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## DIGEST

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HB 336 Engrossed

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)