
The original instrument was prepared by Martha Hess. The following digest, which does not constitute a part of the legislative instrument, was prepared by J.W. Wiley.

DIGEST

SB 362 Reengrossed

2018 Regular Session

Ward

Proposed law creates the Capital Area Road and Bridget District as a political subdivision of the state. The district is being created for the purpose of raising revenue to finance road and bridge projects to alleviate traffic congestion. The district shall be comprised of all territories within the geographical boundaries of the parishes of East Baton Rouge, Ascension, Livingston, Iberville, and West Baton Rouge.

Proposed law defines, for purposes of proposed law, "bonds", "governing authority", "local governmental subdivision", "road or bridge project", and "project costs".

Proposed law provides that the management and control of the district shall be vested in a board of commissioners composed of six members, including the secretary of DOTD, with one member appointed by the governing authority of each parish. Proposed law allows for members to be state or local elected officials or employees of the state or any local governmental subdivision.

Proposed law provides for meetings of the board, the selection of officers, quorums, and the removal of commissioners.

Proposed law provides for the powers of the district, and allows the district to avail itself of any laws relative to political subdivision generally, including the following:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To initiate or coordinate research, studies, and gathering of information on the projects, including but not limited to the following:
 - (a) Engineering studies.
 - (b) Traffic flow and pattern studies.
 - (c) Environmental impact studies.
 - (d) Location of proposed routes.
 - (e) Economic development impacts and benefits.
 - (f) Utility relocation.

- (g) Right-of-way acquisition.
 - (h) Project construction cost/benefit ratio studies.
- (4) To be designated an official depository for information relating to and about the projects.
- (5) To receive money from any public or private body which may desire to appropriate or donate such funds to be used to defray the expenses of the district.

Proposed law specifically authorizes the commission to apply for, receive, and accept from any state or federal agency, or local subdivision of this state, any grant or contribution of either money, property, or other things of value to be held, used, and applied for purposes for which such grants and contributions may be made or for any other lawful purposes that the commission has expressly authorized herein.

Proposed law provides that the commission shall have the advice and service of DOTD.

Proposed law provides that the district shall comply with present law pertaining to open meetings, public records, fiscal agents, official journals, dual office holding and employment, public bidding for the purpose of supplies and materials, and the Code of Governmental Ethics. Proposed law further provides that the district is permitted to use alternative competitive procurement and delivery methods for the award of any contracts for a major project.

Proposed law authorizes the board to levy an ad valorem tax or taxes for a term as determined by the board of commissioners, for the purpose of acquiring, constructing, improving, equipping, furnishing, maintaining, or operating any work of public improvement, including both movable and immovable property necessary in connection with road and bridge projects, which shall include a new Mississippi River bridge located within the boundaries of the district, when authorized by a majority of the electors in the district who vote thereon in an election held for that purpose.

The board is further authorized to levy a millage, not to exceed five mills, to provide revenue to carry out the purposes of proposed law, when authorized by a majority of the electors in the district who vote thereon in an election held for that purpose. Provides that proceeds of the millage shall be used for roads and other similar public works, which shall include a new Mississippi River bridge to be located within the boundaries of the district.

Proposed law authorizes, subject to the approval of the State Bond Commission and the approval of a majority of the electors of the district voting in an election held for that purpose, the district to incur debt and issue revenue bonds for the purpose of constructing, acquiring, extending, or improving works of capital improvement related to roads and other similar public works, including a new Mississippi River bridge to be located within the boundaries of the district. Proposed law prohibits such bonds from being general obligations of the district, Ascension Parish, East Baton Rouge Parish, Iberville Parish, Livingston Parish, West Baton Rouge Parish, or the state of Louisiana.

Proposed law authorizes the district to levy and collect a parcel fee within the boundaries of the district which shall not exceed five hundred dollars per parcel per year, after approval of a majority of the electors voting in an election held for that purpose. Proposed law sets for the procedures to collect the parcel fee. Proposed law provides the parcel fee proceeds shall be used for road and bridge projects, which shall include a new Mississippi River bridge to be located within the boundaries of the district.

Proposed law also authorizes the district to levy and collect a sales tax not to exceed one percent within the district, after approval of a majority of the electors voting in an election held for that purpose, and allows for the sales tax to be funded into bonds if such is approved by the electors. Proposed law provides the sales tax proceeds shall be used for road and bridge projects, and shall include a new Mississippi River bridge to be located within the boundaries of the district.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 48:771-780)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the original bill

1. Specifies that the ad valorem or sales taxes or the parcel fee levied by the district shall include a new Mississippi River bridge in the boundaries of the district.
2. Changes the number of members of the board, not including the secretary of DOTD, from 10 appointed by the governor to 5 appointed, one by each parish governing authority.
3. Removes the 20 year term of the tax and the parcel fee.
4. Removes the authority to levy a tax on gasoline, motor fuels, and special fuels in the event the La. Const. is amended to allow a local gasoline tax.

Senate Floor Amendments to engrossed bill

1. Makes Legislative Bureau technical changes.
2. Adds notice of local advertisement language.