

CONFERENCE COMMITTEE REPORT
House Bill No. 1212 By Representative St. Germain

June 3, 2012

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 1212 by Representative St. Germain, recommend the following concerning the Reengrossed bill:

1. That the set of Senate Committee Amendments proposed by the Senate Committee on Transportation, Highways, and Public Works and adopted by the Senate on May 23, 2012, be adopted.
2. That Senate Committee Amendments Nos. 1 through 4 and 7 through 45 proposed by the Senate Committee on Finance and adopted by the Senate on May 29, 2012, be adopted.
3. That Senate Committee Amendments Nos. 5 and 6 proposed by the Senate Committee on Finance and adopted by the Senate on May 29, 2012, be rejected.
4. That the set of Amendments proposed by the Legislative Bureau and adopted by the Senate on May 30, 2012, be adopted.
5. That the set of Senate Floor Amendments proposed by Senator Heitmeier and adopted by the Senate on May 31, 2012, be adopted.
6. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 2, line 4, after "Election area" delete the remainder of the line and delete lines 5 and 6 in their entirety and insert the following:

"shall mean the parishes of Jefferson, Orleans, and Plaquemines."

AMENDMENT NO. 2

On page 2, line 9, after "Shall" delete "a toll be" and insert "the toll be renewed and"

AMENDMENT NO. 3

On page 2, line 16, after "electors" insert "of the election area"

AMENDMENT NO. 4

On page 2, line 17, after "shall be" delete the remainder of the line and on line 18, at the beginning of the line, delete "Connection Bridge" and insert:

"renewed and collected on the Crescent City Connection Bridge."

AMENDMENT NO. 5

On page 2, line 21, after "electors" insert "of the election area"

AMENDMENT NO. 6

On page 2, line 22, after "toll" delete the remainder of the line and delete line 23 in its entirety and insert:

"shall be renewed and collected on the Crescent City Connection Bridge."

AMENDMENT NO. 7

On page 18, line 26, after "result in the" insert "renewal and"

Respectfully submitted,

Representative Karen Gaudet St. Germain

Senator Robert Adley

Representative Bryan Adams

Senator David Heitmeier

Representative Patrick Connick

Senator Edwin R. Murray

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 1212 by Representative St. Germain

Keyword and oneliner of the instrument as it left the House

TRANSPORTATION DEPT: Provides relative to the Crescent City Connection Bridge

Report adopts Senate amendments to:

1. Revises ballot language to authorize use of toll revenue for bonds.
2. Monies appropriated from the Crescent City Connection Toll Fund to the Department of Public Safety and Corrections, public safety services, shall not exceed two million dollars annually
3. Creates a special fund to provide funds to operate the Algiers-Canal Street Ferry from certain motor vehicle license taxes and fees collected in Orleans Parish.
4. Provides for the creation of the Crescent City Connection Capital Projects Fund.
5. Not less than \$10 million from tolls shall be deposited into the Crescent City Connection Capital Projects Fund to pay bond debt service on bonds issued for certain projects, to fund pay-as-you-go projects, or to provide federal matching funds, rather than the first \$10 million in revenues being used to pay bonds that are issued for the construction of capital projects.
6. Changes provision regarding unexpended and unencumbered balances in the Capital City Connection Toll Fund at the end of the fiscal year from remaining in that fund to being transferred to the Crescent City Connection Capital Projects Fund.
7. Prohibits TTF - Regular monies from being expended to provide special, dedicated police functions on the Crescent City Connection.
8. Provides that the unexpended and unencumbered monies remaining in the Crescent City Connection Capital Projects Fund at the end of each fiscal year shall remain in the fund and shall be used solely for the purposes approved by voters.
9. Provides that bonds issued secured by toll revenues are not to be considered as "net state tax supported debt".
10. Adds the MacArthur Driver Interchange (east bound Peters Road on and off ramps) and the Harvey Tunnel Rehabilitation to the list that includes projects for which funds in the Crescent City Connection Capital Projects Fund can be bonded for should the tolls be continued.

Report rejects Senate amendments which would have:

1. Changes election area definition to mean precincts within Jefferson Parish and Orleans Parish.

Report amends the bill to:

1. Change the election area definition to the parishes of Jefferson, Orleans and Plaquemines.
2. Change the ballot language to reflect a toll renewal be collected rather than a toll be collected on the Crescent City Connection Bridge.
3. Clarifies that the majority of the qualified electors of the election area voting on the proposition will approve or disapprove the proposition.

Digest of the bill as proposed by the Conference Committee

Proposed law provides that an election shall be held on Nov. 6, 2012, in the parishes of Jefferson, Orleans, and Plaquemines, for the purpose of determining whether tolls shall be renewed and collected on the Crescent City Connection Bridge until 2033. Proposed law provides for the ballot language, which provides for the rate to be collected to be provided by law, and the uses of the toll revenue and authorizes use of such tolls to be funded into revenue bonds for capital projects.

Proposed law provides that if the majority of the qualified electors in the election area voting on the proposition approve the proposition, the tolls shall be collected at the rate of twenty cents per axle for toll tag users and fifty cents per axle for cash users, such collection beginning on January 1, 2013.

Proposed law maintains all present law manners of toll collection, but allows for tolls to be paid by credit, and makes changes to the enforcement of toll violations.

Proposed law provides for the creation of the "Crescent City Connection Toll Fund", as follows:

1. The source of monies in the fund shall be tolls collected for passage over the Crescent City Connection Bridge, and any administrative fees, and any late charges that remain after a deposit of monies not less than ten million dollars annually into the Crescent City Connection Capital Projects Fund.
2. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of La., relative to the Bond Security and Redemption Fund, and after the deposit of not less than \$10 million annually to the Crescent City Connection Capital Projects Fund, an amount equal to that deposited into the state treasury from the foregoing sources shall be deposited in and credited to the fund. The monies in the fund shall be invested by the treasurer in the same manner as the state general fund, and interest earnings shall be deposited into the fund. All unexpended and unencumbered monies remaining in the fund at the end of each fiscal year shall be transferred by the treasurer to the Crescent City Connection Capital Projects Fund.
3. Monies in the fund shall be subject to annual appropriation by the legislature for use by the Dept. of Transportation and Development and the Department of Public Safety and Corrections, public safety services.
4. Monies appropriated from the fund to the Dept. of Public Safety and Corrections, public safety services, shall not exceed two million dollars annually and shall be allocated and disbursed solely for police functions on the Crescent City Connection Bridge and along US 90Z between Interstate 10 and US 90.
5. Monies appropriated from the fund to the Dept. of Transportation and Development shall be allocated and disbursed solely for the operations, maintenance, landscaping, grass cutting, trash pick up, functional and ornamental lighting, motorist assistance patrols, inspection, and capital projects on the bridges, approaches, and roadways along U.S. 90Z from Interstate 10 to U.S. 90.

Proposed law prohibits Transportation Trust Fund - Regular monies from being expended to provide special, dedicated police functions on the Crescent City Connection.

Proposed law creates the Crescent City Connection Capital Projects Fund as a special fund in the state treasury. Provides that the source of monies in the fund shall be not less than \$10 million annually of tolls and all unexpended and unencumbered monies in the Crescent City Connection Toll Fund. Monies in the fund are subject to legislative appropriation to pay bond debt service, to fund pay-as-you-go projects or to provide federal matching funds.

Proposed law provides that bonds may be issued with the monies available to pay for the bonds not less than \$10 million dollars annually in toll revenues collected in each fiscal year, other funds collected pursuant to proposed law, and any other fees, rates, rentals, charges, grants, or other receipts or income derived by or in connection with an undertaking, facility, projects, or any combination thereof.

Proposed law provides that bonds issued under proposed law shall be revenue bonds and shall not be considered as "net tax supported debt".

Proposed law provides that the bonds shall be issued for capital projects for the Crescent City Connection, with bond proceeds used for capital projects related to the Crescent City Connection Bridge along U.S. 90Z from Interstate 10 to U.S. 90, specifically, repainting the downriver span of the Crescent City Connection Bridge and improving ingress and egress capacity at Annunciation Street, Barataria Boulevard, Tchoupitoulas Street, the MacArthur Driver Interchange (east bound Peters Road on and off ramps) and the Harvey Tunnel Rehabilitation.

Proposed law provides that the New Orleans Regional Planning Commission shall serve as an advisory body for the collection of tolls. Proposed law provides that the commission shall have access to the accounting of all expenditures, revenues, project priorities, status of ongoing projects, and any other matters which relate to the Crescent City Connection, its operations, and related projects.

Proposed law provides that if any funds are available to finance projects that are not listed in proposed law, the New Orleans Regional Planning Commission shall prioritize those projects.

Proposed law provides for the authorization to privatize the operations and maintenance of and toll collections on the Crescent City Connection Bridge as follows:

1. Authorizes the department to privatize, let franchises, or enter into contracts for the collection of tolls, operations, and maintenance, and all associated activities, on the Crescent City Connection Bridge.
2. Requires the department to hold at least one public meeting in the New Orleans metropolitan area prior to issuing any solicitation.
3. Adequate public notice of any requests for proposals shall be given by advertising in the official journal of the state and the official journals of the parishes of Orleans, Jefferson, and Plaquemines, at least once. In addition, written notice may be provided to persons, firms, or corporations who are known to be in a position to furnish such service requested.
4. The department shall determine which proposal for a desired service is the most advantageous to the state which meets all the qualitative restrictions established in any requests for proposal.
5. Requires the department to give updates on its efforts to privatize the operations and maintenance of the Crescent City Connection Bridge upon request of the Senate Committee on Transportation, Highways, and Public Works or the House Committee on Transportation, Highways and Public Works, or both.

6. Provides that the proposed law shall be null, void, and of no effect on July 1, 2014, should the department have not awarded a contract or contracts for Crescent City Connection Bridge toll collection, operation, and maintenance.

Proposed law provides that Dept. of Transportation and Development shall utilize industry recognized best practices that are not in conflict with applicable laws in executing procurement contracts, engineering contracts, and other contracts entered into which affect the Crescent City Connection Bridge.

Proposed law provides that should the Crescent City Connection ferries not be privatized, then the department shall use best practices and permits DOTD to set a tourist rate or non-commuter rate under the direction of the New Orleans Regional Planning Commission.

Proposed law provides that all fares collected pursuant to proposed law shall be used solely for ferry operations formerly operated by the Crescent City Connection Division of the DOTD.

Proposed law provides for creation of the Algiers-Canal Street Ferry Fund and dedicates registration and licensure fees and taxes on trucks on trucks and trailers pursuant to R.S. 47:462 which are collected in Orleans Parish, subject to appropriation, to DOTD for operation of the Algiers-Canal Street Ferry.

Proposed law provides that the legislative auditor perform an audit of the Dept. of Transportation and Development's operation of the Crescent City Connection Bridge and provide a written report to the Senate and House committees on Transportation, Highways and Public Works by March 1, 2014.

Proposed law requires the legislative fiscal office to issue an opinion as to whether the Dept. of Transportation and Development's procurement policies and systems as they relate to the Crescent City Connection Bridge have resulted in the most cost-effective expenditure of public funds by March 1, 2014.

Sections 1, 6, and 7 are effective upon signature of governor or lapse of time for gubernatorial action.

Sections 2 and 3 are effective Jan. 1, 2013, should the election provided for in Section 1 of this Act results in the renewal and collection of tolls on the Crescent City Connection Bridge.

(Amends R.S. 47:481 and 48:196(A)(introductory paragraph); Adds R.S. 47:820.5.8 and 7011-7018 and R.S. 48:954 and 954.1)