

Regular Session, 2014

SENATE BILL NO. 500

BY SENATOR HEITMEIER

ROADS/HIGHWAYS. Provides for refund of certain collections in the amnesty program for the Crescent City Connection Bridge. (gov sig)

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AN ACT

To enact R.S. 9:154.3 and R.S. 47:7019.2, relative to collection of tolls and fees; to provide for the refund of monies paid by certain persons for a toll violation during the amnesty period to the Department of Transportation and Development; to provide with respect to such refunds; to declare certain funds as abandoned unclaimed property; to provide for the disposition of certain abandoned unclaimed funds; to create the Crescent City Amnesty Refund Fund as a special fund in the state treasury and provide for the disposition of monies in the fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:154.3 is hereby enacted to read as follows:

§154.3. Crescent City Connection amnesty program; Crescent City Amnesty Refund Fund; disposition

A. Notwithstanding the provisions of R.S. 9:154 or any other provision of law to the contrary, the provisions of this Section shall apply to monies collected as a result of the amnesty program provided for in R.S. 47:7019.1 for those persons who failed to pay a toll to cross the Crescent City Connection

1 Bridge, prior to January 1, 2013.

2 B. Notwithstanding the provisions of R.S. 48:1161.2(D)(c), and prior to
3 appropriation of any monies to the New Orleans Regional Planning
4 Commission, on July 1, 2014, one hundred twenty-eight thousand six hundred
5 eighty-one dollars of monies on deposit in the Crescent City Transition Fund
6 shall be deemed abandoned funds for the purposes of treatment as unclaimed
7 property in accordance with the provisions of this Section.

8 C. Funds that are deemed abandoned funds pursuant to this Section
9 shall be immediately transferred from the Crescent City Transition Fund by the
10 state treasurer in his capacity as administrator of the Uniform Unclaimed
11 Property Act. The state treasurer shall deposit these funds into the Crescent
12 City Amnesty Refund Fund as provided in this Section, and shall provide for
13 the return of such funds to their owners in accordance with the Uniform
14 Unclaimed Property Act during the term set forth in R.S. 47:7019.2. The state
15 treasurer shall further provide for the payment of all unexpended and
16 unencumbered funds remaining in the Crescent City Amnesty Refund Fund as
17 of July 1, 2015, in accordance with the provisions of this Section.

18 D. (1) There is hereby created the Crescent City Amnesty Refund Fund
19 as a special fund in the state treasury, hereinafter referred to as the "fund".
20 The source of monies for the fund shall be the monies transferred from the
21 Crescent City Transition Fund as provided for this Section.

22 (2) After compliance with the requirements of Article VII, Section 9(B)
23 of the Constitution of Louisiana, relative to the Bond Security and Redemption
24 Fund, an amount equal to that deposited into the state treasury from the
25 foregoing sources shall be deposited in and credited to the fund. The monies in
26 the fund shall be invested by the treasurer in the same manner as the state
27 general fund, and interest earnings shall be deposited into the fund.

28 (3) All unexpended and unencumbered monies remaining in the fund on
29 July 1, 2015, shall be appropriated as follows:

1 (a) An amount not to exceed thirty percent of the monies in the fund
2 shall be appropriated to the Department of Transportation and Development
3 for operational and maintenance costs for the New Orleans ferries, formerly
4 operated by its Crescent City Connection Division.

5 (b) The balance of the monies in the fund as of July 1, 2015, shall be
6 appropriated to the New Orleans Regional Planning Commission for lighting
7 of the eastbank and westbank approaches to the Crescent City Connection
8 Bridge, including General DeGaulle and the Westbank Expressway approach
9 through ground level, improvements to ingress and egress points, lighting,
10 maintenance, grass cutting, and landscaping of the Westbank Expressway and
11 its connecting arteries.

12 (4) The state treasurer shall be relieved of all liability which may arise
13 with respect to such distribution of funds.

14 E. All data associated with monies deposited into the Crescent City
15 Transition Fund that was collected by the Department of Transportation and
16 Development pursuant to R.S. 47:7013.1 shall be transferred by such
17 department to the state treasurer pursuant to this Section and shall be provided
18 by such department to the Unclaimed Property Division in an electronic format
19 as designated by such division.

20 F. For the purposes of this Section, holder requirements under R.S.
21 9:159 shall be deemed waived.

22 G. The state treasurer in his capacity as administrator of the Uniform
23 Unclaimed Property Act may establish policies and procedures as necessary to
24 implement the provisions of this Section.

25 H. All books, papers, and records transferred to the state treasurer
26 pursuant to this Section shall be retained for a period of no less than five years
27 following such transfer.

28 I. The provisions of this Section shall supersede and control to the extent
29 of conflict with any other provision of law.

1 Section 2. R.S. 47:7019.2 is hereby enacted to read as follows:

2 **§7019.2. Collection of tolls, fees, and charges on Crescent City Connection**

3 **Bridge; amnesty program; refunds**

4 **A. Any person, who availed themselves of the toll violation amnesty**
5 **program as provided in R.S. 47:7019.1 and made payment for a toll violation**
6 **to the Department of Transportation and Development during the amnesty**
7 **period shall be entitled to a refund of such monies paid if he applies to the state**
8 **treasurer, as administrator of the Uniform Unclaimed Property Act, for the**
9 **refund within the refund time period provided for in this Section and if he**
10 **satisfies one of the following circumstances:**

11 **(1) Such person possessed a valid toll tag and payment account, but due**
12 **to no fault of his own, his toll payment account was not accessed for payment.**

13 **(2) Such person did not possess a valid toll tag and made payment for**
14 **fewer than five toll violations.**

15 **B.(1) The state treasurer, as administrator of the Uniform Unclaimed**
16 **Property Act, shall establish a program to refund monies collected during the**
17 **amnesty period for a toll violation from any person who satisfies one of the**
18 **circumstances provided in Subsection A of this Section and who contacts the**
19 **state treasurer for a refund and provides the state treasurer with sufficient**
20 **proof of the payment made that satisfied the circumstances of Subsection A of**
21 **this Section. Any refund payment shall be made by the treasurer from the**
22 **Crescent City Amnesty Refund Fund as provided in R.S. 9:154.3.**

23 **(2)(a) The state treasurer shall begin conducting the program no later**
24 **than October 1, 2014, and shall terminate the program on June 30, 2015.**

25 **(b) The state treasurer shall publicize the program in order to maximize**
26 **the public awareness of and participation in the program.**

27 **(c) After June 30, 2015, the state treasurer, as administrator of the**
28 **Uniform Unclaimed Property Act, shall have no obligation to refund monies**
29 **collected during the amnesty period for a toll violation which satisfies the**

1 **circumstances of Subsection A of this Section.**

2 **C. The provisions of Subsections A and B of this Section shall terminate**
 3 **on June 30, 2015.**

4 **D. Notwithstanding the provisions of R.S. 47:7019.1(C)(6)(b), or any**
 5 **other law to the contrary, no action shall be taken to collect a toll violation from**
 6 **any person who possessed a valid toll tag and payment account but, due to no**
 7 **fault of his own, the toll payment account was not accessed for payment.**

8 **E. Notwithstanding the provisions of any other law to the contrary, the**
 9 **Department of Transportation and Development, the attorney general, or the**
 10 **Department of Revenue, office of debt recovery, as applicable, shall provide the**
 11 **state treasurer with the records in each department's possession of all payments**
 12 **made during the amnesty period for toll violations which satisfied the**
 13 **circumstances of Subsection A of this Section.**

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

The original instrument was prepared by Sharon F. Lyles. The following
 digest, which does not constitute a part of the legislative instrument, was
 prepared by Nancy Vicknair.

DIGEST

Heitmeier (SB 500)

Proposed law provides relative to monies collected as a result of the Crescent City Connection amnesty program for those persons who failed to pay a toll to cross the Crescent City Connection Bridge prior to January 1, 2013.

Proposed law provides that prior to appropriation of any monies to the New Orleans Regional Planning Commission, on July 1, 2014, \$128,681.00 on deposit in the Crescent City Transition Fund shall be deemed abandoned funds for the purposes of treatment as unclaimed property.

Proposed law provides that funds deemed abandoned shall be immediately transferred from the Crescent City Transition Fund by the state treasurer in his capacity as administrator of the Uniform Unclaimed Property Act. Requires the state treasurer to deposit these funds into the Crescent City Amnesty Refund Fund, and provide for the return of such funds to their owners in accordance with the Uniform Unclaimed Property Act during the term set forth

in proposed law. Further requires the state treasurer to provide for the payment of all unexpended and unencumbered funds remaining in the Crescent City Amnesty Refund Fund as of July 1, 2015.

Proposed law creates the Crescent City Amnesty Refund Fund as a special fund in the state treasury (the "fund") and provides that the source of monies for the fund shall be the monies transferred from the Crescent City Transition Fund.

Proposed law provides that after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, an amount equal to that deposited into the state treasury shall be deposited in and credited to the fund. Requires that the monies in the fund to be invested by the treasurer in the same manner as the state general fund, and interest earnings to be deposited into the fund.

Proposed law provides for the appropriation of all unexpended and unencumbered monies remaining in the fund on July 1, 2015.

Proposed law provides that all data associated with monies deposited into the Crescent City Transition Fund that was collected by DOTD shall be transferred by DOTD to the state treasurer and to the Unclaimed Property Division in an electronic format as designated by such division.

Proposed law provides for the waiver of holder requirements.

Proposed law authorizes the state treasurer, in his capacity as administrator of the Uniform Unclaimed Property Act, to establish policies and procedures as necessary to implement the provisions of proposed law.

Proposed law requires that all books, papers, and records transferred to the state treasurer be retained for a period of no less than five years following such transfer.

The provisions of proposed law shall supersede and control to the extent of conflict with any other provision of law.

Proposed law provides that any person who availed himself of the toll violation amnesty program as provided in R.S. 47:7019.1, made payment for a toll violation to DOTD during the amnesty period, who contacts the state treasurer, as administrator of the Uniform Unclaimed Property Act, for a refund, and provides the state treasurer with sufficient proof of the payment of the toll violation, is entitled to a refund of such monies paid if he satisfies one of the following:

- (1) Such person possessed a valid toll tag and payment account, but due to no fault of his own, his toll payment account was not accessed for payment.
- (2) Such person did not possess a valid toll tag and made payment for fewer than five toll violations.

Proposed law requires the state treasurer to establish a refund program.

Proposed law requires the state treasurer to begin the program no later than October 1, 2014, and terminate the program on June 30, 2015. Requires the state treasurer to publicize the program to maximize the public awareness of and participation in the program. Provides the state treasurer has no obligation to refund monies collected during the amnesty period for a toll violation after June 30, 2015.

Proposed law provides that the refund program terminates on June 30, 2015.

Proposed law forgives the toll violations of any person who possessed a valid toll tag and

payment account but, due to no fault of his own, the toll payment account was not accessed for payment.

Proposed law requires DOTD, attorney general, or the office of debt recovery, as applicable, to provide the state treasurer with the records in each department's possession of all toll violation payments made during the amnesty period.

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

(Adds R.S. 9:154.3 and R.S. 47:7019.2)

Summary of Amendments by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill

1. Moves responsibility for establishing, conducting, and publicizing the program from the DOTD to the New Orleans Regional Planning Commission.
2. Gives refunds paid under the program established pursuant to proposed law priority over any other use of the monies designated to fund the refunds.
3. Forgives the toll violations of any person who possessed a valid toll tag and payment account, but due to no fault of his own, the toll payment account was not accessed for payment.

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

1. Moves responsibility for establishing, conducting, and publicizing the program from the New Orleans Regional Planning Commission to the state treasurer.
2. Provides that person who is claiming refund must contact the state treasurer for a refund and provide the state treasurer with sufficient proof that the payment sought to be refunded was made.
3. Provides refunds shall be paid from money appropriated to the state treasurer from dedicated fund prior to appropriation of monies in dedicated fund to DOTD for use by the New Orleans Regional Planning Commission.
4. Technical amendment to correct provisions regarding termination of refund program.
5. Requires DOTD, attorney general, or the office of debt recovery, as applicable, to provide the state treasurer with the records in each department's possession of all toll violation payments made during the amnesty period.

Senate Floor Amendments to reengrossed bill

1. Declares certain funds as abandoned unclaimed property.
2. Provides for the disposition of certain abandoned unclaimed funds.

3. Creates the Crescent City Amnesty Refund Fund as a special fund in the state treasury and provides for the disposition of monies in such fund.
4. Removes provision of proposed law requiring that refunds paid under the program be made from money appropriated to the state treasurer prior to any appropriation of monies designated to fund the refunds to DOTD for use by the New Orleans Regional Planning Commission.
5. Changes the termination date of the refund program from January 1, 2016 to June 30, 2015.
6. Makes technical changes.