
DIGEST

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HB 760 Original

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".

Present law specifies that within 30 days of the effective date of this Act, the governing authority of each parish situated within the territory of the authority must certify by resolution whether or not it desires to participate in the authority. Further specifies that if the governing body of the parish fail to adopt such a resolution, the parish will be deemed to have declined participation in the authority.

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.

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