent City Transition Fund, hereinafter referred to as the "fund". The
20 source of monies for the fund shall be amounts paid to the Mississippi River
21 Bridge Authority pursuant to Sections 4.21 and 12.1 of the Amended and
22 Restated Indenture and Deed of Trust between the Secretary of the Department
23 of Transportation and Development (Acting in the Name of and on Behalf of the
24 Mississippi River Bridge Authority) and Bank One Trust Company, N.A., dated
25 November 1, 2002, or funds possessed, controlled, or due to the Mississippi
26 River Bridge Authority or the Crescent City Connection Division of the
27 Department of Transportation and Development.

28 C. After compliance with the requirements of Article VII, Section 9(B)
29 of the Constitution of Louisiana, relative to the Bond Security and Redemption
30 Fund, an amount equal to that deposited into the state treasury from the

1 foregoing sources shall be deposited in and credited to the fund. The monies in
2 the fund shall be invested by the treasurer in the same manner as the state
3 general fund, and interest earnings shall be deposited into the fund. All
4 unexpended and unencumbered monies remaining in the fund at the end of each
5 fiscal year shall remain in the fund.

6 D. Monies in the fund shall be subject to appropriation by the legislature
7 upon recommendation of the secretary of the Department of Transportation
8 and Development. If the Department of Transportation and Development
9 determines that an appropriation is necessary, the first four million dollars of
10 monies deposited in the fund shall be appropriated for use by the Department
11 of Transportation and Development, hereinafter referred to as the
12 "department", for the purpose of capitalizing ferry service formerly operated
13 by the Crescent City Connection Division in the Marine Trust Program.
14 Whether or not tolls are extended on the Crescent City Connection Bridge, the
15 balance of the monies in the fund as of December 31, 2012, shall be
16 appropriated to the New Orleans Regional Planning Commission for lighting
17 of the eastbank and westbank approaches to the Crescent City Connection
18 Bridge including General DeGaulle and the Westbank Expressway approach
19 through ground level, improvements to ingress and egress points, lighting,
20 maintenance, grass cutting, and landscaping of the westbank expressway and
21 connecting arteries.

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

29 * * *

30 §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. All books, papers, and records transferred to the department pursuant to this Section or as a result of the Act originating as Senate Bill 599 of the 2012 Regular Legislative Session shall be retained for a period of no less than five years following such transfer.

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

1 law without signature by the governor, as provided by Article III, Section 18 of the
2 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the
3 legislature, this Act shall become effective on the day following such approval.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____