

Regular Session, 2013

HOUSE BILL NO. 211

BY REPRESENTATIVE CONNICK

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

DISTRICTS/SPECIAL: Authorizes parishes and municipalities to create local transportation districts within their territorial jurisdiction

1 AN ACT

2 To enact R.S. 33:2740.20, relative to local transportation districts; to authorize the  
3 governing authorities of parishes and municipalities to create such districts; to  
4 provide relative to the boundaries, governance, and powers and duties of the districts;  
5 to provide relative to district funding, including the authority to levy a motor vehicle  
6 license fee; to authorize the state and its departments, agencies, and instrumentalities  
7 to cooperate with the district to accomplish district purposes; and to provide for  
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:2740.20 is hereby enacted to read as follows:

11 §2740.20. Local transportation districts; creation; governance; powers and duties

12 A. Findings and purpose. (1) The legislature finds that the citizens of the  
13 state can benefit by the cooperation of the public and private sectors in addressing  
14 transportation needs. This cooperation can be fostered through enhanced capability  
15 for municipalities and parishes to make and fund transportation improvements and  
16 to improve the performance of transportation systems.

17 (2) The legislature recognizes that transit arteries such as roadways, bridges,  
18 and ferries are vital to the economic development of the state and its political  
19 subdivisions. It is the intent of the legislature to encourage joint efforts by the state,  
20 local governments, and the private sector to respond to special transportation needs,

1 including but not limited to capital improvements, roadway maintenance, ferryboat,  
2 terminal and landing maintenance, lighting, policing, trash collection, and  
3 landscaping. This goal can be better achieved by allowing parishes and  
4 municipalities to establish local transportation districts in order to more aptly  
5 respond to these transportation needs.

6 B. Creation. The governing authority of any parish or municipality may  
7 create, by ordinance, a local transportation district, referred to in this Section as a  
8 "district", and as a political subdivision of the state as defined in the Constitution of  
9 Louisiana.

10 C. Boundaries. The boundaries of the district shall be as provided in the  
11 ordinance creating the district.

12 D. Governance. (1) The district shall be governed by a board of  
13 commissioners, referred to in this Section as the "board". The board shall be  
14 comprised of members as provided in the ordinance creating the district except that  
15 all members shall have expertise in one of the following areas: traffic engineering,  
16 finance, law, or management.

17 (2) The members of the board shall serve without compensation.

18 E. Powers and duties. The district, acting through its board, shall have the  
19 following powers and duties:

20 (1) To have a corporate seal.

21 (2) To acquire by purchase, gift, device, lease, or other mode of acquisition,  
22 to hold, pledge, encumber, lease, and dispose of immovable and movable property  
23 of every kind within its territorial jurisdiction, whether or not subject to mortgage or  
24 any other lien. However, any district created pursuant to the authority granted in this  
25 Section shall not have the power to expropriate immovable or movable property.

26 (3) To make and enter into contracts, conveyances, mortgages, deeds or  
27 trusts, bonds, and leases in the carrying out of its corporate objectives.

1           (4) To let contracts for the construction or acquisition in any other manner  
2           of property and facilities incident to the carrying out of the corporate purposes of the  
3           district, which contracts shall be let as otherwise provided by law.

4           (5) To incur debts and borrow money, but no debt so incurred shall be  
5           payable from any source other than the revenues to be derived by the district.

6           (6) To pledge all or any part of its revenues.

7           (7) To enter into agreements of any nature with any person, corporation,  
8           association, or other entity, including public corporations, political subdivisions,  
9           federal and state agencies and instrumentalities of every kind, for the operation of  
10          all or any part of the properties and facilities of the district.

11          (8) To purchase or construct all works and facilities necessary or convenient  
12          to the exercise of the powers provided in this Subsection and to accomplish the  
13          purposes specified in this Section, and to purchase or otherwise acquire, within its  
14          territorial jurisdiction all immovable and movable property necessary or convenient  
15          for carrying out such purposes. However, any district created pursuant to the  
16          authority granted in this Section shall not have the power to expropriate immovable  
17          or movable property.

18          F. Motor vehicle fee. (1) The district, acting through its board, is hereby  
19          authorized to impose and collect a motor vehicle license fee, referred to in this  
20          Section as the "fee", within the district subject to and in accordance with the  
21          provisions of this Subsection.

22          (2) The district, acting through the board, shall impose an annual fee of not  
23          more than one dollar per each one thousand dollars of actual value on automobiles  
24          for private use based on the actual value of the vehicle, as provided by law; however,  
25          the annual license fee shall not be less than twenty dollars per automobile for private  
26          use. On other motor vehicles, the district shall impose an annual license fee based  
27          upon carrying capacity, horsepower, value, weight, or any of these. The district shall  
28          provide the same classifications and rates as provided in R.S. 47:451 et seq.

1           (3)(a) The fee shall be imposed only after the question of its imposition has  
2           been approved by a majority of the registered voters of the district who vote on the  
3           proposition at an election held for that purpose in accordance with the Louisiana  
4           Election Code. No other election shall be required except as provided by this  
5           Paragraph.

6           (b) If approved, the fee shall expire automatically ten years after the  
7           imposition of the fee, but the fee may be renewed if approved by a majority of the  
8           registered voters of the district voting on the proposition at an election as provided  
9           in Subparagraph (a) of this Paragraph. If the fee is renewed, the term of the  
10          imposition of the fee shall be as provided in the proposition authorizing such  
11          renewal, not to exceed ten years.

12          (4) The district shall enter into a cooperative endeavor agreement with the  
13          Department of Public Safety and Corrections to provide for the collection of the fee.  
14          After the department subtracts its reasonable cost of collection of the fee from the  
15          proceeds, the department shall remit to the district all amounts collected not later  
16          than sixty days after collection.

17          (5) The proceeds of the fee shall be used solely and exclusively for the  
18          maintenance of the state highways included within the district, including but not  
19          limited to capital improvements, roadway maintenance, ferryboat, terminal and  
20          landing maintenance, lighting, policing, trash collection, and landscaping.

21          G. Budget. (1) The board shall adopt an annual budget in accordance with  
22          the Louisiana Local Government Budget Act, R.S. 39:1301 et seq.

23          (2) The district shall be subject to audit by the legislative auditor pursuant  
24          to R.S. 24:513.

25          H. Cooperation with federal and state agencies. The district, acting through  
26          the board, may cooperate with the government of the United States and may  
27          contribute financially to the expense of such improvement projects as are or may be  
28          authorized or adopted by the United States. The district may also cooperate with all  
29          agencies, departments, and political subdivisions of the state of Louisiana in all

1 undertakings, the purpose of which shall be the furtherance of the objects and  
2 purposes for which the district is created, and the authority to cooperate with any  
3 such agency of the state or federal government shall include the authority to contract  
4 with any such agency and to accept any grant or gratuity made for any of the  
5 purposes of this Section. Any financial contributions by the district provided  
6 pursuant to this Subsection shall be made to supplement, and not to supplant, any  
7 state or federal transportation funding.

8 I. Authority of state agencies to cooperate; construction of facilities. (1)  
9 There is hereby expressly conferred upon the state of Louisiana, its departments and  
10 agencies and upon the subdivisions of the state, the authority to cooperate with the  
11 board to make contributions or grants to the district for any of the purposes of this  
12 Section and to enter into contracts and agreements with the district in furtherance of  
13 any of the purposes of this Section.

14 (2) The district may locate, construct, operate, and maintain any of its works  
15 or facilities over, under, through, in, or along any of the lands which are the property  
16 of the state or of any political subdivision, institution, agency, or instrumentality  
17 thereof, within its territorial jurisdiction provided that a cooperative endeavor is  
18 agreed to and executed between the district and the appropriate state entity.

19 (3)(a) The district and its authorized agents and employees may have the  
20 privilege of entering upon any lands, waters, and premises in the district for the  
21 purpose of making surveys, examinations, and appraisals as it may deem necessary  
22 or convenient for the purpose of this Section.

23 (b) The district shall make reimbursement for any actual damages resulting  
24 to such lands, waters, or premises as a result of such activities.

25 J.(1) This Section is intended to carry out a function of the state to protect  
26 the health and welfare of its inhabitants affected by the provisions of this Section and  
27 shall be liberally construed by the courts to effect its purposes.

28 (2) The district is deemed not to be an instrumentality of the state for  
29 purposes of Article X, Section 1(A) of the Constitution of Louisiana.

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 by 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 such approval.

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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)]

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Connick

HB No. 211

**Abstract:** Authorizes the governing authority of any parish or municipality to create a local transportation district. Provides for the boundaries, governance, powers and duties, and funding of the district, including the authority to levy a motor vehicle license fee upon approval by voters within the district.

Proposed law authorizes the governing authority of any parish or municipality to create a local transportation district as a political subdivision of the state. Provides that the district's boundaries and board of commissioners are as provided in the ordinance creating the district. Requires board members to have an expertise in one of the following areas: engineering, finance, law, or management and further requires members to serve without compensation.

Proposed law provides for the district's powers and duties, including the following:

- (1) To have a corporate seal.
- (2) To acquire by purchase, gift, device, lease, or other mode of acquisition and dispose of immovable and movable property of every kind within its territorial jurisdiction. However, the district shall not have the power to expropriate immovable or movable property.
- (3) To make and enter into contracts, conveyances, mortgages, deeds or trusts, bonds, and leases in the carrying out of its corporate objectives.
- (4) To incur debts and borrow money, but no debt so incurred shall be payable from any source other than the revenues to be derived by the district.

Proposed law authorizes the district, subject to voter approval, to impose and collect an annual fee of not more than \$1 per each \$1,000 of actual value on automobiles for private use based on the actual value of the vehicle but no less than \$20 per automobile. Requires the district to impose, on other motor vehicles, an annual license fee based upon carrying capacity, horsepower, value, or weight. Further requires the district to provide the same classifications and rates as provided in present law (R.S. 47:451 et seq.).

Proposed law provides that the fee expires 10 years after the imposition of the fee, but authorizes renewal of the fee not to exceed 10 years. Requires the district to enter into a cooperative endeavor agreement with Dept. of Public Safety and Corrections to provide for the collection of the fee. Requires the department to remit to the district all amounts collected not later than 60 days after collection after collecting reasonable costs for collections from the proceeds of the fee. Requires that proceeds of the fee be used solely and

exclusively for the maintenance of state highways included within the district, including but not limited to capital improvements, roadway maintenance, ferryboat, terminal and landing maintenance, lighting, policing, trash collection, and landscaping.

Proposed law requires the board to adopt an annual budget in accordance with the Local Government Budget Act. Provides that the district is subject to audit by the legislative auditor.

Proposed law authorizes the district to cooperate with the government of the U.S. and to contribute financially to the expense of such improvement projects as are or may be authorized or adopted by the U.S. Further authorizes the district to cooperate with all agencies, departments, and political subdivisions of the state. Further requires that any financial contributions shall supplement, not supplant, state or federal transportation funding.

Proposed law authorizes the state, its departments, agencies, and political subdivisions to cooperate with the board to make contributions or grants to the district for any of the purposes of proposed law and to enter into contracts and agreements with the district for such purposes.

Proposed law authorizes the district, pursuant to a cooperative endeavor agreement, to locate, construct, operate, and maintain any of its works or facilities over, under, through, in, or along any of the lands which are the property of the state or of any of its political subdivisions, institutions, agencies, or instrumentalities within its territorial jurisdiction. Further authorizes the district and its authorized agents and employees to enter upon any lands, waters, and premises in the district for the purpose of making surveys, examinations, and appraisals as it may deem necessary. Requires the district to make reimbursement for any actual damages resulting to any lands, waters, or premises as a result of such activities.

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

(Adds R.S. 33:2740.20)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill.

1. Made technical changes.
2. Added a provision that specifies that any district created pursuant to proposed law shall not have the power to expropriate immovable or movable property.