

CONFERENCE COMMITTEE REPORT
Senate Bill No. 218 By Senator Morrell

June 5, 2013

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 218 by Senator Morrell, recommend the following concerning the Engrossed bill:

1. That House Committee Amendment Nos. 1, 2, 3, 4, and 6 proposed by the House Committee on Transportation, Highways, and Public Works and adopted by the House of Representatives on May 15, 2013, be adopted.
2. That House Committee Amendment No. 5 proposed by the House Committee on Transportation, Highways, and Public Works and adopted by the House of Representatives on May 15, 2013, be rejected.
3. That Legislative Bureau Amendment Nos. 1 and 2 proposed by the Legislative Bureau and adopted by the House of Representatives on May 15, 2013, be rejected.
4. That House Floor Amendment No. 1 proposed by Representative Connick and adopted by the House of Representative on May 22, 2013, be adopted.
5. That House Floor Amendment No. 2 proposed by Representative Connick and adopted by the House of Representatives on May 22, 2013, be rejected.
6. That the following amendment to the engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, between lines 14 and 15, insert the following:

"B. Notwithstanding any provision of law to the contrary, as of August 1, 2013, notices of violations or delinquencies shall not be required to be sent to any person alleged to have failed to pay a toll to cross the Crescent City Connection Bridge prior to January 1, 2013.

C. (1) The department shall establish a toll violation amnesty program for all persons alleged to have failed to pay a toll to cross the Crescent City Connection Bridge prior to January 1, 2013.

(2)(a) The department shall begin conducting the program no later than August 1, 2013, and shall conclude the program on October 1, 2013.

(b) The department shall publicize the program in order to maximize the public awareness of and participation in the program.

(3) During the program, the department shall not take any action to collect a charge, administrative fee, or late charge from a person who is alleged to have failed to pay a toll to cross the Crescent City Connection Bridge prior to January 1, 2013.

(4)(a) Any person who has entered into a payment plan agreement in connection with an alleged failure to pay a toll to cross the Crescent City Connection Bridge prior to January 1, 2013, shall be entitled to avail themselves of the program.

(b) Persons who avail themselves of the program shall be relieved of any further obligations pursuant to any payment plan agreement, and be obligated only to pay amounts due under the program.

(c) The department may develop and implement procedures for applying payments made under payment plan agreements as credits against any amounts due under the program.

(5) The department shall deposit all funds collected during the amnesty program into the Crescent City Transition Fund.

(6) Upon conclusion of the program, the department shall do the following:

(a) Notify the Department of Public Safety and Corrections, office of motor vehicles, of all persons who disposed of toll violations pursuant to the program. The office of motor vehicles shall be prohibited from refusing to renew the driver's licenses of any such persons for the alleged failure to respond to a notice from the department pertaining to the alleged failure to pay a toll to cross the Crescent City Connection Bridge.

(b) Submit all evidence of outstanding toll violations alleged to have occurred prior to January 1, 2013, to the Department of Justice or the Department of Revenue for collection.

Section 2. R.S. 48:1161.2(D) is hereby amended and reenacted to read as follows:

§1161.2. Crescent City Transition Fund

* * *

~~D. Monies in the fund shall be subject to appropriation by the legislature upon recommendation of the secretary of the Department of Transportation and Development. If the Department of Transportation and Development determines that an appropriation is necessary, the~~ **appropriated as follows:**

(a) The first four million dollars of monies deposited in the fund shall be appropriated for use by the Department of Transportation and Development, hereinafter referred to as the "department", for the purpose of capitalizing ferry service formerly operated by the Crescent City Connection Division in the Marine Trust Program. One million four hundred thousand dollars of such funds available for such ferry service shall be appropriated and available for ferry operation costs, such funds to be appropriated annually in the amount of seven hundred thousand dollars for the fiscal years beginning July 1, 2013, and July 1, 2014.

(b) An amount not to exceed twenty percent of the funds collected and deposited into the fund pursuant to the toll violation amnesty program required to be established pursuant to R.S. 47:7013.1(B) shall be appropriated to the department for its costs incurred to implement the program.

~~(c) The~~ **Whether or not tolls are extended on the Crescent City Connection Bridge, the balance of the monies in the fund as of December 31, 2012, shall be appropriated to the New Orleans Regional Planning Commission for lighting of the eastbank and westbank approaches to the Crescent City Connection Bridge including General DeGaulle and the Westbank Expressway approach through ground level, improvements to ingress and egress points, lighting, maintenance, grass cutting, and landscaping of the westbank expressway Westbank Expressway and connecting arteries.**

* * *

Respectfully submitted,

Senators:

Representatives:

Senator Jean-Paul J. Morrell

Representative Robert E. Billiot

Senator Robert Adley

Representative Karen Gaudet St. Germain

Senator David Heitmeier

Representative Patrick Connick

The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

CONFERENCE COMMITTEE REPORT DIGEST

Senate Bill No. 218 by Senator Morrell

Keyword and summary of the bill as proposed by the Conference Committee

ROADS/HIGHWAYS. Prohibits DOTD from collecting fines from certain persons not paying tolls on the Crescent City Connection and establishes a toll amnesty program. (gov sig)

Report adopts House amendments to:

1. Change the end date for the period of time DOTD is prohibited from collecting a toll, charge, administrative fee, or late charge from any person who failed to pay a toll to cross the Crescent City Connection Bridge from May 4, 2013, to March 5, 2013.
2. Make technical corrections to Engrossed Senate Bill No. 218 as proposed in House Committee Amendment Nos. 1, 2, 3, 4, and 6 proposed by the House Committee on Transportation, Highways, and Public Works.

Report rejects House amendments which would have:

1. Required DOTD to conduct a toll violation amnesty program and provide for distribution of funds in the Crescent City Transition Fund.
2. Made Legislative Bureau Amendments to House Committee Amendment No. 5 proposed by the House Committee on Transportation, Highways, and Public Works.

Report amends the bill to:

1. Require DOTD to conduct a toll violation amnesty program for all persons alleged to have failed to pay a toll to cross the Crescent City Connection Bridge prior to January 1, 2013.
2. Require DOTD to begin the toll violation amnesty program no later than August 1, 2013, to conclude the program on October 1, 2013, and to publicize the program.
3. Restrict DOTD from taking any action to collect a charge, administrative fee, or late charge from a person who is alleged to have failed to pay a toll to cross the Crescent City Connection Bridge prior to January 1, 2013.
4. Specify that persons who have entered into payment plans with DOTD in connection with an alleged failure to pay a toll on the Crescent City Connection Bridge may avail themselves of the toll violation amnesty program.
5. Require DOTD to deposit all funds collected during the toll violation amnesty program into the Crescent City Transition Fund.
6. Specify that upon conclusion of the program that DOTD shall notify DPS&C, office of motor vehicles, of all persons who disposed of toll violations pursuant to the toll violation amnesty program and that the office of motor vehicles shall be prohibited from refusing to renew the driver's licenses of such persons for the alleged failure to respond to a notice from DOTD pertaining to the alleged failure to pay a toll to cross the Crescent City Connection Bridge.

7. Require DOTD to submit all evidence of outstanding toll violations alleged to have occurred prior to January 1, 2013, to the Department of Justice or Department of Revenue for collections upon conclusion of the program.
8. Add a provision for monies in the Crescent City Transition Fund and that of the first \$4 million in the Fund for ferry service, that \$1.4 million be available for ferry operation costs, such funds to be appropriated annually in the amount of \$700,000 for the fiscal years beginning July 1, 2013, and July 1, 2014.
9. Add that an amount not to exceed 20% of the funds collected and deposited into the Fund pursuant to the amnesty program shall be appropriated to the department for its costs incurred to implement the program.
10. Remove the December 31, 2012, date applicable to the balance of monies in the Fund required to be appropriated to the New Orleans Regional Planning Commission.

Digest of the bill as proposed by the Conference Committee

Present law requires the DOTD to collect tolls to cross the Crescent City Connection Bridge (CCC) beginning on January 1, 2013, until December 31, 2033, subject to a favorable vote of certain electors. On November 6, 2012, electors approved renewal of tolls. On March 5, 2013, Hon. William Morvant, Judge, 19th JDC, East Baton Rouge Parish, vacated the election results which approved renewal of tolls on the CCC and ordered a new election to be held on May 4, 2013. DOTD suspended toll collections on March 5, 2013.

Proposed law prohibits DOTD from enforcing present law to collect a toll, charge, administrative fee, or late charge required from any person for failure to pay a toll to cross the CCC from January 1, 2013, through March 5, 2013.

Proposed law requires DOTD to conduct a toll violation amnesty program for all persons alleged to have failed to pay a toll to cross the Crescent City Connection Bridge prior to January 1, 2013.

Proposed law requires DOTD to begin the toll violation amnesty program no later than August 1, 2013, to conclude the program on October 1, 2013, and to publicize the program.

Proposed law provides that DOTD shall not take any action to collect a charge, administrative fee, or late charge from a person who is alleged to have failed to pay a toll to cross the Crescent City Connection Bridge prior to January 1, 2013.

Proposed law provides that persons who have entered into payment plans with DOTD in connection with an alleged failure to pay a toll to cross the Crescent City Connection Bridge prior to January 1, 2013, may avail themselves of the toll violation amnesty program and that persons who avail themselves of the program shall be relieved of any further obligations under any payment plan and be obligated only to pay amounts due under the program.

Proposed law provides that DOTD shall deposit the funds collected during the toll violation amnesty program into the Crescent City Transition Fund.

Proposed law provides that upon conclusion of the program that DOTD shall notify DPS&C, office of motor vehicles, of all persons who disposed of toll violations pursuant to the toll violation amnesty program and that the office of motor vehicles shall be prohibited from refusing to renew the driver's licenses of such person for the alleged failure to respond to a notice from DOTD pertaining to the alleged failure to pay a toll to cross the Crescent City Connection Bridge.

Proposed law requires DOTD upon conclusion of the program to turn over all evidence of outstanding toll violations alleged to have occurred prior to January 1, 2013, to the Department of Justice or Department of Revenue for collections.

Present law provides for deposit of monies in the Crescent City Transition Fund and that the first \$4 million deposited into the Fund be appropriated to DOTD for capitalizing ferry service formerly operated by the Crescent City Connection Division in the Marine Trust Program and that the balance in the fund as of December 31, 2012 be appropriated to the New Orleans Regional Planning Commission for lighting of the approaches to the Crescent City Connection.

Proposed law requires that of the amount appropriated for ferry service formerly operated by the Crescent City Connection in present law that \$1,400,000 of such funds shall be available for ferry operation costs, such funds to be appropriated annually in the amount of \$700,000 for the fiscal years beginning July 1, 2013, and July 1, 2014.

Proposed law removes the reference to the December 31, 2012 date.

Proposed law also provides that an amount not to exceed 20% of the monies collected under the toll violation amnesty program and deposited in the Fund as provided in proposed law be appropriated to DOTD for its costs to implement the program.

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

(Amends R.S. 48:1161.2(D); adds R.S. 47:7013.1)