

Regular Session, 2012

HOUSE BILL NO. 865

BY REPRESENTATIVE BARROW AND SENATOR DORSEY-COLOMB

1 AN ACT

2 To amend and reenact R.S. 48:1456(A), (C), and (E) and 1460(3) and (9), relative to the  
3 Capital Area Transit System; to provide relative to membership of the board of  
4 commissioners, including qualifications and procedures for appointment; to provide  
5 for appointment of new members; to provide for powers and duties of the board; to  
6 remove a requirement for approval of certain board actions by the appropriate parish  
7 governing authority; to provide relative to fare increases by the board; and to provide  
8 for related matters.

9 Notice of intention to introduce this Act has been published  
10 as provided by Article III, Section 13 of the Constitution of  
11 Louisiana.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 48:1456(A), (C), and (E) and 1460(3) and (9) are hereby amended  
14 and reenacted to read as follows:

15 §1456. Board of commissioners

16 A.(1) If there are no participating parishes other than East Baton Rouge  
17 Parish, the system shall be governed by a board of commissioners comprised of nine  
18 members appointed as follows:

19 (a) One member shall be appointed by the mayor-president of the city of  
20 Baton Rouge and parish of East Baton Rouge, if the tax proposition for funding of  
21 the system on the ballot for voter approval on April 21, 2012, is approved by the  
22 voters of the city of Baton Rouge.

1                   **(b) One member shall be appointed by the mayor of the city of Baker, if the**  
 2                   **tax proposition for funding of the system on the ballot for voter approval on April**  
 3                   **21, 2012, is approved by the voters of the city of Baker.**

4                   **(c) One member shall be appointed by the mayor of the city of Zachary, if**  
 5                   **the tax proposition for funding of the system on the ballot for voter approval on April**  
 6                   **21, 2012, is approved by the voters of the city of Zachary.**

7                   **(d) One member shall be appointed by the governing authority of the city of**  
 8                   **Baton Rouge and parish of East Baton Rouge from among the membership of the**  
 9                   **governing authority of the city of Baton Rouge and parish of East Baton Rouge.**

10                   **(e) The remaining members shall be appointed by the governing authority**  
 11                   **of the city of Baton Rouge and parish of East Baton Rouge from nominees submitted**  
 12                   **by the following designated persons, groups, and entities. Each such person, group,**  
 13                   **or entity shall, within thirty days of a vacancy on the board, submit to the council**  
 14                   **administrator of the governing authority of the city of Baton Rouge and parish of**  
 15                   **East Baton Rouge the name of one eligible nominee:**

- 16                   **(i) The Baton Rouge Area Chamber.**
- 17                   **(ii) Together Baton Rouge.**
- 18                   **(iii) The Center for Planning Excellence.**
- 19                   **(iv) AARP Louisiana.**
- 20                   **(v) The Louisiana Hospital Association.**
- 21                   **(vi) The chancellor of Louisiana State University - Baton Rouge.**
- 22                   **(vii) The chancellor of Southern University - Baton Rouge.**
- 23                   **(viii) The chancellor of Baton Rouge Community College.**
- 24                   **(ix) The Arc Baton Rouge.**
- 25                   **(x) The Louisiana Bankers Association.**
- 26                   **(xi) Visit Baton Rouge.**
- 27                   **(xii) The Baton Rouge Black Chamber of Commerce.**
- 28                   **(xiii) The Louisiana AFL-CIO.**

29                   **(f) The governing authority of the city of Baton Rouge and parish of East**  
 30                   **Baton Rouge by ordinance may designate additional persons, groups, or entities to**

1 make nominations for appointments to the board. Each person, group, or entity so  
2 designated by the governing authority shall submit the name of one eligible nominee  
3 as provided in Subparagraph (e) of this Paragraph and Paragraph (2) of this  
4 Subsection.

5 (2) The persons, groups, or entities authorized to make nominations for  
6 appointments to the board shall give due consideration to the demographics of the  
7 population of the city-parish, including without limitation geography, gender, and  
8 race and to the requirements of Paragraph (4) of this Subsection.

9 (3) The governing authority of the city of Baton Rouge and parish of East  
10 Baton Rouge shall make an appointment no later than forty-five days after the  
11 deadline for receipt of the names of the nominees. The governing authority of the  
12 city of Baton Rouge and parish of East Baton Rouge shall make the appointment  
13 from the nominations that are timely submitted, and if no nominations are submitted,  
14 shall make the appointment without nominations. Should the governing authority  
15 fail to make an appointment within the forty-five-day period, the remaining members  
16 of the system board of commissioners shall make an appointment to fill the vacancy  
17 on the board from the nominations submitted.

18 (4)(a)(i) The governing authority of the city of Baton Rouge and parish of  
19 East Baton Rouge shall appoint commission members with diverse backgrounds,  
20 including but not limited to leaders from organizations that have a vested interest in  
21 a robust and efficient transit system, such as higher education and health care, or  
22 have a large constituency of transit users; executives of not-for-profit human service  
23 organizations; and other business or civic leaders with related executive experience  
24 in areas such as transportation and civil engineering; business owners who reside  
25 outside the area subject to the ad valorem tax approved by the voters in 2012 for the  
26 Capital Area Transit System whose businesses are located within such area; and  
27 users of the transit system with the capacity to contribute to the board.

28 (ii) In addition, at least a majority of the members appointed by the  
29 governing authority of the city of Baton Rouge and the parish of East Baton Rouge

1           shall be residents of areas subject to the ad valorem tax approved by the voters in  
2           2012 for the Capital Area Transit System.

3           (b) The governing authority shall give special consideration to nominees  
4           with comprehensive knowledge of: business and organizational principles, especially  
5           those related to strategic planning, resource allocation, and coordination of people  
6           and resources; transportation and land use planning; transit route planning and  
7           service programming; local, state, and federal planning regulations; and public  
8           finance.

9           (c) To the greatest extent possible, the governing authority shall appoint at  
10           least one commission member with a degree in transportation, civil engineering, or  
11           urban planning or certificates relating to those fields.

12           (d) To the greatest extent possible, the governing authority shall appoint at  
13           least one commission member who is a regular user of public transit.

14           (5) A vacancy on the board for any cause from among the members from  
15           East Baton Rouge Parish shall be filled in the same manner as the original  
16           appointment for the remainder of the unexpired term.

17   \*       \*       \*

18           C.(1) The members from each participating parish, ~~including~~ excluding East  
19           Baton Rouge Parish, shall be appointed by its governing authority in accordance with  
20           the procedures established by the governing authority. Members from East Baton  
21           Rouge Parish shall be appointed as provided in Subsection A of this Section. Except  
22           as provided in Paragraph (2) of this Subsection, all terms shall end on the third  
23           December thirty-first following the appointment.

24           (2) ~~The initial members of the board of commissioners shall be the members~~  
25           ~~servng as the board of directors of the Capital Area Transit System on the effective~~  
26           ~~date of this Chapter. The three with the longest remaining terms on that board of~~  
27           ~~directors shall serve an initial term lasting until December 31, 2008, the three with~~  
28           ~~the shortest remaining terms shall serve an initial term lasting until December 31,~~  
29           ~~2006, and the other three shall serve an initial term lasting until December 31, 2007.~~  
30           The members of the board of commissioners in office on July 1, 2012, shall continue

1 to serve until the expiration of their terms. Vacancies that occur upon expiration of  
 2 their terms or during their terms of office shall be filled as provided in Subsection  
 3 A of this Section, with any members to be appointed pursuant to Subparagraphs  
 4 (A)(1)(a) through (c) of this Section to be appointed in that order to the first  
 5 vacancies that occur after July 1, 2012.

6 \* \* \*

7 E. A member may be removed only for cause determined by the governing  
 8 body of the appointing parish, except that a member appointed by the  
 9 mayor-president of the city of Baton Rouge and parish of East Baton Rouge shall be  
 10 removed only for cause determined by the mayor-president, a member appointed by  
 11 the mayor of Baker shall be removed only for cause determined by the mayor of  
 12 Baker, and a member appointed by the mayor of Zachary shall be removed only for  
 13 cause determined by the mayor of Zachary. The board shall declare a member's  
 14 office vacant upon the member's conviction of a felony or a plea of nolo contendere  
 15 thereto. Further, a member shall be deemed to have abandoned his office upon  
 16 failure to attend two of any three consecutive regularly scheduled meetings without  
 17 an excuse approved by a resolution of the board at the next regular meeting, and a  
 18 vacancy shall be deemed to exist in the member's office beginning at such time.

19 \* \* \*

20 §1460. Powers

21 The board, as governing authority of the system, shall have all powers  
 22 necessary or convenient to accomplish the policy declared in this Chapter, including  
 23 but not limited to:

24 \* \* \*

25 (3) The power to acquire by purchase, lease, or donation, expropriation, or  
 26 otherwise; to own; to use; and to sell, lease as lessor, transfer, or exchange, or  
 27 otherwise dispose of any franchise, real or personal property, tangible or intangible  
 28 property, or any interest therein.

29 \* \* \*

1                   (9) ~~Subject to the approval of the appropriate parish governing authority, the~~  
2                   (a) The exclusive power to determine the appropriate fares, rentals, and other  
3                   charges for transportation provided to the public and to determine the appropriate  
4                   routes, schedules, and other parameters for the provision of transportation services.  
5                   The board may increase the regular fare by more than twenty-five percent in any  
6                   twelve-month period only after a public hearing conducted in accordance with the  
7                   Open Meetings Law.

8                   (b) Prior to taking action to change any regular fare as authorized in this  
9                   Paragraph, the board shall provide written notice of its intended action to the  
10                  governing authority of the parish or parishes in which the proposed change will be  
11                  effective. Each such parish governing authority may hold a public hearing and adopt  
12                  and submit to the board a recommendation concerning the proposed change. The  
13                  board shall not take action on the proposed change until at least sixty days after  
14                  transmittal of the notice required by this Subparagraph.

\* \* \*

16                  Section 2. This Act shall become effective on July 1, 2012; if vetoed by the governor  
17                  and subsequently approved by the legislature, this Act shall become effective on July 1,  
18                  2012, or on the day following such approval by the legislature, whichever is later.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

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