

2022 Regular Session

HOUSE BILL NO. 336

BY REPRESENTATIVE GOUDEAU

BOARDS/COMMISSIONS: Creates the Atchafalaya Basin Bridge Commission and the Atchafalaya Basin Bridge Commission police

1 AN ACT

2 To enact Chapter 37 of Title 48 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 48:2211 through 2223, relative to the "Atchafalaya Basin Bridge
4 Commission"; to create and provide with respect to the Atchafalaya Basin Bridge
5 Commission; to provide for the territorial boundaries, governance, plans, powers,
6 and duties of the board of commissioners; to authorize the board to contract for
7 certain projects to be performed; to authorize the board to acquire land and utilities;
8 to provide with respect to bonds and other revenue for funding; to authorize the
9 creation of the Atchafalaya Basin Bridge Commission police; to provide for the
10 powers and responsibilities of the Atchafalaya Basin Bridge Commission police; and
11 to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Chapter 37 of the Title 48 of the Louisiana Revised Statutes of 1950,
14 comprised of R.S. 48:2221 through 2233 is hereby enacted to read as follows:

15 CHAPTER 37. ATCHAFALAYA BASIN BRIDGE COMMISSION

16 §2211. Short title

17 This Chapter shall be known and may be referred to as the "Atchafalaya
18 Basin Bridge Commission".

1 §2212. Atchafalaya Basin Bridge Commission; purpose

2 The Atchafalaya Basin Bridge Commission, hereinafter referred to as the
3 "commission", is hereby created in the parishes of Iberville and St. Martin. The
4 commission shall be created for the purpose of the development, construction,
5 improvement, expansion, regulation, and maintenance of an efficient, safe, and
6 well-maintained limited access highway system essential to promote continued
7 economic growth.

8 §2213. Definitions

9 Unless the text clearly indicates otherwise, the following words or phrases
10 shall have the following meanings:

11 (1) "Board" means the board of directors of the commission.

12 (2) "Bonds" means any bonds, notes, renewal notes, refunding bonds, interim
13 certificates, certificates of indebtedness, debentures, warrants, commercial paper, or
14 other obligations or any other evidence of indebtedness or evidence of borrowed
15 money issued or entered into by the commission to finance projects.

16 (3) "Commission" means the Atchafalaya Basin Bridge Commission.

17 (4) "Department" means the Department of Transportation and
18 Development.

19 (5) "Federal government" means the United States of America and any
20 agency or instrumentality, corporate or otherwise, of the United States of America.

21 (6) "Person" means any individual, partnership, firm, corporation, company,
22 cooperative, association, society, trust, or any other business unit or entity, including
23 any state or federal agency.

24 (7) "Project" means any capital project undertaken pursuant to this Chapter
25 including the acquisition of real property, construction, reconstruction, improvement,
26 extension, installation, development, or landscaping.

27 (8) "Project costs" means all costs associated with and necessary to plan,
28 design, acquire property rights, and to construct a project, including construction

1 costs, and such other expenses as may be necessary or incidental to the construction,
2 financing, and operation of the project.

3 (9) "Public utility facilities" means tracks, pipes, mains, conduits, cables,
4 wires, towers, poles, and other equipment and appliances which are either publicly
5 or privately owned.

6 (10) "Real property" means lands, waters, rights in lands or waters,
7 structures, franchises, and interests in land, including lands under water, riparian
8 rights, property rights in airspace or subsurface, and any and all other things and
9 rights usually included within said term, including any and all interests in such
10 property less than full title.

11 (11) "Revenue" means:

12 (a) Any income, revenue, and receipt derived or to be derived from the
13 construction and operation of projects by the commission or received by the
14 commission from any other sources whatsoever.

15 (b) Monies generated by way of contract, pledge, donation, or bequest.

16 (12) "Secretary" means the secretary of the Department of Transportation
17 and Development.

18 (13) "State" means the state of Louisiana or any agency or instrumentality
19 thereof.

20 §2214. Atchafalaya Basin Bridge Commission; creation; board of directors;
21 meetings; quorum

22 A. The Atchafalaya Basin Bridge Commission, hereinafter referred to as the
23 "commission", is hereby created possessing full corporate powers to promote, plan,
24 finance, develop, construct, control, regulate, operate, and maintain a transportation
25 and utility corridor for the growth of residential, commercial, and industrial
26 developments serving the urban and rural areas of Iberville and St. Martin parishes
27 within its jurisdiction.

28 B. The domicile of the commission shall be St. Martin Parish.

1 C.(1) The board shall be composed of three directors who shall be the
2 governing body of the commission, with full power to promulgate rules and
3 regulations for the maintenance and operation of the commission as follows:

4 (a) One member appointed by the president of Iberville Parish.

5 (b) One member appointed by the president of St. Martin Parish.

6 (c) One member appointed by the governor.

7 (2) The directors shall elect the chairman and vice chairman from its
8 membership and shall elect any other officers they deem necessary.

9 D. The directors shall take and subscribe to the oath of office required of
10 public officials. Appointed directors shall serve until their successors are appointed
11 and sworn into office. Directors may be removed from office for cause by a district
12 court having jurisdiction.

13 E. A majority of the directors shall constitute a quorum for the transaction
14 of official business. All official actions of the commission shall require an
15 affirmative vote of the directors present and voting at any meeting.

16 F. Directors of the commission shall not receive any salary for the
17 performance of their duties as directors. Appointed directors may be reimbursed for
18 mileage expenses incurred for attendance at meetings of the commission, subject to
19 the availability of funds. The mileage allowance shall be fixed by the commission
20 in an amount not to exceed the mileage allowance authorized under state travel
21 regulations at rates and standards as promulgated by the division of administration.

22 G. The commission shall meet at least quarterly and may meet more
23 frequently upon call of the chairman.

24 H. The boundary and jurisdiction of the commission shall be the span of the
25 bridge. However, the boundary and jurisdiction shall not extend beyond the footprint
26 of the bridge into either Iberville or St. Martin parishes.

27 I. The commission created pursuant to this Chapter and all directors thereof
28 shall be subject to the provisions of R.S. 42:1101 et seq.

1 J. The commission may perform, procure from the Department of
2 Transportation and Development with the consent of its secretary, or procure from
3 outside service providers any service or portion of services necessary to fulfill the
4 duties and obligations of the commission.

5 §2215. Public records; public meetings; right of public agencies to records

6 The board created by this Chapter shall be subject to and fully comply with
7 the public records law, R.S. 44:1 et seq., and the open meetings law, R.S. 42:11 et
8 seq., of the state. The proceedings and documents of the board shall be public
9 records. All reports, maps, or other technical documents produced in whole or in
10 part by the board may be utilized by the board or any other public agency in any
11 manner that it deems necessary and advisable in the conduct of its duties.

12 §2216. Feasibility; advice

13 A. The commission may construct projects under the terms and conditions
14 provided for in this Chapter. The commission shall conduct an economic feasibility
15 study prior to the start of any project to substantiate project need and feasibility.

16 B. The St. Martin Parish Planning and Zoning Department, and all its
17 subcommittees, shall serve in an advisory capacity to the commission, relative to any
18 project or projects contemplated by or to be undertaken by the commission.

19 §2217. Jurisdiction; powers of commission

20 The commission may exercise powers necessary, appurtenant, convenient,
21 or incidental to the carrying out of its purposes, including but not limited to the
22 following rights and powers:

23 (1) To adopt rules and regulations necessary to carry out the purposes of the
24 commission, for the governance of its affairs, and for the conduct of its business.

25 (2) To adopt, use, and alter at will an official seal.

26 (3) To plan, construct, reconstruct, maintain, improve, operate, own, or lease
27 projects within its jurisdiction in the manner determined by the commission and to
28 pay any project costs in connection therewith.

29 (4) To sue and be sued in its own name.

1 (5) To impose and revise fees and charges in connection with its projects
2 sufficient to pay all project costs, maintenance, operation, debt service, and reserve
3 or replacement costs, and other necessary or usual charges.

4 (6) To regulate speed limits on the bridge with state speed limits.

5 (7) To contract with any person, partnership, association, or corporation
6 desiring the use of any part of a project, including the right-of-way adjoining the
7 paved portion, for placing thereon any of the following: a telephone, fiber optic,
8 telegraph, electric light, or power lines, gas stations, garages, and restaurants, or for
9 any other purpose, and to fix the terms, conditions, rents, and rates of charges limited
10 to no more than the direct and actual cost of the commission in administering the
11 permitting process.

12 (8) To acquire, hold, and dispose of real and personal property in the
13 exercise of its powers and the performance of its duties under this Chapter in
14 accordance with law.

15 (9) To acquire public or private lands including rights or easements in the
16 name of the commission by purchase, donation, exchange, foreclosure, lease, or
17 otherwise, including exercising the power of eminent domain in accordance with Part
18 XVIII of Chapter 1 of Title 48, as it may deem necessary for carrying out the
19 provisions of this Chapter.

20 (10) To hold, sell, assign, lease, or otherwise dispose of any real or personal
21 property or any interest therein; to release or relinquish any right, title, claim, lien,
22 interest, easement, or demand however acquired, including any equity or right of
23 redemption in property foreclosed by it; to take assignments of leases and rentals; to
24 proceed with foreclosure actions; or to take any other actions necessary or incidental
25 to the performance of its corporate purposes.

26 (11) To establish control of access, designate the location, and establish,
27 limit, and control points of ingress and egress for each project as may be necessary
28 or desirable in the judgment of the commission to ensure its proper operation and
29 maintenance, and to prohibit entrance to such project from any point or points not

1 so designated, subject to the prior written concurrence of the department when the
2 state highway system is affected.

3 (12) To relocate parish, municipal, or other public roads affected or severed
4 by commission projects with equal or better facilities at the expense of the
5 commission.

6 (13) To enter, or authorize its agents to enter, upon any lands, waters, or
7 premises within the geographic boundaries of the commission for the purpose of
8 making surveys, soundings, drillings, or examinations as it may deem necessary or
9 appropriate for the purposes of this Chapter provided the commission reimburses any
10 actual damages resulting to such lands, waters, or premises as a result of such
11 activities and such entry shall not be deemed a trespass or unlawful.

12 (14) To procure insurance in such amount or amounts appropriate to the size
13 of the project, as determined by the commission, insuring the commission against all
14 losses, risk, and liability arising out of the construction, operation, maintenance, and
15 ownership of any project.

16 (15) To apply for, receive, and accept grants, loans, advances, and
17 contributions from any source of money, property, labor, or other things of value, to
18 be held, used, and applied for its corporate purposes.

19 (16) To open accounts at financial institutions necessary for the conduct of
20 its business and to invest any funds held in reserves or sinking funds, or any funds
21 not required for immediate disbursement in such investments as may be provided in
22 any financing document relating to the use of such funds, or, if not so provided, as
23 the commission may determine, subject to compliance with state laws relative to
24 investments by political subdivisions.

25 (17) To borrow money and issue bonds for any commission purpose.

26 (18) To enter contracts and agreements and execute all instruments necessary
27 or convenient thereto for accomplishing the purposes of the commission.

28 (19) To enter into agreements with a public or private entity to construct,
29 maintain, repair, or operate commission projects.

1 (20) To authorize the investment of public and private money to finance
2 commission projects, subject to compliance with state law relative to use of public
3 funds.

4 (21) To employ consultants, engineers, attorneys, accountants, construction
5 and financial experts, superintendents, managers, and such other employees and
6 agents necessary for the accomplishment of commission purposes and to fix their
7 compensation.

8 (22) To do all acts and perform things necessary or convenient to execute the
9 powers granted to the commission by law.

10 §2218. Acquisition of lands and property

11 A. For the purposes of this Chapter, the commission may acquire private or
12 public property and property rights by donation, purchase, exchange, or eminent
13 domain proceedings, as the commission may deem necessary for any commission
14 purpose in the transportation corridor designated by the commission.

15 B. In the acquisition of land and property rights, the commission may
16 acquire an entire lot, block, or tract of land, if, by so doing, the acquisition cost to the
17 commission will be equal to or less than the cost of acquiring only that portion of the
18 property necessary for the project.

19 C. The commission may sell, lease, or otherwise dispose of all or any portion
20 of a project, provided that the sale, lease, or other disposition of a state-designated
21 project shall require department approval. Notwithstanding any law to the contrary,
22 any surplus property may be sold in accordance with procedures adopted by the
23 commission that maximize the price received for such property provided that,
24 notwithstanding any other provision of law to the contrary, whenever any surplus
25 property is acquired by the commission by eminent domain proceedings, the
26 commission first shall offer to sell whatever rights it acquired back to the prior
27 owner or his successors in title, at the fair market value or at the original price paid,
28 whichever is less.

1 D. When the commission acquires property for a project, it is not subject to
2 any liability imposed by preexisting conditions. This Subsection does not, however,
3 affect the rights or liabilities of any past or future owners of the acquired property,
4 nor does it affect the liability of any governmental entity for the results of its actions
5 which create or exacerbate a pollution source. The commission and the Department
6 of Environmental Quality may enter into agreements for the performance, funding,
7 and reimbursement of the investigative and remedial acts necessary for property
8 acquired by the commission.

9 §2219. Public utilities

10 A.(1) The commission shall have the power to make reasonable regulations,
11 not inconsistent with rules and regulations promulgated by the federal government
12 and the department for the installation, construction, maintenance, repair, renewal,
13 relocation, or removal of any public utility, railroad, or pipeline, in, on, along, over,
14 or under a project.

15 (2) Whenever the commission determines that it is necessary to relocate,
16 remove, or carry along or across a commission project by grade separation, any
17 public utility facility presently located in, on, along, over, or under a commission
18 project, the owner or operator of such facility shall relocate or remove the same in
19 accordance with the order of the commission; however, the cost and expense of such
20 relocation, removal, or grade separation, including the cost of installing such facility
21 in a new location, including the cost of any land, or any rights or interest in lands,
22 and any other rights acquired to accomplish such relocation or removal, shall be paid
23 as project costs by the commission.

24 (3) In case of relocation or removal, the owners or operators of public utility
25 facilities, their successors or assigns, may use and operate said public utility facilities
26 in the new location upon the same terms and conditions enjoyed prior to relocation
27 or removal.

1 B. Any utility which requests and is permitted to occupy a commission
2 right-of-way shall be responsible for any cost of relocation, removal, or grade
3 separation and all expenses related thereto.

4 §2220. Contracts; construction; project development; law enforcement

5 A. Contracts of the commission for the construction, improvement, or
6 maintenance of any commission project shall be made and awarded pursuant to
7 applicable provisions of state law.

8 B. In addition to the establishment of its own police department, the
9 commission may contract with either the state police, a law enforcement district, or
10 municipal law enforcement agency to perform law enforcement and patrol functions
11 on any commission project.

12 §2221. Atchafalaya Basin Bridge Commission police

13 A. The Atchafalaya Basin Bridge Commission may appoint, fix salaries of,
14 and pay bridge police in accordance with Department of State Civil Service
15 regulations. The commission may make and amend rules and regulations for the
16 conduct, management, and control of such police.

17 B.(1) Persons hired shall be at least eighteen years of age and of good
18 character. All persons appointed as police officers pursuant to this Section shall
19 complete and graduate from a training program as approved and accredited as
20 provided in R.S. 40:2401 et seq. Each police officer so appointed shall furnish bond
21 in accordance with law in a sum to be fixed by the commission. Such bond shall be
22 conditioned on the faithful performance of the police officer's duties, and any person
23 injured or damaged by such police officer may sue upon said bond.

24 (2) Atchafalaya Basin Bridge Commission police shall have, under the
25 direction and control of the commission, the same powers to make arrests and the
26 power to execute and return all warrants and processes as sheriffs of the parishes of
27 Iberville and St. Martin. The police officers, under the same direction and control
28 of the commission, shall have all other powers of sheriffs of the parishes of Iberville
29 and St. Martin, as peace officers, in all places and on all premises under the

1 jurisdiction and control of the Atchafalaya Bridge, and the public ways contiguous
2 thereto.

3 (3) In an emergency situation, at the request of a sheriff, chief of police,
4 officer, chief executive officer of Iberville and St. Martin municipalities, or the
5 governing authority of any of Iberville and St. Martin parishes, the Atchafalaya
6 Basin Bridge Commission police shall have the above-conferred powers throughout
7 the geographic limits of such parish or city until such time as the requesting authority
8 has certified that the emergency is over.

9 (4) The Atchafalaya Basin Bridge Commission shall be liable, in accordance
10 with law, for all actions of its police officers performing duties pursuant to this
11 Section.

12 (5) Any person appointed as a police officer pursuant to this Section shall
13 receive state supplemental pay.

14 C. Any persons arrested by police officers appointed pursuant to this Section
15 and the return of all warrants or processes served by said officers shall be
16 surrendered or delivered to the appropriate custodial authorities of the parish of
17 Iberville or the parish of St. Martin. However, nothing in this Section shall deprive
18 any sheriff or deputy sheriff in the parishes of Iberville or St. Martin from making
19 arrests or serving warrants or processes in any such place or on any such premises.

20 §2222. Bonds

21 A. Without reference to any provision of the Constitution of Louisiana and
22 the laws of Louisiana, and as a grant of power in addition to any other general or
23 special law, the commission created pursuant to this Chapter may issue bonds for any
24 commission purpose and pledge revenues for the payment of the principal and
25 interest of such bonds. The commission is further authorized, in its discretion, to
26 pledge all or any part of any gift, grant, donation, or other sum of money, aid, or
27 assistance from the United States, the state, or any political subdivision thereof,
28 unless otherwise restricted by the terms thereof, all or any part of the proceeds of
29 bonds, credit agreements, instruments, or any other money of the commission, from

1 whatever source derived, for the further securing of the payment of the principal and
2 interest of the bonds. Any such bonds shall be payable solely from revenues and
3 bond proceeds, pending their disbursement, and investment income thereon.

4 B. Bonds issued pursuant to the provisions of this Chapter shall not be
5 deemed to constitute a pledge of the full faith and credit of the state or of any
6 governmental unit thereof. All such bonds shall contain a statement on their face
7 substantially to the effect that neither the full faith and credit of the state nor the full
8 faith and credit of any public entity of the state are pledged to the payment of the
9 principal of or the interest on such bonds. Bonds issued pursuant to the provisions
10 of this Chapter shall not directly, indirectly, or contingently obligate the state or any
11 governmental unit of the state to levy any taxes whatever therefor or to make any
12 appropriation for their payment, other than obligations to make payments by the state
13 or any public entity to the commission arising out of contracts authorized under this
14 Chapter.

15 C. Bonds shall be authorized by a resolution of the commission and shall be
16 of such series, bear such date, mature at such time, bear interest at such rate,
17 including but not limited to fixed, variable, or zero rates, be payable at such time, be
18 in such denominations, be in such form, carry such registration and exchangeability
19 privilege, be payable in such medium of payment and at such place, be subject to
20 such terms of redemption prior to maturity at such price as determined by the
21 commission, and be entitled to such priority on the revenues as such resolution may
22 provide.

23 D. Bonds shall be sold by the commission at public sale by competitive bid
24 or negotiated private sale and at a price the commission may determine to be in the
25 best interest of the authority.

26 E. The issuance of bonds shall not be subject to any limitations,
27 requirements, or conditions contained in any other law, and bonds may be issued
28 without obtaining the consent of the state or any political subdivision, or of any
29 agency, commission, or instrumentality thereof, except that the issuance of such

1 bonds shall be subject to the approval of the State Bond Commission. The bonds
2 shall be issued in compliance with the provisions of this Chapter.

3 F. For a period of thirty days after the date of publication of a notice of intent
4 to issue bonds in the official journal of the commission authorizing the issuance of
5 bonds hereunder, any person in interest shall have the right to contest the legality of
6 the resolution and the legality of the bond issue for any cause, but after that time no
7 one shall have any cause or right of action to contest the legality of the resolution or
8 of the bonds or the security therefor for any cause whatsoever. If no suit, action, or
9 proceeding is instituted contesting the validity of the resolution, the bonds or the
10 security therefor within the thirty days herein prescribed, the authority to issue bonds
11 and provide for the payment thereof, the legality thereof and of all of the provisions
12 of the resolution or other proceedings authorizing the issuance of the bonds shall be
13 conclusively presumed, and no court shall have authority to inquire into such
14 matters. Any notice of intent so published shall set forth in reasonable detail the
15 purpose of the bonds, the security therefor, and the parameters of amount, duration,
16 and interest rates. The commission may designate any paper of general circulation
17 in its geographical jurisdiction to publish the notice of intent or may utilize electronic
18 media available to the general public. Any suit to determine the validity of bonds
19 issued by the commission shall be brought only in accordance with the provisions
20 of R.S. 13:5121 et seq.

21 G. All bonds issued pursuant to this Chapter shall have all the qualities of
22 negotiable instruments under the commercial laws of the state.

23 H. Any pledge of revenues or other monies made by the commission shall
24 be valid and binding from the time when the pledge is made. The revenues or
25 monies so pledged and thereafter received by the commission shall immediately be
26 subject to the lien of such pledge without any physical delivery thereof or further act,
27 and the lien of any pledge shall be valid and binding as against all parties having
28 claims of any kind in tort, contract, or otherwise against the commission irrespective
29 of whether such parties have notice thereof.

1 I. Neither the members of the commission nor any person executing the
2 bonds shall be liable personally for the bonds or be subject to any personal liability
3 or accountability by reason of the issuance thereof.

4 J. Bonds of the commission, their transfer, and the income therefrom shall
5 at all times be exempt from all taxation by the state or any political subdivision
6 thereof and may or may not be exempt for federal income tax purposes. The bonds
7 issued pursuant to this Chapter shall be and are hereby declared to be legal and
8 authorized investments for banks, savings banks, trust companies, building and loan
9 associations, insurance companies, fiduciaries, trustees, and guardians. The bonds
10 shall be eligible to secure the deposit of any and all public funds of the state and any
11 and all public funds of municipalities, parishes, school districts, or other political
12 corporations or subdivisions of the state. The bonds shall be lawful and sufficient
13 security for said deposits to the extent of their value. When any bonds shall have
14 been issued pursuant to this Section, neither the legislature, the commission, nor any
15 other commission may discontinue or decrease the revenues pledged to the payment
16 of the bonds authorized pursuant to this Section or permit to be discontinued or
17 decreased said revenues in anticipation of the collection of which such bonds have
18 been issued, or in any way make any change in the allocation and dedication of the
19 revenues which would diminish the amount of the revenues to be received by the
20 commission, until all of such bonds have been retired as to principal and interest, and
21 there is hereby vested in the holders from time to time of such bonds a contract right
22 in the provisions of this Section.

23 K. The commission may provide by resolution for the issuance of refunding
24 bonds pursuant to R.S. 39:1444 et seq.

25 L. The holders of any bonds issued pursuant to this Section shall have such
26 rights and remedies as may be provided in the resolution or trust agreement
27 authorizing the issuance of the bonds, including but not by way of limitation,
28 appointment of a trustee for the bondholders and any other available civil action to

1 compel compliance with the terms and provisions of the bonds and the resolution or
2 trust agreement.

3 M. Subject to the agreements with the holders of bonds, all proceeds of
4 bonds and all revenues pledged under a resolution or trust agreement authorizing or
5 securing such bonds shall be deposited and held in trust in a fund or funds separate
6 and apart from all other funds of the commission. Subject to the resolution or trust
7 agreement, the trustee shall hold the same for the benefit of the holders of the bonds
8 for the application and disposition thereof solely to the respective uses and purposes
9 provided in such resolution or trust agreement.

10 N. The commission created by this Chapter is authorized to employ all
11 professionals it deems necessary in the issuance of its bonds.

12 O. The commission created by this Chapter shall be deemed to be a public
13 entity for purposes of Chapters 13, 13-A, 14, 14-A, 14-B, and 15-A of Title 39 of the
14 Louisiana Revised Statutes of 1950, which statutes shall apply to bonds of the
15 commission, provided that in the event of a conflict with the provisions of this
16 Chapter, the provisions of this Chapter shall control.

17 §2223. Conveyance of project; maintenance

18 When the bonds issued for any project and the interest thereon have been
19 paid in full, or sufficient funds have been deposited in trust for that purpose, and the
20 project is in a condition which meets department standards for structural condition
21 and geometric design and is in a condition of maintenance satisfactory to the
22 department, the project and any property acquired for the project may be transferred
23 by the commission in full ownership to the state. The department will assume
24 jurisdiction and control of the project as a part of the state highway system, provided
25 that the legislature authorizes an increase in mileage of the state highway system
26 equal to the length of the commission project to be transferred. Any commission
27 project transferred to and accepted by the department will be operated and
28 maintained by the department as an integral part of the state highway system, and the

1 department, in the discretion of its secretary, may continue to collect any fee for the
2 purpose of maintenance of the project.

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)]

HB 336 Original

2022 Regular Session

Goudeau

Abstract: Creates the Atchafalaya Basin Bridge Commission and the Atchafalaya Basin Bridge Commission Police.

Proposed law creates the Atchafalaya Basin Bridge Commission.

Proposed law vests powers in the commission to establish and construct a transportation and utility corridor for the growth of residential, commercial, and industrial developments serving the urban and rural areas of Iberville and St. Martin parishes to be constructed within its jurisdiction.

Proposed law provides for definitions.

Proposed law requires the commission be domiciled in St. Martin Parish.

Proposed law establishes a board to be composed of three directors with full power to promulgate rules and regulations for the maintenance and operation of the commission as follows:

- (1) A member appointed by the parish President for Iberville.
- (2) A member appointed by the parish President for St. Martin.
- (3) A member appointed by the governor.

Proposed law requires the directors take and subscribe to the oath of office for public officials.

Proposed law specifies that a majority of the directors constitute a quorum for the transaction of official business. Requires an affirmative vote for all official actions of the commission of the directors present and voting at any meeting. Authorizes directors to be removed from office for cause by a district court having jurisdiction.

Proposed law specifies that the directors of the commission will not receive any salary for the performance of their duties as directors. Authorizes reimbursement of mileage expenses incurred for attendance at meetings of the commission for appointed directors of the commission only.

Proposed law requires mileage allowance be fixed by the commission in an amount not to exceed the mileage allowance authorized under state travel regulations at rates and standards as promulgated by the division of administration subject to the availability of funds.

Proposed law requires the boundary and jurisdiction of the commission be the span of the bridge. Prohibits the boundary and jurisdiction from extending beyond the footprint of the bridge into either Iberville or St. Martin parishes.

Proposed law requires the commission meet at least quarterly and authorizes the commission meet more frequently upon call of the chairman. Requires all directors be subject to existing ethics law.

Proposed law authorizes the commission to perform, procure from the Dept. of Transportation and Development (DOTD), with the consent of its secretary, or procure from outside service providers any service or portion of services necessary to fulfill the duties and obligations of the commission.

Proposed law requires the commission be subject to and comply with the Public Records Law and the Open Meetings Law. Requires all proceedings and documents of the commission be public records. Authorizes all reports, maps, or other technical documents produced in whole or in part by a commission be utilized by the department or any other public agency in any manner necessary and advisable in the conduct of its duties.

Proposed law authorizes the commission to construct projects under the terms and conditions set forth in proposed law. Requires the commission conduct an economic feasibility study prior to initiation of any project to substantiate project need and feasibility.

Proposed law requires the St. Martin Parish Planning and Zoning Department and all of its subcommittees serve in an advisory capacity to the commission relative to any project or projects contemplated by or to be undertaken by the commission.

Proposed law provides for additional rights and powers within the commission's jurisdictions as follows:

- (1) To adopt rules and regulations.
- (2) To adopt, use, and alter at will an official seal.
- (3) To plan, construct, reconstruct, maintain, improve, operate, own, or lease projects within its jurisdiction in the manner determined by the commission and to pay any project costs.
- (4) To sue and be sued in its own name.
- (5) To impose, revise, fees, and charges in connection with its projects sufficient to pay all project costs, maintenance, operation, debt service and reserve or replacement costs, and other necessary or usual charges.
- (6) To regulate speed limits on the bridge consistent with state speed limits.
- (7) To contract with any person, partnership, association, or corporation desiring the use of any part of a project, including the right-of-way adjoining the paved portion, for placing any of the following: telephone, fiber optic, telegraph, electric light, or power lines, gas stations, garages, and restaurants, or for any other purpose, and to fix the terms, conditions, rents, and rates of charges limited to the commission's direct and actual cost of administering the permitting process.
- (8) To acquire, hold, and dispose of real and personal property.
- (9) To acquire public or private lands in the name of the commission by purchase, donation, exchange, foreclosure, lease, or otherwise, including rights or easements.
- (10) To hold, sell, assign, lease, or otherwise dispose of any real or personal property; to release or relinquish any right, title, claim, lien, interest, easement, or demand however acquired, including any equity or right of redemption in property foreclosed by it; to take assignments of leases and rentals; to proceed with foreclosure actions;

or to take any other actions necessary or incidental to the performance of its corporate purposes.

- (11) To establish control of access, designate the location, and establish, limit, and control limit, and control points of ingress and egress for each project as may be necessary or desirable in the judgment of the commission to ensure its proper operation and maintenance, and to prohibit entrance to such project from any point or points not so designated, subject to the prior written concurrence of the department when the state highway system is affected.
- (12) To relocate parish, municipal, or other public roads affected or severed by commission projects with equal or better facilities at the expense of the commission.
- (13) To enter, or authorize its agents to enter, upon any lands, waters, and premises within the geographic boundaries of the commission for the purpose of making surveys, soundings, drillings, and examinations as it may deem necessary or appropriate provided that the commission must reimburse any actual damages resulting to such lands, waters, and premises as a result of such activities; such entry cannot be deemed a trespass or unlawful.
- (14) To procure insurance in such amount or amounts appropriate to the size of the project, as determined by the commission, insuring the commission against all losses, risk, and liability arising out of the construction, operation, maintenance, and ownership of any project.
- (15) To apply for, receive, and accept grants, loans, advances, and contributions from any source of money, property, labor, or other things of value, to be held or used.
- (16) To open accounts at financial institutions necessary for the conduct of the commission's business and to invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement in such investments as may be provided in any financing document relating to the use of such funds subject to compliance with state laws relative to investments by political subdivisions.
- (17) To borrow money and issue bonds for any commission purpose.
- (18) To enter contracts and agreements and execute all instruments necessary.
- (19) To enter into agreements with a public or private entity to construct, maintain, repair, or operate commission projects.
- (20) To authorize the investment of public and private money to finance commission projects, subject to compliance with state law relative to use of public funds.
- (21) To employ consultants, engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as necessary for the accomplishment of commission purposes, and to fix their compensation.
- (22) To do all acts and perform things necessary or convenient to execute the powers granted to the commission by law.

Proposed law specifies that the Atchafalaya Basin Bridge Commission will be liable for all actions of its police in the performance of duty and prohibits the payment of state supplemental pay. Requires all arrested persons and all returned warrants and processes be given to the authorities in either Iberville or St. Martin Parish.

Proposed law authorizes the commission to acquire private or public property and property rights by donation, purchase, exchange, or eminent domain proceedings for a transportation corridor designated by the commission. Further authorizes the commission to acquire an entire lot, block, or tract of land, if the acquisition cost will be equal to or less than the cost of acquiring only the portion of the property necessary for the project. Authorizes the commission to sell, lease, or otherwise dispose of all or any portion of a project, provided that the sale, lease, or other disposition of a state-designated project requires the DOTD approval. Specifies that any surplus property may be sold by the commission to maximize the price received for such property.

Proposed law requires the commission offer to sell whatever rights it acquired back to the original owner or his successors in title first, at the fair market value or at the original price paid, whichever is less, whenever any surplus property is acquired by the commission by eminent domain.

Proposed law limits the commission's liability for property imposed by preexisting conditions. Prohibits this limitation from affecting the rights or liabilities of any past or future owners of the acquired property or from affecting the liability of any governmental entity for actions which create or exacerbate a pollution source. Authorizes the commission and the Dept. of Environmental Quality to enter into agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the commission.

Proposed law vests power in the commission to make reasonable regulations, not inconsistent with regulations of the federal government and the department for the installation, construction, maintenance, repair, renewal, relocation, and removal of any public utility, railroad, or pipeline, in, on, along, over, or under a project. Requires the owner or operator of such facility to relocate or remove the facility if the commission determines it is necessary to relocate or remove a public utility. Requires the cost and expense of such relocation or removal be paid as project costs by the commission.

Proposed law authorizes the owners or operators of public utility facilities, in case of relocation or removal, to use and operate the public utility facilities in the new location upon the same terms and conditions enjoyed prior to relocation or removal. Requires any utility, which requests and is permitted to occupy commission right-of-way, be responsible for any cost of relocation, removal, or grade separation and all expenses related to relocation or removal.

Proposed law requires construction, improvement, or maintenance contracts for any commission project be made and awarded according to the applicable provisions of present law.

Proposed law authorizes the creation of the Atchafalaya Basin Bridge Commission police. Requires officers be at least 18 years old, have completed the Peace Officers Standards and Training Course, and posted bond set by the commission. Grants the Atchafalaya Basin Bridge Commission police the same power to make arrests, execute and return warrants and processes, and all other powers as the sheriffs of the parishes of Jefferson and St. Martin, and in all places under the control of the Atchafalaya Basin Bridge and the public ways. Authorizes joint efforts of police departments in emergencies at the request of the parish or city police.

Proposed law authorizes the commission to contract with state police or other law enforcement agencies to perform law enforcement and patrol functions on any commission project.

Proposed law authorizes the Atchafalaya Basin Bridge Commission to establish a police department with the powers to make arrests and execute warrants. Specifies that commission police are liable for their actions.

Proposed law grants the commission the power to issue bonds for any commission purpose and pledge revenues for the payment of the principal and interest of such bonds. Further authorizes the commission to pledge all or any part of any gift, grant, donation, or other sum of money, aid, or assistance from the U.S., the state, or any political subdivision unless otherwise restricted, all or any part of the proceeds of bonds, credit agreements, instruments, or any other money of the commission for the securing of the payment of principal and interest of the bonds. Requires any bonds be payable solely from revenues and bond proceeds, pending their disbursement, and investment income.

Proposed law requires bonds issued by the commission not be considered a pledge of the full faith and credit of the state and requires all such bonds contain a statement on their face stating that neither the full faith and credit of the state nor the full faith and credit of any public entity of the state is pledged to the payment of the principal of or the interest on such bonds.

Proposed law requires the issuance of bonds by the commission not directly, indirectly, or contingently obligate the state or any governmental unit of the state to levy any taxes or to make any appropriation for their payment, other than obligations to make payments by the state or any public entity to the commission arising out of contracts.

Proposed law requires bonds be authorized by a resolution of the commission and be of such series, bear such date or dates, mature at such time or times, bear interest at such rate or rates, be payable at such time or times, be in such denominations, be in such form, carry such registration and exchangeability privilege, be payable in such medium of payment and at such place or places, be subject to such terms of redemption prior to maturity, and be entitled to such priority on the revenues as such resolution or resolutions may provide.

Proposed law requires bonds be sold by the commission at public sale by competitive bid or negotiated private sale. Authorizes the bonds be issued without obtaining the consent of the state or any political subdivision, or of any agency or commission, except for the required issuance of bonds subject to the approval of the State Bond Commission.

Proposed law requires any person in interest have the right to contest the legality of the resolution and the legality of the bond issue for any cause for a period of 30 days after the date of publication of a notice of intent to issue bonds. Prohibits contesting the legality of the resolution or of the bonds or the security for any cause whatsoever after a period of 30 days after the date of publication of a notice of intent to issue bonds.

Proposed law requires the authority to issue bonds and provide for the payment and of all of the provisions of the resolution or other proceedings authorizing the issuance of the bonds be conclusively presumed if no suit, action, or proceeding is begun within the 30-day period, and requires no court have authority to inquire into such matters.

Proposed law requires any pledge of revenues or other monies made by the commission be valid and binding from the time when the pledge is made. Requires the revenues or monies so pledged and received by the commission be immediately subject to the lien of such pledge without physical delivery, and requires the lien of any such pledge be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the commission.

Proposed law requires neither the members of the commission nor any person executing the bonds be personally liable for the bonds or subject to personal liability or accountability by reason of the issuance of the bonds.

Proposed law requires bonds of the commission and the income be exempt from all taxation by the state or any political subdivision, and may or may not be exempt for federal income tax purposes.

Proposed law authorizes the commission to provide by resolution for the issuance of refunding bonds and authorizes the commission to employ professionals it deems necessary in the issuance of its bonds.

Proposed law authorizes the project and any property acquired for the project be transferred by the commission in full ownership to the state of La. when the bonds issued for any project and the interest have been paid in full, the project is in a condition which meets the DOTD standards for structural condition and geometric design, and is in a satisfactory maintenance condition.

Proposed law provides that the DOTD will assume jurisdiction and control of the project as a part of the state highway system, provided the legislature authorizes an increase in mileage of the state highway system equal to the length of the project to be transferred. Authorizes the DOTD, in the secretary's discretion, to continue to collect any fee for the purpose of maintenance of the project.

(Adds R.S. 48:2211-2223)