

ACT No. 15

First Extraordinary Session, 2011

HOUSE BILL NO. 21

BY REPRESENTATIVE PEARSON

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§413. Classes of employees not eligible

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

* * *

(15)(a) Employees of any political subdivision with a parishwide jurisdiction created, as authorized by state law, by local services agreement and intergovernmental contract for the purpose of stimulating and encouraging the development of an industrial air park for economic development in ~~a parish with a population of not less than one hundred eighty thousand or more than one hundred 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: _____