

Regular Session, 2009

ACT No. 518

HOUSE BILL NO. 685

BY REPRESENTATIVE DIXON

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

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".

21 §2152. Central Louisiana Regional Infrastructure Beltway Commission; purposes

22 The Central Louisiana Regional Infrastructure Beltway Commission,
23 hereinafter referred to as the "commission", is hereby created in the parishes of
24 Rapides and Grant. The commission shall be created for the purpose of establishing

1 and constructing a transportation and utility corridor for the growth of residential,
2 commercial, and industrial developments serving the urban and rural areas of
3 Rapides and south Grant parishes.

4 §2153. Definitions

5 Unless the text clearly indicates otherwise, the following words or phrases
6 shall have the following meanings:

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

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

12 (3) "Commission" means the Central Louisiana Regional Infrastructure
13 Beltway Commission.

14 (4) "Department" means the Department of Transportation and
15 Development.

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

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

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

24 (8) "Project costs" means all costs associated with and necessary to plan,
25 design, acquire property rights, and to construct a project, construction costs, and
26 such other expenses as may be necessary or incidental to the construction, financing,
27 and operation of the project.

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

1 (10) "Real property" means lands, waters, rights in lands or waters,
2 structures, franchises, and interests in land, including lands under water, riparian
3 rights, property rights in air space or subsurface, and any and all other things and
4 rights usually included within said term, including any and all interests in such
5 property less than full title.

6 (11) "Revenue" means:

7 (a) Any income, revenue, toll, and receipt derived or to be derived from the
8 construction and operation of projects by the commission or received by the
9 commission from any other sources whatsoever.

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

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

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

15 (14) "Toll" means any fee or charge for the use of a tollway.

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

18 §2154. Central Louisiana Regional Infrastructure Beltway Commission; creation;
19 board of directors; meetings; quorum

20 A. The Central Louisiana Regional Infrastructure Beltway Commission,
21 hereafter referred to as the "commission", is hereby created possessing full corporate
22 powers to promote, plan, finance, develop, construct, control, regulate , operate, and
23 maintain a transportation and utility corridor for the growth of residential,
24 commercial, and industrial developments serving the urban and rural areas of
25 Rapides and south Grant parishes within its jurisdiction.

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

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

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

3 (b) The chancellor of Louisiana State University at Alexandria or his
4 designee.

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

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

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

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

9 (g) The highway district engineer administrator of Highway District Number
10 8 of the Louisiana Department of Transportation and Development or his designee.

11 (h) One member appointed by the Central Louisiana Chamber of
12 Commerce.

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

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

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

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

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

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

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

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

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

7 J. The commission may perform, procure from the Department of
8 Transportation and Development with the consent of its secretary, or procure from
9 outside service providers any service or portion of services necessary to fulfill the
10 duties and obligations of the commission.

11 §2155. Right of public agencies to material

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

18 §2156. Feasibility; advice

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

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

25 §2157. Jurisdiction; powers of commission

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

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

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

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

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

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

9 (6) To regulate speed limits on the tollways consistent with state speed
10 limits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 §2158. Acquisition of lands and property

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

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

26 C. The commission may sell, lease, or otherwise dispose of all or any portion
27 of a project, provided that the sale, lease, or other disposition of a state-designated
28 project shall require department approval. Notwithstanding any law to the contrary,
29 any surplus property may be sold in accordance with procedures adopted by the
30 commission that maximize the price received for such property provided that,

1 notwithstanding any other provision of law to the contrary, whenever any surplus
2 property is acquired by the commission by eminent domain proceedings, the
3 commission first shall offer to sell whatever rights it acquired back to the prior
4 owner or his successors in title, at the fair market value or at the original price paid,
5 whichever is less.

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

14 §2159. Public utilities

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

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

29 (3) In case of relocation or removal, the owners or operators of public utility
30 facilities, their successors or assigns, may use and operate said public utility facilities

1 in the new location or locations upon the same terms and conditions enjoyed prior
2 to relocation or removal.

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

6 §2160. Contracts; construction; project development; law enforcement

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

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

13 §2161. Bonds

14 A. Without reference to any provision of the Constitution of Louisiana and
15 the laws of Louisiana, and as a grant of power in addition to any other general or
16 special law, the commission created pursuant to this Chapter may issue bonds for any
17 commission purpose and pledge revenues for the payment of the principal and
18 interest of such bonds. The commission is further authorized, in its discretion, to
19 pledge all or any part of any gift, grant, donation, or other sum of money, aid, or
20 assistance from the United States, the state, or any political subdivision thereof,
21 unless otherwise restricted by the terms thereof, all or any part of the proceeds of
22 bonds, credit agreements, instruments, or any other money of the commission, from
23 whatever source derived, for the further securing of the payment of the principal and
24 interest of the bonds. Any such bonds shall be payable solely from revenues and
25 bond proceeds, pending their disbursement, and investment income thereon.

26 B. Bonds issued under the provisions of this Chapter shall not be deemed to
27 constitute a pledge of the full faith and credit of the state or of any governmental unit
28 thereof. All such bonds shall contain a statement on their face substantially to the
29 effect that neither the full faith and credit of the state nor the full faith and credit of
30 any public entity of the state are pledged to the payment of the principal of or the

1 interest on such bonds. The issuance of bonds under the provisions of this Chapter
2 shall not directly, indirectly, or contingently obligate the state or any governmental
3 unit of the state to levy any taxes whatever therefor or to make any appropriation for
4 their payment, other than obligations to make payments by the state or any public
5 entity to the commission arising out of contracts authorized under this Chapter.

6 C. Bonds shall be authorized by a resolution of the commission and shall be
7 of such series, bear such date or dates, mature at such time or times, bear interest at
8 such rate or rates, including but not limited to fixed, variable, or zero rates, be
9 payable at such time or times, be in such denominations, be in such form, carry such
10 registration and exchangeability privilege, be payable in such medium of payment
11 and at such place or places, be subject to such terms of redemption prior to maturity
12 at such price or prices as determined by the commission, and be entitled to such
13 priority on the revenues as such resolution or resolutions may provide.

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

17 E. The issuance of bonds shall not be subject to any limitations,
18 requirements, or conditions contained in any other law, and bonds may be issued
19 without obtaining the consent of the state or any political subdivision, or of any
20 agency, commission, or instrumentality thereof, except that the issuance of such
21 bonds shall be subject to the approval of the State Bond Commission. The bonds
22 shall be issued in compliance with the provisions of this Chapter.

23 F. For a period of thirty days after the date of publication of a notice of intent
24 to issue bonds in the official journal of the commission authorizing the issuance of
25 bonds hereunder, any person in interest shall have the right to contest the legality of
26 the resolution and the legality of the bond issue for any cause, but after that time no
27 one shall have any cause or right of action to contest the legality of the resolution or
28 of the bonds or the security therefor for any cause whatsoever. If no suit, action, or
29 proceeding is begun contesting the validity of the resolution, the bonds or the
30 security therefor within the thirty days herein prescribed, the authority to issue bonds

1 and provide for the payment thereof, the legality thereof and of all of the provisions
2 of the resolution or other proceedings authorizing the issuance of the bonds shall be
3 conclusively presumed, and no court shall have authority to inquire into such
4 matters. Any notice of intent so published shall set forth in reasonable detail the
5 purpose of the bonds, the security therefor, and the parameters of amount, duration,
6 and interest rates. The commission may designate any paper of general circulation
7 in its geographical jurisdiction to publish the notice of intent or may utilize electronic
8 media available to the general public. Any suit to determine the validity of bonds
9 issued by the commission shall be brought only in accordance with the provisions
10 of R.S. 13:5121 et seq.

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

13 H. Any pledge of revenues or other monies made by the commission shall
14 be valid and binding from the time when the pledge is made. The revenues or
15 monies so pledged and thereafter received by the commission shall immediately be
16 subject to the lien of such pledge without any physical delivery thereof or further act,
17 and the lien of any such pledge shall be valid and binding as against all parties
18 having claims of any kind in tort, contract, or otherwise against the commission
19 irrespective of whether such parties have notice thereof.

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

23 J. Bonds of the commission, their transfer, and the income therefrom shall
24 at all times be exempt from all taxation by the state or any political subdivision
25 thereof and may or may not be exempt for federal income tax purposes. The bonds
26 issued pursuant to this Chapter shall be and are hereby declared to be legal and
27 authorized investments for banks, savings banks, trust companies, building and loan
28 associations, insurance companies, fiduciaries, trustees, and guardians. Such bonds
29 shall be eligible to secure the deposit of any and all public funds of the state and any
30 and all public funds of municipalities, parishes, school districts, or other political

1 corporations or subdivisions of the state. Such bonds shall be lawful and sufficient
2 security for said deposits to the extent of their value. When any bonds shall have
3 been issued hereunder, neither the legislature, the commission, nor any other
4 commission may discontinue or decrease the revenues pledged to the payment of the
5 bonds authorized hereunder or permit to be discontinued or decreased said revenues
6 in anticipation of the collection of which such bonds have been issued, or in any way
7 make any change in the allocation and dedication of the revenues which would
8 diminish the amount of the revenues to be received by the commission, until all of
9 such bonds shall have been retired as to principal and interest, and there is hereby
10 vested in the holders from time to time of such bonds a contract right in the
11 provisions of this Section.

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

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

19 M. Subject to the agreements with the holders of bonds, all proceeds of
20 bonds and all revenues pledged under a resolution or trust agreement authorizing or
21 securing such bonds shall be deposited and held in trust in a fund or funds separate
22 and apart from all other funds of the commission. Subject to the resolution or trust
23 agreement, the trustee shall hold the same for the benefit of the holders of the bonds
24 for the application and disposition thereof solely to the respective uses and purposes
25 provided in such resolution or trust agreement.

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

28 O. The commission created hereunder shall be deemed to be a public entity
29 for purposes of Chapters 13, 13-A, 14, 14-A, 14-B, and 15-A of Title 39 of the
30 Louisiana Revised Statutes of 1950, which statutes shall apply to bonds of the

1 commission, provided that in the event of a conflict with the provisions of this
 2 Chapter, the provisions of this Chapter shall control.

3 §2162. Conveyance of project; maintenance

4 When the bonds issued for any project and the interest thereon have been
 5 paid in full, or sufficient funds have been deposited in trust for that purpose, and the
 6 project is in a condition which meets department standards for structural condition
 7 and geometric design and is in a condition of maintenance satisfactory to the
 8 department, said project and any property acquired for the project may be transferred
 9 by the commission in full ownership to the state of Louisiana. The department will
 10 assume jurisdiction and control of the project as a part of the state highway system,
 11 provided that the legislature authorizes an increase in mileage of the state highway
 12 system equal to the length of the commission project to be transferred. Any
 13 commission project transferred to and accepted by the department will be operated
 14 and maintained by the department as an integral part of the state highway system,
 15 and the department, in the discretion of its secretary, may continue to collect any toll
 16 or fee for the purpose of maintenance of the project.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____