

First Extraordinary Session, 2011

HOUSE BILL NO. 21

BY REPRESENTATIVE PEARSON

1 AN ACT

2 To amend and reenact R.S. 11:413(15), 721.1(A), 1511, 1562(A) and (C), 1752(B)(3), and  
3 1921(A)(3)(a)(ii), relative to provisions of Title 11 (Consolidated Public Retirement  
4 Systems) of the Louisiana Revised Statutes of 1950 which are limited in applicability  
5 to certain political subdivisions or local areas based upon population classifications;  
6 to specify applicability to one or more political subdivisions or local areas; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 11:413(15), 721.1(A), 1511, 1562(A) and (C), 1752(B)(3), and  
10 1921(A)(3)(a)(ii) are hereby amended and reenacted to read as follows:

11 §413. Classes of employees not eligible

12 The following classes of employees and officers shall not be or become  
13 members of this system:

14 \* \* \*

15 (15)(a) Employees of any political subdivision with a parishwide jurisdiction  
16 created, as authorized by state law, by local services agreement and  
17 intergovernmental contract for the purpose of stimulating and encouraging the  
18 development of an industrial air park for economic development in ~~a parish with a~~  
19 ~~population of not less than one hundred eighty thousand or more than one hundred~~  
20 ~~eighty-five thousand according to the latest federal decennial census~~ Calcasieu Parish

1           whose employment commences on or after July 1, 2004, shall not be eligible to  
2           become members of the Louisiana State Employees' Retirement System.

3                   (b) Any employee who, on or before June 30, 2004, has at least ten years of  
4           creditable service credit in the Louisiana State Employees' Retirement System and  
5           who continues employment with ~~said~~ such political subdivision must, no later than  
6           thirty days from July 6, 2004, make an irrevocable election to either transfer to  
7           another qualified retirement plan or remain in the system. Any employee who elects  
8           to transfer from the system must sign a hold harmless agreement with the system  
9           releasing the system from any claims arising out of, or relating to, ~~said~~ such  
10          employee's withdrawal from the system, and the system shall transfer all employee  
11          contributions made by that employee to the system and any employer contributions  
12          attributable to the normal cost of that employee as established by the system's  
13          actuary. ~~These~~ Such funds ~~must~~ shall be rolled over to another qualified plan or IRA  
14          by a Trustee to Trustee transfer. If no such transfer is available, the funds, as defined  
15          above, ~~will~~ shall be returned to the political subdivision for distribution in a manner  
16          determined by the political subdivision. Any member having ten or more years of  
17          creditable service in the Louisiana State Employees' Retirement System on or before  
18          June 30, 2004, who elects to remain in the system shall continue to have  
19          contributions remitted at the employee and employer contribution rates as  
20          established by law until or unless the employee terminates employment with the  
21          political subdivision. After termination of employment the member may elect to  
22          leave the account inactive until the member becomes eligible to collect his retirement  
23          benefit. Any member may, at any time after termination of the system covered  
24          employment, request a refund of employee contributions in accordance with  
25          applicable ~~current~~ law.

26                   (c) Those employees who have less than ten years of creditable service in the  
27          system on or before June 30, 2004, shall be ineligible to remain in the system and  
28          shall be removed from the system effective July 1, 2004. These members shall be

1 eligible to receive all employee contributions made by that employee to the  
 2 Louisiana State Employees' Retirement System and any employer contributions  
 3 attributable to the normal cost of that employee as established by the system's  
 4 actuary. ~~These~~ Such funds ~~must~~ shall be rolled over to another qualified plan or IRA  
 5 by a Trustee to Trustee transfer. If no such transfer is available, the funds, as defined  
 6 above, ~~will~~ shall be returned to the political subdivision for distribution in a manner  
 7 determined by the political subdivision.

\* \* \*

9 §721.1. Option to participate in system

10 A. Notwithstanding any other provision of law to the contrary, ~~no city or~~  
 11 ~~parish~~ the superintendent of a the Orleans or Jefferson Parish school system ~~located~~  
 12 ~~in a city or parish having a population in excess of four hundred fifty thousand shall~~  
 13 ~~be~~ is not required to participate in the Teachers' Retirement System of Louisiana;  
 14 however, he shall have the option of retaining membership in the Teachers'  
 15 Retirement System of Louisiana if he is eligible, provided that his retirement benefit  
 16 computation shall be in accordance with the provisions of this Chapter.

\* \* \*

18 §1511. Membership

19 The clerk of the supreme court, each of the courts of appeal, each of the  
 20 district courts, and each of the city and traffic courts in ~~cities having a population in~~  
 21 ~~excess of four hundred thousand~~ the city of New Orleans, and the employees of such  
 22 clerks, whether ~~full-time~~ full time or ~~part-time~~ part time, and the employees of the  
 23 Louisiana Clerks of Court Association, the Louisiana Clerks' of Court Retirement  
 24 and Relief Fund, and the Louisiana Clerks of Court Insurance Fund, shall become  
 25 and be a member of the system during service as such.

\* \* \*

1 §1562. Employee and employer contributions

2 A. The clerk of the supreme court, each of the courts of appeal, each of the  
 3 district courts, and each of the city and traffic courts in ~~cities having a population in~~  
 4 ~~excess of four hundred thousand~~ the city of New Orleans, and the Louisiana Clerks  
 5 of Court Association, the Louisiana ~~Clerks~~ Clerks' of Court Retirement and Relief  
 6 Fund, and the Louisiana Clerks of Court Insurance Fund, shall deduct eight and  
 7 one-quarter percent of the salary of each such clerk and of each deputy and employee  
 8 who is or becomes a member of the fund. Such deduction shall be made during each  
 9 regular payroll period and shall be paid to the fund monthly by each clerk within ten  
 10 days after the close of the month for which collected. In addition, each such clerk,  
 11 and the Louisiana Clerks of Court Association, the Louisiana ~~Clerks~~ Clerks' of Court  
 12 Retirement and Relief Fund, and the Louisiana Clerks of Court Insurance Fund shall  
 13 pay to the fund an amount equal to nine percent of all salaries paid by each clerk to  
 14 members of the fund, which shall be paid from each clerk's salary fund or, if there  
 15 is no salary fund, out of any fund from which the clerk pays the salaries of his  
 16 employees and himself.

17 \* \* \*

18 C. Notwithstanding any other provision of law to the contrary, in lieu of  
 19 deducting the employee contribution from the salary of each clerk, deputy, and  
 20 employee as provided in Subsection A of this Section, upon giving written notice to  
 21 the board of trustees fifteen days prior to the beginning of a fiscal year, each of the  
 22 district courts and each of the city and traffic courts in ~~cities having a population in~~  
 23 ~~excess of four hundred thousand~~ the city of New Orleans, and the boards of  
 24 Louisiana Clerks of Court Association, the Louisiana ~~Clerks~~ Clerks' of Court  
 25 Retirement and Relief Fund, and the Louisiana Clerks of Court Insurance Trust may  
 26 elect to pay out of the clerk's or board's operating funds all or any portion of the  
 27 employee contributions which would otherwise be deducted from the salary of each  
 28 clerk, deputy, and employee as provided in Subsection A of this Section for the clerk  
 29 and each of the clerk's deputies and employees and each of the board's employees.  
 30 If a clerk or a board elects to pay a portion of the contributions required in

1 Subsection A of this Section, then the portion shall be in the same proportion of the  
 2 salary of each employee in the office of the clerk or board, and no employee shall be  
 3 able to choose the amount of such payment. Payments so made shall specifically not  
 4 be included as salary or monthly average compensation for purposes of benefit  
 5 computation. If such election is made, the election shall remain in effect for a fiscal  
 6 year and shall be rescinded only upon providing written notice to the board of  
 7 trustees fifteen days prior to the beginning of a fiscal year.

8 \* \* \*

9 §1752. Persons not eligible for membership; persons becoming eligible for  
 10 membership in other systems

11 \* \* \*

12 B. Individuals paid jointly by a participating employer and the parish are not  
 13 eligible for membership in this system, except the following:

14 \* \* \*

15 (3) Clerks of city courts ~~in cities having a population of four hundred~~  
 16 ~~thousand or less~~ except in the city of New Orleans.

17 \* \* \*

18 §1921. Membership

19 A. The membership of this system shall be composed of all employees not  
 20 specifically excluded by the provisions of this Part, as follows:

21 \* \* \*

22 (3)(a)

23 \* \* \*

24 (ii) A justice of the peace in ~~a parish with a population of between twenty-~~  
 25 ~~three thousand three hundred fifty and twenty-three thousand four hundred, based~~  
 26 ~~upon the latest federal decennial census~~ Assumption Parish who did not exercise his  
 27 option to become a member of the system within one year of taking his oath of office  
 28 may elect to become a member on or before December 31, 2008. A justice of the  
 29 peace who elects to become a system member pursuant to this Item may receive  
 30 credit for past service by paying to the system on or before December 31, 2008, an

1 amount calculated pursuant to R.S. 11:158. The payment for such service credit may  
2 be paid in whole or in part by the official's employer, as defined in R.S. 11:1902.

3 \* \* \*

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

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

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

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