
DIGEST

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HB 84 Original

2025 Regular Session

McMakin

Abstract: Repeals the Capital Area Transit System Act.

Present law creates the Capital Area Transit System (CATS), as a political subdivision of the state, to operate public transportation in East Baton Rouge Parish and in any such additional participating parishes as may elect to participate.

Present law provides that another parish may become a participating parish if the board of commissioners of CATS approves participation and if the parish approves such participation in the same manner as it would adopt an ordinance. Authorizes the board to enter into contracts with participating parishes to stipulate the nature of the parish's participation in the activities of the system. Provides that such agreements may provide for a parish's financial commitment for the provision of transportation services, for the board's obligation to provide certain services, or for such other terms as the parties may agree upon not inconsistent with present law or other law.

Present law provides that the board may expel a participating parish for material breach of an agreement with it, and a parish may withdraw from participation upon the approval of such action by its governing body adopted in the same manner as it would adopt an ordinance. Provides however, that a withdrawal shall not affect any obligations owed to the system.

Present law provides that if there are no participating parishes other than East Baton Rouge Parish, CATS shall be governed by a board comprised of nine members. Requires the board, effective January 1, 2009, to reapportion its membership every three years to provide for representation of participating parishes. Provides that each such reapportionment shall be adopted by October first immediately prior to the January first on which it will become effective. Provides that for purposes of present law, the year in which a reapportionment becomes effective shall be year one of a reapportionment cycle, the subsequent year shall be year two of a cycle, and the year in which a reapportionment is adopted shall be year three of a cycle.

Present law provides that every participating parish shall appoint at least one member. Provides that the total number of commissioners shall not exceed 15, except as provided by present law.

Present law provides that the membership on the board shall be reapportioned so that, to the extent possible, the ratio of the number of board members representing each participating parish to the total board membership shall be the same as the ratio of each parish's total financial contribution during year one and year two of the reapportionment cycle, as determined by the board, to the total of all participating parishes' contributions during those same two years. Provides that contributions that

were received during the two-year period but which were required by law, contract, or prior decision of the board to be paid prior to the two-year period shall not be considered.

Present law provides that at each reapportionment, the number of commissioners from East Baton Rouge Parish shall remain nine, and other participating parishes shall appoint a number of members based on financial contribution as provided in present law unless this would result in a total membership in excess of 15. Provides that the number of commissioners appointed from East Baton Rouge Parish, as any other participating parish, shall be reduced and shall also be calculated based on the proportion of financial contribution made to the system when such a reduction is necessary to prevent the total number of commissioners from exceeding 15, except as otherwise provided by present law, at the time of a reapportionment.

Present law provides that a parish which becomes a participating parish in year one or year two of a reapportionment cycle shall be immediately entitled to appoint one member of the board. Provides that a parish which becomes a participating parish in year three of a reapportionment cycle shall not be considered in the reapportionment that year but shall be immediately entitled to appoint one member of the board. Provides that any such appointment may result in a total board membership in excess of 15 until subsequent reapportionment.

Present law provides that whenever the number of board members representing a parish is to be reduced as a result of reapportionment, the reduction shall be accomplished by the termination of the board membership of the member or members representing that parish with the least time remaining in their terms. Provides that in the event a parish's members have equally short terms and a fewer number of board positions for that parish are to be eliminated, the governing authority of such parish shall determine which member's term or members' terms shall be eliminated.

Present law provides that the members from each participating parish, including East Baton Rouge Parish, shall be appointed by its governing authority in accordance with the procedures established by the governing authority. Provides that except as provided by present law, all terms shall end on the third December 31 following the appointment.

Present law provides that members shall serve three-year terms. Provides that the initial members of the board of commissioners shall be the members serving as the board of directors of CATS on the effective date of present law. Provides that the three with the longest remaining terms on that board of directors shall serve an initial term lasting until December 31, 2008, the three with the shortest remaining terms shall serve an initial term lasting until December 31, 2006, and the other three shall serve an initial term lasting until December 31, 2007.

Present law provides with respect to removal of members that: the appointing parish may remove a member for cause, the board shall declare a position vacant upon the member's conviction of a felony or a plea of nolo contendere thereto, and a member shall be deemed to have abandoned his office upon failure to attend two of any three consecutive regularly scheduled meetings without an excuse.

Present law provides that a majority of the membership constitutes a quorum for the transaction of

business and that board action requires support from a majority of those present and voting. Authorizes the board to adopt bylaws governing the conduct of its affairs.

Present law provides for the board to select a president, who shall be a member of the board, a vice president, and other officers it deems appropriate. Provides for annual election of officers and provides that an officer serves until a successor is elected or, if he is a board member, when his term as a board member expires if that occurs first.

Present law grants the board the following powers:

- (1) The powers, privileges, and immunities authorized by law for political subdivisions including to sue or be sued.
- (2) The power to receive and acquire the transit system operated under present law in East Baton Rouge Parish and to maintain and expand that system and its facilities in East Baton Rouge Parish and within the area of participating parishes, including the construction and operation of bus rapid transit and light rail systems, and generally to construct, improve, maintain, repair, operate, and administer a mass transportation system.
- (3) The power to acquire, own, use, and dispose of any franchise, servitude, real or personal property, tangible or intangible property, or any interest therein.
- (4) The power to develop data, plans, and information and the power to cooperate, participate, and coordinate with other public entities in the planning or execution of any studies, plans, or projects.
- (5) The power to enter into any contract with other public entities. However, no contract obligating a political subdivision to levy a tax shall be valid until the tax has been approved by the voters.
- (6) The power to contract with any public utility, railroad, or transportation company for the joint use of property or rights, or for the establishment of through routes, joint fares, or transfer of passengers.
- (7) The power to apply for and accept grants or other assistance.
- (8) The power to borrow money and incur debt. However, except as may be established by contract between governmental entities and the board, the board shall have no power in any manner to pledge the property, credit, or taxing power of any political subdivision or of the state.
- (9) Subject to the approval of the appropriate parish governing authority, the exclusive power to determine the appropriate fares, rentals, and other charges for transportation provided to the public and to determine the appropriate routes, schedules, and other parameters for the provision of transportation services.

- (10) Subject to the approval of the appropriate parish governing authority, the exclusive power to issue, issue conditionally, or deny licenses and permits for buses for hire operating exclusively within the territorial area of participating parishes, but not taxicabs, limousines, or sightseeing or tourist guide vehicles. Present law provides criteria to be used by the board in issuing permits.
- (11) The power to provide for police and fire protection over the facilities of the system.
- (12) To levy taxes, subject to voter approval.
- (13) The power to appoint, select, or employ officers, agents, and employees and to contract for the services of individuals or organizations not employed full time by the system.

Present law provides that the system shall be exempt from taxes and assessments. Provides that, except as provided by present law, the system is not subject to other regulatory entities including the Public Service Commission. Provides that the system shall not be deemed a common carrier by any court of this state in a suit for personal injury or property damage. Requires it to cause its financial records to be audited annually, to be subject to inspection and audit by the legislative auditor, and to be subject to state laws relating to open meetings, public records, and public contracts.

Proposed law repeals present law and provides that all obligations, property, records, and employees shall be transferred to the city of Baton Rouge, parish of East Baton Rouge.

(Repeals R.S. 48:1451-1461)