

2024 Regular Session

HOUSE BILL NO. 760

BY REPRESENTATIVES STAGNI, BAYHAM, WILFORD CARTER, COX, ILLG,
SCHLEGEL, AND VILLIO

TRANSPORTATION: Provides relative to the Regional Transit Authority

1 AN ACT

2 To amend and reenact R.S. 48:1653(1) and (17), 1655(E)(3), 1661, and 1665(B) and to enact
3 R.S. 48:1655(E)(4), relative to the Regional Transit Authority; to provide for the
4 withdrawal from the authority by a participant; to provide for an effective date; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 48:1653(1) and (17), 1655(E)(3), 1661, and 1665(B) are hereby
8 amended and reenacted and R.S. 48:1655(E)(4) is hereby enacted to read as follows:

9 §1653. Definitions; terms defined

10 For purposes of this Chapter, the following words have the meanings ascribed
11 to them by this Section, except where the context clearly indicates otherwise:

12 (1) "Authority" means the Regional Transit Authority ~~which shall be~~
13 ~~composed of the parishes of Orleans, Jefferson, St. Tammany, St. Bernard, and such~~
14 ~~other adjacent parishes as may elect to participate in accordance with the provisions~~
15 ~~of this Chapter.~~

16 * * *

17 (17) "Regional area" means the jurisdictional area of the authority
18 comprising the parishes of Orleans, Jefferson, St. Tammany, St. Bernard, and such
19 other adjacent parishes as may elect to participate, but excluding the territory of any

1 local government which may decline membership on the board or withdraw from the
2 authority as hereinafter provided.

3 * * *

4 §1655. Board of commissioners; membership; terms

5 * * *

6 E.

7 * * *

8 (3) Thereupon such parish shall be a participant in the authority and its rights
9 and responsibilities shall, insofar as possible, be the same as if it had participated in
10 the authority from its beginning, provided that said parish shall assume its pro rata
11 share of the then current expenses of the authority, as determined by the authority.
12 ~~By virtue of their participation in the authority, whether initially or subsequently by~~
13 ~~board approval, all participating parishes concur fully and accept without reservation,~~
14 ~~the exclusive rights and power of the authority as stated herein, and further agree and~~
15 ~~obligate themselves to remain in the authority until all outstanding obligations of the~~
16 ~~authority are liquidated or until the authority is abolished, whichever occurs first.~~

17 (4) A participating parish may, by resolution of its local governing body,
18 withdraw from participation in the authority. The withdrawal shall be effective
19 forty-five days following the authority's receipt of the resolution. Thereafter, the
20 authority shall have no jurisdiction within that parish.

21 * * *

22 §1661. Eminent domain

23 The authority shall have no power of eminent domain, but the city of New
24 Orleans and the participating parishes ~~of Orleans, Jefferson, and St. Bernard~~, for
25 purposes of the authority, may exercise the broadest power of eminent domain
26 permissible under the laws of this state; however, no local governing body shall
27 exercise any power of eminent domain hereunder with respect to property located
28 beyond its territorial limits, nor shall it expropriate any business enterprise or any of

1 its assets for the purpose of operating that enterprise or halting competition with a
2 government enterprise.

3 * * *

4 §1665. Participation by local government; alternative methods of financing

5 * * *

6 B. ~~Within thirty days of the effective date of this Act, the governing~~
7 ~~authority of each parish situated within the territory of the authority shall certify by~~
8 ~~resolution whether or not it desires to participate in the authority. Should the~~
9 ~~governing body of the parish fail to adopt such a resolution, the parish shall be~~
10 ~~deemed to have declined participation in the authority. Within forty-five days of the~~
11 ~~effective date of this Act, the board shall be appointed in accordance with the~~
12 ~~provisions of this Chapter. After the board shall have been appointed in accordance~~
13 ~~with Section 1655 of this Chapter any~~ Any parish eligible to participate may apply
14 for membership to the board in accordance with rules promulgated by the board.
15 The board, with the approval of the local governing body of each of the participating
16 ~~parishes of Orleans, Jefferson, St. Tammany, St. Bernard, and such other adjacent~~
17 ~~parishes as may elect to participate, subject to such~~ the limitations as are hereinafter
18 set forth in this Section, shall determine the extent of financial participation and the
19 time or times such financial participation may be required with respect to each of the
20 local governments in order to finance provisions for a rapid transit system through
21 the joint instrumentality of the authority. If such determination contemplates a
22 contractual obligation on the part of a local government to make payments to the
23 authority over a period of time exceeding one year or to issue any bonds or other
24 obligations evidencing indebtedness, such determination shall take the form of a
25 rapid transit contract to be entered into between the authority and the local
26 government. The final execution of a rapid transit contract shall be completed in
27 every instance in the manner hereinafter set forth in this Section.

28 * * *

1 Section 2. This Act shall become effective upon signature by the governor or, if not
 2 signed by the governor, upon expiration of the time for bills to become law without signature
 3 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If
 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 5 effective on the day following the 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)]

HB 760 Reengrossed

2024 Regular Session

Stagni

Abstract: Modifies provisions under the Regional Transit Authority to authorize parishes to withdraw from the authority. Further, clarifies that participating parishes may exercise eminent domain subject to certain requirements.

Present law defines "authority" as the Regional Transit Authority (RTA) which is to be composed of the parishes of Orleans, Jefferson, St. Tammany, St. Bernard, and such other adjacent parishes as may elect to participate in accordance with the provisions of this Chapter.

Proposed law removes the parishes that the RTA is to be composed of from present law.

Present law defines "regional area" as the jurisdictional area of the authority comprising the parishes of Orleans, Jefferson, St. Tammany, St. Bernard, and such other adjacent parishes as may elect to participate, but excluding the territory of any local government which may decline membership on the board.

Proposed law retains present law and adds the option for any parish or local government to withdraw from the authority.

Present law specifies that such parishes must be a participant in the authority and its rights and responsibilities must, insofar as possible, be the same as if it had participated in the authority from its beginning, provided that said parish assume its pro rata share of the then current expenses of the authority, as determined by the authority. Present law further specifies, by virtue of their participation in the authority, whether initially or subsequently by board approval, all participating parishes concur fully and accept without reservation, the exclusive rights and power of the authority as stated herein, and further agree and obligate themselves to remain in the authority until all outstanding obligations of the authority are liquidated or until the authority is abolished, whichever occurs first.

Proposed law removes from present law the requirement that by virtue of their participation in the authority, whether initially or subsequently by board approval, all participating parishes concur fully and accept without reservation, the exclusive rights and power of the authority as stated in present law, and further agree and obligate themselves to remain in the authority until all outstanding obligations of the authority are liquidated or until the authority is abolished, whichever occurs first.

Proposed law authorizes a participating parish, by resolution of its local governing body, to withdraw from participation in the authority. Specifies that the withdrawal will be effective

45 days following the authority's receipt of the resolution. Additionally, specifies that after such withdrawal the authority will not have any jurisdiction within that parish.

Present law specifies that the authority has no power of eminent domain, but authorizes the city of New Orleans and the parishes of Orleans, Jefferson, and St. Bernard, for purposes of the authority, to exercise the broadest power of eminent domain; however, no local governing body may exercise any power of eminent domain with respect to property located beyond its territorial limits, nor may it expropriate any business enterprise or any of its assets for the purpose of operating that enterprise or halting competition with a government enterprise.

Proposed law modifies present law by removing Orleans, Jefferson and St. Bernard parishes and instead references "participating parishes".

Proposed law modifies present law by changing board approval of the local governing body of each parish to each of the participating parishes.

Further removes Orleans, Jefferson and St. Bernard parishes from present law.

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

(Amends R.S. 48:1653(1) and (17), 1655(E)(3), 1661, and 1665(B); Adds R.S. 48:1655(E)(4))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Remove an outdated provision in present law that required, within 30 days of the effective date of this Act, the governing authority of each parish situated within the territory of the authority to certify by resolution whether or not it desired or participated in the authority.
3. Remove an outdated provision that specified if the governing body of the parish failed to adopt the resolution, the parish would be deemed to have declined participation in the authority.
4. Remove an outdated provision that required the board be appointed within forty-five days of the effective date of the original Act.