

SENATE BILL NO. 215

BY SENATORS HEITMEIER, ALARIO AND MORRELL

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

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AN ACT

To amend and reenact R.S. 47:481 and R.S. 48:25.1, 196(A)(introductory paragraph), and 1656(20) and to enact R.S. 48:25.2, relative to ferries; to require the Department of Transportation and Development to provide for continued operation of certain ferry service formerly operated by its Crescent City Connection Division; to authorize cooperative agreements for ferry service; to establish ferry fares; to dedicate certain taxes to a special fund for ferry operations; to create the New Orleans Ferry Fund; to provide relative to the powers of the Regional Transit Authority; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:481 is hereby amended and reenacted to read as follows:

§481. Disposition of collections

Except as provided in R.S. 47:480, all fees and taxes provided for in this Chapter, including the permit fees, shall be paid to the state treasurer on or before the tenth day of each month following their collection and shall be credited to the account of the Transportation Trust Fund, the State Highway Improvement Fund, state highway fund No. 2, and the ~~Algiers-Canal Street~~ **New Orleans** Ferry Fund, as provided by law.

Section 2. R.S. 48:25.1, 196(A)(introductory paragraph), and 1656(20) are hereby amended and reenacted and R.S. 48:25.2 is hereby enacted to read as follows:

§25.1. Operation or control of ferries; ~~Crescent City Connection~~ **New Orleans** ferries; **cooperative agreement for ferry service; rates; operating agreement**

A. The department ~~may~~ **shall** take over, ~~control, and regulate~~ **own, provide**

1 insurance, and contribute from its operating budget not more than four million  
 2 dollars annually for the continued operation of the Chalmette ferries ferry  
 3 formerly operated by its Crescent City Connection Division crossing the Mississippi  
 4 River. ~~It may prescribe and collect such fees, tolls, fares, or ferry charges as it~~  
 5 ~~deems necessary to operate, maintain, and replace such ferry service. To that end, it~~  
 6 ~~may privatize, let franchises, or enter into contracts for such ferry service in the~~  
 7 ~~name of the state, alone or jointly with the parishes or municipalities of the state. If~~  
 8 ~~the department enters into a contract or franchise agreement with a non-public entity~~  
 9 ~~to provide ferry service formerly operated by its Crescent City Connection Division,~~  
 10 ~~the provisions of R.S. 48:999 and 1000 which provide for certain free and~~  
 11 ~~unhampered passage on toll ferries shall not apply.~~

12 B. ~~If the~~ The department enters into a contract or franchise agreement with  
 13 a non-public entity to provide such ferry service, such contract shall include a  
 14 contract provision that appoints may enter into a cooperative endeavor agreement  
 15 for ferry service with a political subdivision of the state the New Orleans  
 16 Regional Planning Commission as an advisor to such to provide for the continued  
 17 operation of the Chalmette ferry. The cooperative endeavor agreement may  
 18 include the use of maritime assets and associated maritime properties formerly  
 19 operated by its Crescent City Connection Division to be managed and operated  
 20 as a ferry system. The political subdivision shall establish ferry fares and may  
 21 contract with a public or private ferry service contractor. ~~The commission may~~  
 22 ~~follow its customary procedures to satisfy such advisory function.~~

23 C. The political subdivision and its ferry service contractor shall use best  
 24 practices to operate and manage ferry service and to establish and collect ferry  
 25 fares. All ferry fares collected shall be used solely to operate and maintain ferry  
 26 service.

27 §25.2. New Orleans Ferry Fund; ferry operations

28 A. There is hereby created, as a special fund in the state treasury, the  
 29 New Orleans Ferry Fund, hereinafter referred to as the "fund".  
 30 Notwithstanding any provision of law to the contrary, beginning July 1, 2013,

1 and each fiscal year thereafter, after compliance with the requirements of  
 2 Article VII, Section 9(B) of the Constitution of Louisiana, and after making the  
 3 allocation for state highway fund No. 2 for the Greater New Orleans  
 4 Expressway Commission, the treasurer shall deposit into the fund, an amount  
 5 equal to the total of all of the funds derived from the collection of registration  
 6 and license fees and taxes collected by the state pursuant to R.S. 47:462, and as  
 7 provided in R.S. 47:481, in the parish of Orleans.

8 B. The monies in the fund shall be subject to an annual appropriation  
 9 by the legislature and shall be used only as provided in Subsection C of this  
 10 Section. The monies in the fund shall be invested by the treasurer in the same  
 11 manner as the monies in the state general fund, and all interest earned shall be  
 12 deposited and credited to the fund. All unexpended or unencumbered monies  
 13 remaining in the fund at the end of the fiscal year shall remain to the credit of  
 14 the fund.

15 C. Monies appropriated from the fund shall be used exclusively by the  
 16 Department of Transportation and Development to fund operations of the  
 17 Chalmette ferry and to provide ferry service formerly operated by its Crescent  
 18 City Connection Division. These monies shall be in addition to monies the  
 19 department shall contribute from its operating budget as provided by law.

20 D. The provisions of this Section shall terminate on June 30, 2018.

21 \* \* \*

22 §196. State Highway Improvement Fund

23 A. There is hereby created, as a special fund in the state treasury, the State  
 24 Highway Improvement Fund, hereinafter referred to as the "fund." The source of  
 25 monies in this fund shall be registration and license fees and taxes collected by the  
 26 state pursuant to R.S. 47:462, and as provided in R.S. 47:481, in such amounts as  
 27 remain after payment of amounts due on bonds and related expenses as provided in  
 28 the documents pursuant to which the bonds were issued under the provisions of R.S.  
 29 48:196.1. Beginning July 1, 2007, and each fiscal year thereafter, after satisfaction  
 30 of the requirements of the provisions of R.S. 48:196.1 and compliance with the

1 requirements of Article VII, Section 9(B) of the Constitution of Louisiana, and after  
2 making the allocation for state highway fund No. 2, and the ~~Algiers-Canal Street~~  
3 **New Orleans** Ferry Fund, the treasurer shall deposit into the fund the following  
4 amounts:

5 \* \* \*

6 §1656. General powers

7 The authority shall have all powers necessary or convenient to accomplish  
8 the aforesaid purposes, including but not limited to the following:

9 \* \* \*

10 (20) The authority shall have no power or authority to operate taxicabs, or  
11 facilities designed exclusively for the transportation of property for hire, nor ~~ferries,~~  
12 sightseeing limousines and buses, or school buses, nor shall it engage in other  
13 activities commonly regarded as private enterprise, except to develop a transit  
14 system, provide concessions, off-street parking and other facilities for the comfort,  
15 safety and convenience of transit passengers, and otherwise accomplish the purpose  
16 and policies expressed and contemplated in this Act.

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18 Section 3. This Act shall become effective on July 1, 2013.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_