

2019 Regular Session

SENATE BILL NO. 9

BY SENATOR PETERSON

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

STATE EMPLOYEE RET. Removes certain future employees of the Regional Transit Authority from the system and state civil service. (6/30/19)

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AN ACT

To amend and reenact R.S. 48:1653(18), (19), (20), (21), and (22), 1655(N) and 1656(2) and to enact R.S. 48:1653(23), relative to the employees of the Regional Transit Authority; to provide for classification of the employees; to provide for membership in the Louisiana State Employees' Retirement System; to provide for calculation of and payments for certain unfunded accrued liability attributable to the authority; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:1653(18), (19), (20), (21), and (22), 1655(N) and 1656(2) are hereby amended and reenacted and R.S. 48:1653(23) is hereby enacted to read as follows:

§1653. Definitions; terms defined

For purposes of this Chapter, the following words have the meanings ascribed to them by this Section, except where the context clearly indicates otherwise:

\* \* \*

(18) **"Management class" or "class of position" means a definitely recognized kind of employment designated to embrace positions that are so**

1 nearly alike in the essential character of their duties, responsibilities, and  
 2 consequent qualification requirements that they can fairly and equitable be  
 3 treated alike under like conditions for all personnel purposes in which the  
 4 primary duty or responsibility of policy, planning, accounting, administration,  
 5 clerical, grants management compliance, engineering, finance, security, and  
 6 technology.

7 ~~(19)~~ "(Civil service" means the state civil service system.

8 ~~(19)~~~~(20)~~ "Private transit and operator" means any privately owned and  
 9 operated transit operation that operates as a private enterprise within the authority's  
 10 geographic area.

11 ~~(20)~~~~(21)~~ "Transportation related taxes" may include, but not necessarily be  
 12 limited to gasoline tax, parking tax, licensed vehicle tax based upon vehicle weight  
 13 or horsepower, or both, airport head tax, and taxicabs tax.

14 ~~(21)~~~~(22)~~ "Parish eligible to participate" shall include the parishes of Orleans,  
 15 Jefferson, St. Tammany, St. Bernard, and any other parish adjacent to a member  
 16 parish whose local governing body has authorized application for membership in the  
 17 authority.

18 ~~(22)~~~~(23)~~ "Public transit revenue operating miles" means the miles which a  
 19 public transit vehicle travels when in revenue service. A public transit vehicle is in  
 20 revenue service only when the vehicle is available to the public and there is a  
 21 reasonable expectation of carrying passengers that either directly pay fares, are  
 22 subsidized through public policy, or provide payment through some contract  
 23 arrangement.

24 \* \* \*

25 §1655. Board of commissioners; membership; terms

26 \* \* \*

27 N.(1) Notwithstanding any other provisions of law to the contrary, the  
 28 authority shall not be considered an instrumentality of the state for purposes of  
 29 Article X, Section 1(A) of the Constitution of Louisiana. No employee that falls



1 services and not the sale of goods or merchandise, including but not limited to the  
 2 services of attorneys, accountants, engineers, architects, consultants, and advisors,  
 3 allowing them suitable compensation. Except as provided in ~~Subsection N of Section~~  
 4 ~~1655~~ **R.S. 48:1655(N)**, all personnel of the authority shall be employed in  
 5 accordance with the constitutional provisions and rules and regulations pertaining  
 6 to the state classified service ~~and full-time employees of the authority shall be~~  
 7 ~~eligible to participate in the State Employees' Retirement System.~~

8 \* \* \*

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

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The original instrument was prepared by Margaret M. Corley. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy R. Wells.

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DIGEST

SB 9 Reengrossed

2019 Regular Session

Peterson

Present law provides for the Regional Transit Authority (RTA).

Present law further provides that all permanent employees of the RTA shall be classified employees in the state civil service system and as such shall be eligible to participate in the Louisiana State Employees' Retirement System (LASERS).

Proposed law defines "management class" or "class of position" as a definitely recognized kind of employment designated to embrace positions that are so nearly alike in the essential character of their duties, responsibilities, and consequent qualifications requirements that can fairly and equitable be treated alike under like conditions for all personnel purposes in which the primary duty or responsibility of policy, planning, accounting, administration, clerical, grants management compliance, engineering, finance, security and technology.

Proposed law retains present law for all permanent employees except those that fall under the management class hired on or before June 30, 2019.

Present law (La. Const. Art. X, Sec. 1(A)) establishes the state civil service. Provides that regardless of the source of funding used to pay for their employment, employees of certain entities including the state and any state instrumentality are in the state civil service.

Proposed law retains present law and provides that the RTA shall not be considered to be an instrumentality of the state for purposes of Article X, Section 1(A). Provides that no employee that falls under the management class of the authority, hired on or after July 1, 2019, shall be included in the state civil service system or LASERS.

Proposed law requires the RTA to remit that portion of LASERS' unfunded accrued liability existing on June 30, 2019, attributable to the RTA. Proposed law further provides that the amount due shall be determined by the actuary employed by LASERS and shall be

amortized over ten years.

Present law provides for the general powers of the RTA, including the power to hire employees and to contract for services.

Proposed law retains present law.

Present law specifies that, except as provided in present law, all personnel of the RTA shall be employed in accordance with the constitutional provisions and rules and regulations pertaining to the state classified service.

Proposed law retains present law.

Present law provides that full-time employees of the RTA shall be eligible to participate in LASERS.

Proposed law deletes present law.

Effective June 30, 2019.

(Amends R.S. 48:1653(18), (19), (20), (21), and (22), 1655(N) and 1656(2); adds R.S. 48:1653(23))

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill

1. Adds definition of "management class" or "class of position".
2. Excludes employees that fall under the management class from being in the state civil service system or LASERS.