

Regular Session, 2012

HOUSE BILL NO. 865

BY REPRESENTATIVE BARROW AND SENATOR DORSEY-COLOMB

VETOED
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Veto Message

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 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: _____

VETO MESSAGE

House Bill No. 865 by Representative Barrow gives the newly constituted Capital Area Transit System (CATS) Board the authority to raise fees by more than twenty-five percent in any twelve-month period without the prior authorization of the appropriate parish or city governing authority.

This bill also weakens oversight of the CATS System provided by East Baton Rouge Parish.

For these reasons, I have vetoed House Bill No. 865 and hereby return it to the House of Representatives.