

Regular Session, 2009

HOUSE BILL NO. 685

BY REPRESENTATIVE DIXON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DISTRICTS/PUBLIC IMPROVE: Creates the Central Louisiana Regional Infrastructure Beltway Commission

1 AN ACT

2 To enact Chapter 34 of Title 48 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 48:2151 through 2162, relative to the Central Louisiana Regional
4 Infrastructure Beltway Commission; to create and provide with respect to the Central
5 Louisiana Regional Infrastructure Beltway Commission; to provide for the territorial
6 boundaries, governance, plans, powers, and duties of the board of commissioners;
7 to authorize the board to contract for certain projects to be performed; to authorize
8 the board to acquire land and utilities; to provide with respect to bonds and other
9 revenue for funding; and to provide for related matters.

10 Notice of intention to introduce this Act has been published
11 as provided by Article III, Section 13 of the Constitution of
12 Louisiana.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. Chapter 34 of the Title 48 of the Louisiana Revised Statutes of 1950,
15 comprised of R.S. 48: 2151 through 2162, is hereby enacted to read as follows:

16 CHAPTER 34. CENTRAL LOUISIANA REGIONAL INFRASTRUCTURE

17 BELTWAY COMMISSION

18 §2151. Short title

19 This Chapter shall be known and may be referred to as the "Central Louisiana
20 Regional Infrastructure Beltway Commission".

1 §2152. Central Louisiana Regional Infrastructure Beltway Commission; purposes

2 The Central Louisiana Regional Infrastructure Beltway Commission,
3 hereinafter referred to as the "commission", is hereby created in the parishes of
4 Rapides and Grant. The commission shall be created for the purpose of establishing
5 and constructing a transportation and utility corridor for the growth of residential,
6 commercial, and industrial developments serving the urban and rural areas of
7 Rapides and south Grant parishes.

8 §2153. 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 Central Louisiana Regional Infrastructure
17 Beltway Commission.

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

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

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

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

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

1 such other expenses as may be necessary or incidental to the construction, financing,
2 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 air space 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, toll, 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 (14) "Toll" means any fee or charge for the use of a tollway.

21 (15) "Tollway" means any limited access highway, bridge, or other
22 transportation facility constructed or operated by the commission.

23 §2154. Central Louisiana Regional Infrastructure Beltway Commission; creation;
24 board of directors; meetings; quorum

25 A. The Central Louisiana Regional Infrastructure Beltway Commission,
26 hereafter referred to as the "commission", is hereby created possessing full corporate
27 powers to promote, plan, finance, develop, construct, control, regulate, operate, and
28 maintain a transportation and utility corridor for the growth of residential,

1 commercial, and industrial developments serving the urban and rural areas of
2 Rapides and south Grant parishes within its jurisdiction.

3 B. The domicile of the commission shall be Rapides Parish.

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

7 (a) The mayor from each of the following municipalities: Alexandria,
8 Pineville, Woodworth, Ball, and Boyce, or their designee.

9 (b) The chancellor of Louisiana State University at Alexandria or his
10 designee.

11 (c) The chancellor of Louisiana College or his designee.

12 (d) The executive director of the England Authority or his designee.

13 (e) The president of the city council of Alexandria or his designee.

14 (f) The president of the Rapides Parish Police Jury or his designee.

15 (g) The highway district engineer administrator of Highway District Number
16 8 of the Louisiana Department of Transportation and Development or his designee.

17 (h) One member appointed by the Central Louisiana Chamber of
18 Commerce.

19 (i) The president of the Grant Parish Police Jury or his designee.

20 (j) The president of the Avoyelles Parish Police Jury or his designee.

21 (2) The directors shall elect the chairman and vice chairman from among
22 themselves and shall elect any other officers they deem necessary.

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

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

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

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

9 H. The boundary and jurisdiction of the commission shall be coextensive
10 with the boundaries of Grant and Rapides parishes.

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

13 J. The commission may perform, procure from the Department of
14 Transportation and Development with the consent of its secretary, or procure from
15 outside service providers any service or portion of services necessary to fulfill the
16 duties and obligations of the commission.

17 §2155. Right of public agencies to material

18 The commission created pursuant to this Chapter shall be subject to and fully
19 comply with the Public Records Law, R.S. 44:1 et seq., and the Open Meetings Law,
20 R.S. 42:4.1 et seq., of the state. All reports, maps, or other technical documents
21 produced in whole or in part by the commission may be utilized by the commission
22 or any other public agency in any manner that it deems necessary and advisable in
23 the conduct of its duties.

24 §2156. Feasibility; advice

25 A. The commission may construct projects under the terms and conditions
26 set forth in this Chapter. The commission shall conduct an economic feasibility
27 study prior to initiation of any project to substantiate project need and feasibility.

1 B. The Rapides Area Planning Commission, and all subcommittees thereof,
2 shall serve in an advisory capacity to the commission, relative to any project or
3 projects contemplated by or to be undertaken by the commission.

4 §2157. Jurisdiction; powers of commission

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

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

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

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

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

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

18 (6) To regulate speed limits on the tollways consistent with state speed
19 limits.

20 (7) To contract with any person, partnership, association, or corporation
21 desiring the use of any part of a project, including the right-of-way adjoining the
22 paved portion, for placing thereon telephone, fiber optic, telegraph, electric light, or
23 power lines, gas stations, garages, and restaurants, or for any other purpose, and to
24 fix the terms, conditions, rents, and rates of charges limited to no more than the
25 commission's direct and actual cost of administering the permitting process.

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

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

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

12 (11) To establish control of access, designate the location, and establish,
13 limit, and control points of ingress and egress for each project as may be necessary
14 or desirable in the judgment of the commission to ensure its proper operation and
15 maintenance, and to prohibit entrance to such project from any point or points not
16 so designated, subject to the prior written concurrence of the department when the
17 state highway system is affected.

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

21 (13) To enter, or authorize its agents to enter, upon any lands, waters, or
22 premises within the geographic boundaries of the commission for the purpose of
23 making surveys, soundings, drillings, or examinations as it may deem necessary or
24 appropriate for the purposes of this Chapter provided that the commission shall
25 reimburse any actual damages resulting to such lands, waters, or premises as a result
26 of such activities; such entry shall not be deemed a trespass or unlawful.

27 (14) To procure insurance in such amount or amounts appropriate to the size
28 of the project, as determined by the commission, insuring the commission against all

1 losses, risk, and liability arising out of the construction, operation, maintenance, and
2 ownership of any project.

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

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

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

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

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

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

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

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

26 §2158. Acquisition of lands and property

27 A. For the purposes of this Chapter, the commission may acquire private or
28 public property and property rights by donation, purchase, exchange, or eminent

1 domain proceedings, as the commission may deem necessary for any commission
2 purpose in the transportation corridor designated by the commission.

3 B. In the acquisition of land and property rights, the commission may
4 acquire an entire lot, block, or tract of land, if, by so doing, the acquisition cost to the
5 commission will be equal to or less than the cost of acquiring only that portion of the
6 property thereof necessary for the project. This Subsection is a specific recognition
7 that this means of limiting the rising costs of such property acquisition is a public
8 purpose and that, without this limitation, the viability of many public projects will
9 be threatened.

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

20 D. When the commission acquires property for a project, it is not subject to
21 any liability imposed by preexisting conditions. This Subsection does not, however,
22 affect the rights or liabilities of any past or future owners of the acquired property,
23 nor does it affect the liability of any governmental entity for the results of its actions
24 which create or exacerbate a pollution source. The commission and the Louisiana
25 Department of Environmental Quality may enter into agreements for the
26 performance, funding, and reimbursement of the investigative and remedial acts
27 necessary for property acquired by the commission.

1 §2159. Public utilities

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

7 (2) Whenever the commission shall determine that it is necessary to relocate,
8 remove, or carry along or across a commission project by grade separation, any
9 public utility facilities presently located in, on, along, over, or under a commission
10 project, the owner or operator of such facilities shall relocate or remove the same in
11 accordance with the order of the commission; however, the cost and expense of such
12 relocation, removal, or grade separation, including the cost of installing such
13 facilities in a new location or locations, including the cost of any land, or any rights
14 or interest in lands, and any other rights acquired to accomplish such relocation or
15 removal, shall be paid as project costs by the commission.

16 (3) In case of relocation or removal, the owners or operators of public utility
17 facilities, their successors or assigns, may use and operate said public utility facilities
18 in the new location or locations upon the same terms and conditions enjoyed prior
19 to relocation or removal.

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

23 §2160. Contracts; construction; project development; law enforcement

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

27 B. The commission may contract with either the state police, a law
28 enforcement district, or municipal law enforcement agency to perform law
29 enforcement and patrol functions on any commission project.

1 §2161. Bonds

2 A. Without reference to any provision of the Constitution of Louisiana and
3 the laws of Louisiana, and as a grant of power in addition to any other general or
4 special law, the commission created pursuant to this Chapter may issue bonds for any
5 commission purpose and pledge revenues for the payment of the principal and
6 interest of such bonds. The commission is further authorized, in its discretion, to
7 pledge all or any part of any gift, grant, donation, or other sum of money, aid, or
8 assistance from the United States, the state, or any political subdivision thereof,
9 unless otherwise restricted by the terms thereof, all or any part of the proceeds of
10 bonds, credit agreements, instruments, or any other money of the commission, from
11 whatever source derived, for the further securing of the payment of the principal and
12 interest of the bonds. Any such bonds shall be payable solely from revenues and
13 bond proceeds, pending their disbursement, and investment income thereon.

14 B. Bonds issued under the provisions of this Chapter shall not be deemed to
15 constitute a pledge of the full faith and credit of the state or of any governmental unit
16 thereof. All such bonds shall contain a statement on their face substantially to the
17 effect that neither the full faith and credit of the state nor the full faith and credit of
18 any public entity of the state are pledged to the payment of the principal of or the
19 interest on such bonds. The issuance of bonds under the provisions of this Chapter
20 shall not directly, indirectly, or contingently obligate the state or any governmental
21 unit of the state to levy any taxes whatever therefor or to make any appropriation for
22 their payment, other than obligations to make payments by the state or any public
23 entity to the commission arising out of contracts authorized under this Chapter.

24 C. Bonds shall be authorized by a resolution of the commission and shall be
25 of such series, bear such date or dates, mature at such time or times, bear interest at
26 such rate or rates, including but not limited to fixed, variable, or zero rates, be
27 payable at such time or times, be in such denominations, be in such form, carry such
28 registration and exchangeability privilege, be payable in such medium of payment
29 and at such place or places, be subject to such terms of redemption prior to maturity

1 at such price or prices as determined by the commission, and be entitled to such
2 priority on the revenues as such resolution or resolutions may provide.

3 D. Bonds shall be sold by the commission at public sale by competitive bid
4 or negotiated private sale and at such price as the commission may determine to be
5 in the best interest of the authority.

6 E. The issuance of bonds shall not be subject to any limitations,
7 requirements, or conditions contained in any other law, and bonds may be issued
8 without obtaining the consent of the state or any political subdivision, or of any
9 agency, commission, or instrumentality thereof, except that the issuance of such
10 bonds shall be subject to the approval of the State Bond Commission. The bonds
11 shall be issued in compliance with the provisions of this Chapter.

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

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

3 H. Any pledge of revenues or other monies made by the commission shall
4 be valid and binding from the time when the pledge is made. The revenues or
5 monies so pledged and thereafter received by the commission shall immediately be
6 subject to the lien of such pledge without any physical delivery thereof or further act,
7 and the lien of any such pledge shall be valid and binding as against all parties
8 having claims of any kind in tort, contract, or otherwise against the commission
9 irrespective of whether such parties have notice thereof.

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

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

1 vested in the holders from time to time of such bonds a contract right in the
2 provisions of this Section.

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

5 L. The holders of any bonds issued hereunder shall have such rights and
6 remedies as may be provided in the resolution or trust agreement authorizing the
7 issuance of the bonds, including but not by way of limitation, appointment of a
8 trustee for the bondholders and any other available civil action to compel compliance
9 with the terms and provisions of the bonds and the resolution or trust agreement.

10 M. Subject to the agreements with the holders of bonds, all proceeds of
11 bonds and all revenues pledged under a resolution or trust agreement authorizing or
12 securing such bonds shall be deposited and held in trust in a fund or funds separate
13 and apart from all other funds of the commission. Subject to the resolution or trust
14 agreement, the trustee shall hold the same for the benefit of the holders of the bonds
15 for the application and disposition thereof solely to the respective uses and purposes
16 provided in such resolution or trust agreement.

17 N. The commission created hereunder is authorized to employ all
18 professionals it deems necessary in the issuance of its bonds.

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

24 §2162. Conveyance of project; maintenance

25 When the bonds issued for any project and the interest thereon have been
26 paid in full, or sufficient funds have been deposited in trust for that purpose, and the
27 project is in a condition which meets department standards for structural condition
28 and geometric design and is in a condition of maintenance satisfactory to the
29 department, said project and any property acquired for the project may be transferred

1 by the commission in full ownership to the state of Louisiana. The department will
2 assume jurisdiction and control of the project as a part of the state highway system,
3 provided that the legislature authorizes an increase in mileage of the state highway
4 system equal to the length of the commission project to be transferred. Any
5 commission project transferred to and accepted by the department will be operated
6 and maintained by the department as an integral part of the state highway system,
7 and the department, in the discretion of its secretary, may continue to collect any toll
8 or fee for the purpose of maintenance of the project.

9 Section 2. This Act shall become effective upon signature by the governor or, if not
10 signed by the governor, upon expiration of the time for bills to become law without signature
11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
13 effective on the day following such approval.

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)]

Dixon

HB No. 685

Abstract: Creates the Central La. Regional Infrastructure Beltway Commission.

Proposed law creates the Central La. Regional Infrastructure Beltway Commission.

Provides that the commission is vested with powers 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 Rapides and south Grant parishes to be constructed within its jurisdiction.

Provides for definitions.

Provides that the commission shall be domiciled in Rapides Parish.

Proposed law provides for the commission to be composed of 14 directors with full power to promulgate rules and regulations for the maintenance and operation of the commission as follows:

- (1) Mayor from each of the following municipalities: Alexandria, Pineville, Woodworth, Ball, and Boyce, or their designee.
- (2) The chancellor of LSU-A or his designee.
- (3) The chancellor of La. College or his designee.

- (4) The executive director of England Authority or his designee.
- (5) The president of the City Council of Alexandria or his designee.
- (6) The president of the Rapides Parish Police Jury or his designee.
- (7) The highway district engineer administrator for highway district No. 8 of DOTD.
- (8) A member appointed by the Central Louisiana Chamber of Commerce.
- (9) The president of the Grant Parish Police Jury or his designee.
- (10) The president of the Avoyelles Parish Police Jury or his designee.

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

Proposed law provides that a majority of the directors shall constitute a quorum for the transaction of official business. All official actions of the commission shall require an affirmative vote of the directors present and voting at any meeting. Additionally, provides that directors may be removed from office for cause by a district court having jurisdiction.

Proposed law provides that the directors of the commission shall 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 provides that the mileage allowance shall 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 provides that the boundary and jurisdiction of the commission shall be coextensive with the boundaries of Rapides and Grant parishes.

Proposed law provides that the commission shall meet at least quarterly and may meet more frequently upon call of the chairman. Provides that all directors shall be subject to existing ethics law.

Proposed law authorizes the commission to perform, procure from 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 provides that the commission shall be subject to and comply with the Public Records Law and the Open Meetings Law. All proceedings and documents of the commission shall be public record. All reports, maps, or other technical documents produced in whole or in part by a commission may be utilized by the department or any other public agency in any manner that it deems 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 to conduct an economic feasibility study prior to initiation of any project to substantiate project need and feasibility.

Proposed law provides that the Rapides Area Planning Commission and all of its subcommittees shall 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, and adjust tolls, 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 tollways 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 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 shall reimburse any actual damages resulting to such lands, waters, and premises as a result of such activities; such entry shall not 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 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. The commission may 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 shall require DOTD approval, and surplus property may be sold by the commission to maximize the price received for such property.

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

Proposed law limits the commission's liability for property imposed by preexisting conditions. However, this limitation does not affect the rights or liabilities of any past or future owners of the acquired property, nor does it affect the liability of any governmental entity for actions which create or exacerbate a pollution source. Authorizes the commission and the La. 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 grants the commission the power 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. If the commission

determines it is necessary to relocate or remove a public utility, requires the owner or operator of such facility to relocate or remove the facility; however, the cost and expense of such relocation or removal shall be paid as project costs by the commission.

Provides that, in case of relocation or removal, the owners or operators of public utility facilities may use and operate the public utility facilities in the new location(s) upon the same terms and conditions enjoyed prior to relocation or removal. Also provides that any utility which requests and is permitted to occupy commission right-of-way shall 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 to be made and awarded according to the applicable provisions of present law.

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 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. Provides that any bonds shall be payable solely from revenues and bond proceeds, pending their disbursement, and investment income.

Proposed law provides that bonds issued by the commission shall not be deemed a pledge of the full faith and credit of the state and all such bonds shall 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.

Further provides that the issuance of bonds by the commission shall 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 that bonds be authorized by a resolution of the commission and shall 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.

Further provides that bonds shall be sold by the commission at public sale by competitive bid or negotiated private sale and bonds may be issued without obtaining the consent of the state or any political subdivision, or of any agency or commission, except that the issuance of bonds shall be subject to the approval of the State Bond Commission.

Proposed law provides that for a period of 30 days after the date of publication of a notice of intent to issue bonds, any person in interest shall have the right to contest the legality of the resolution and the legality of the bond issue for any cause, but after that time no one shall have any cause or right of action to contest the legality of the resolution or of the bonds or the security for any cause whatsoever.

Further provides that if no suit, action, or proceeding is begun within the 30-day period, the authority to issue bonds and provide for the payment thereof, the legality thereof and of all

of the provisions of the resolution or other proceedings authorizing the issuance of the bonds shall be conclusively presumed, and no court shall have authority to inquire into such matters.

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

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

Further provides that bonds of the commission and the income therefrom shall be exempt from all taxation by the state or any political subdivision thereof, and may or may not be exempt for federal income tax purposes. Provides further with respect to such bonds.

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

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

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

(Adds R.S. 48:2151-2162)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill.

1. Adds the president of the Grant Parish Police Jury (or his designee) and the president of the Avoyelles Parish Police Jury (or his designee) to the commission.