2019 Regular Session

ACT No. 264

SENATE BILL NO. 9

BY SENATOR PETERSON

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

1	AN ACT
2	To amend and reenact R.S. 48:1653(18), (19), (20), (21), and (22), 1655(N) and 1656(2) and
3	to enact R.S. 48:1653(23), relative to the employees of the Regional Transit
4	Authority; to provide for classification of the employees; to provide for membership
5	in the Louisiana State Employees' Retirement System; to provide for calculation of
6	and payments for certain unfunded accrued liability attributable to the authority; to
7	provide for an effective date; and to provide for related matters.
8	Notice of intention to introduce this Act has been published.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 48:1653(18), (19), (20), (21), and (22), 1655(N) and 1656(2) are
11	hereby amended and reenacted and R.S. 48:1653(23) is hereby enacted to read as follows:
12	§1653. Definitions; terms defined
13	For purposes of this Chapter, the following words have the meanings ascribed
14	to them by this Section, except where the context clearly indicates otherwise:
15	* * *
16	(18) <u>"Management class" or "class of position" means a definitely</u>
17	recognized kind of employment designated to embrace positions that are so
18	nearly alike in the essential character of their duties, responsibilities, and
19	consequent qualification requirements that they can fairly and equitably be
20	treated alike under like conditions for all personnel purposes in which the
21	primary duty or responsibility of policy, planning, accounting, administration,
22	clerical, grants management compliance, engineering, finance, security, and
23	technology.

1	(19) "Civil service" means the state civil service system.
2	(19)(20) "Private transit and operator" means any privately owned and
3	operated transit operation that operates as a private enterprise within the authority's
4	geographic area.
5	(20)(21) "Transportation related taxes" may include, but not necessarily be
6	limited to gasoline tax, parking tax, licensed vehicle tax based upon vehicle weight
7	or horsepower, or both, airport head tax, and taxicabs tax.
8	(21)(22) "Parish eligible to participate" shall include the parishes of Orleans,
9	Jefferson, St. Tammany, St. Bernard, and any other parish adjacent to a member
10	parish whose local governing body has authorized application for membership in the
11	authority.
12	(22)(23) "Public transit revenue operating miles" means the miles which a
13	public transit vehicle travels when in revenue service. A public transit vehicle is in
14	revenue service only when the vehicle is available to the public and there is a
15	reasonable expectation of carrying passengers that either directly pay fares, are
16	subsidized through public policy, or provide payment through some contract
17	arrangement.
18	* * *
19	§1655. Board of commissioners; membership; terms
20	* * *
21	N.(1) Notwithstanding any other provision of law to the contrary, the
22	authority shall not be considered an instrumentality of the state for purposes of
23	Article X, Section 1(A) of the Constitution of Louisiana. No employee in the
24	management class of the authority shall be included in the state civil service
25	system or the Louisiana State Employees' Retirement System.
26	(2)(a) All Expect as provided in Paragraph (1) of this Subsection, all
27	permanent employees of the authority, other than the commissioners, the secretary,
28	the treasurer, the general counsel, the general manager and his assistant shall be
29	classified employees in the state civil service system and as such shall be eligible to
30	participate in the Louisiana State Employees' Retirement System; however, no part-

Page 2 of 4 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

SB NO. 9

ENROLLED

1	time employee shall participate in group insurance or retirement benefits; and,
2	further provided, that the Authority benefits. The authority shall pay the employer's
3	share of all contributions to such system. Consultants or other persons or groups
4	furnishing services under contract, including but not limited to managerial,
5	engineering, planning, or legal services, shall not be a part of the state civil service
6	system regardless of the length of their contracts or the nature of the services
7	rendered.
8	(b) Notwithstanding any other provision of law to the contrary, the
9	authority shall remit to the Louisiana State Employees' Retirement System that
10	portion of the unfunded accrued liability existing on June 30, 2019, attributable
11	to the authority. The amount due shall be determined by the actuary employed
12	by the retirement system and shall be amortized over ten years. The amount
13	shall be paid in equal monthly payments, in the same manner as regular payroll
14	payments to the retirement system.
15	§1656. General powers
16	The authority shall have all powers necessary or convenient to accomplish
17	the aforesaid purposes, including but not limited to the following:
18	* * *
19	(2) The power to appoint, select, and employ officers, agents, and employees,
20	including engineering, architectural, and construction experts, fiscal agents and
21	attorneys, to contract for the services of individuals or organizations not employed
22	full time by the authority but who are engaged primarily in the rendition of personal
23	services and not the sale of goods or merchandise, including but not limited to the
24	services of attorneys, accountants, engineers, architects, consultants, and advisors,
25	allowing them suitable compensation. Except as provided in Subsection N of Section
26	1655 R.S. 48:1655(N), all personnel of the authority shall be employed in
27	accordance with the constitutional provisions and rules and regulations pertaining
28	to the state classified service and full-time employees of the authority shall be
29	eligible to participate in the Louisiana State Employees' Retirement System.
30	* * *

Page 3 of 4 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

SB NO. 9

ENROLLED

1	Section 2. This Act shall become effective on June 30, 2019; if vetoed by the
2	governor and subsequently approved by the legislature, this Act shall become effective on
3	June 30, 2019, or on the day following such approval by the legislature, whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____