

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) **"Management class" or "class of position" means a definitely**
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 Except 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-

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 * * *

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: _____