

2018 Regular Session

HOUSE BILL NO. 43

BY REPRESENTATIVE PEARSON

RETIREMENT SYSTEMS: Provides for the incorporation of the Registrars of Voters Employees' Retirement Plan into the Louisiana State Employees' Retirement System

1 AN ACT

2 To amend and reenact R.S. 11:102(C)(3)(m), 182(A)(1), 251, 2031(1), (7), (10), (11), (14),

3 (15), (17), (18), and (21), 2032, 2034, 2035, 2051, 2052, 2053, 2054, 2062(C),

4 2072(A) and (B), 2075, 2077(C), 2078, 2096(A), (B), (D)(1), and (E)(1)

5 (introductory paragraph) and (2), 2111(B), 2141(1), 2144(C) through (I), 2163(C),

6 2164(B), 2165.1, 2165.2(A)(2), 2165.3, 2165.5, to enact R.S. 11:102(C)(3)(n),

7 411(10), Subpart F of Part VII of Chapter 1 of Subtitle II of Title 11 of the Louisiana

8 Revised Statutes of 1950, to be comprised of R.S. 11:641 and 642, and R.S. 11:

9 2031(16.1), and to repeal R.S. 11:243(A)(6), 246(A)(6), 2061, 2073, 2091 through

10 2095, 2096(C), and 2112 through 2115, relative to retirement for a registrar of voters

11 or employees of an office of registrar of voters; to provide for the incorporation of

12 the Registrars of Voters Employees' Retirement System into the Louisiana State

13 Employees' Retirement System; to provide relative to the assets of the Registrars of

14 Voters Employees' Retirement System; to provide relative to benefits for members

15 of the Registrars of Voters Employees' Retirement System; to provide relative to

16 benefits for new hires; to provide relative to the boards of trustees of the Louisiana

17 State Employees' Retirement System and the Registrars of Voters Employees'

18 Retirement System; and to provide for related matters.

1 Notice of intention to introduce this Act has been published  
2 as provided by Article X, Section 29(C) of the Constitution  
3 of Louisiana.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 11:102(C)(3)(m), 182(A)(1), 251, 2031(1), (7), (10), (11), (14), (15),  
6 (17), (18), and (21), 2032, 2034, 2035, 2051, 2052, 2053, 2054, 2062(C), 2072(A) and (B),  
7 2075, 2077(C), 2078, 2096(A), (B), (D)(1), and (E)(1)(introductory paragraph) and (2),  
8 2111(B), 2141(1), 2144(C) through (I), 2163(C), 2164(B), 2165.1, 2165.2(A)(2), 2165.3,  
9 2165.5 are hereby amended and reenacted and R.S. 11:102(C)(3)(n), 411(10), Subpart F of  
10 Part VII of Chapter 1 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, to  
11 be comprised of R.S. 11:641 and 642, and R.S. 11: 2031(16.1) are hereby enacted to read  
12 as follows:

13 §102. Employer contributions; determination; state systems

14 \* \* \*

15 C.

16 \* \* \*

17 (3) The provisions of this Paragraph and Paragraphs (4) through (9) of this  
18 Subsection shall be effective for the June 30, 2010 system valuation and beginning  
19 Fiscal Year 2011-2012. For purposes of this Subsection, "plan" or "plans" shall  
20 mean a subgroup within the system characterized by the following employee  
21 classifications:

22 \* \* \*

23 (m) Registrars of Voters Employees' Retirement Plan members as provided  
24 pursuant to R.S. 11:641, et seq.

25 (n) Any other specialty retirement plan provided for a subgroup of system  
26 members. If the legislation enacting such a plan is silent as to the application of this  
27 Subsection, the Public Retirement Systems' Actuarial Committee shall provide for  
28 the application to such plan.

29 \* \* \*

1 §182. Boards of trustees of state and statewide public retirement systems; per diem  
2 and expenses

3 A.(1) Notwithstanding any other provisions of law to the contrary, the  
4 members of the boards of trustees of the Louisiana State Employees' Retirement  
5 System, the Teachers' Retirement System of Louisiana, the Louisiana School  
6 Employees' Retirement System, the Municipal Police Employees' Retirement  
7 System, the Louisiana State Police Retirement System, the Parochial Employees'  
8 Retirement System of Louisiana, the Municipal Employees' Retirement System of  
9 Louisiana, the Firefighters' Retirement System, the Assessors' Retirement Fund, the  
10 Clerks' of Court Retirement and Relief Fund, ~~the Registrars of Voters Employees'~~  
11 ~~Retirement System~~, the Sheriffs' Pension and Relief Fund, and the District Attorneys'  
12 Retirement System shall receive for attendance at meetings of the boards a per diem  
13 of seventy-five dollars per meeting plus the normal expense allowance, provided  
14 funds are available for this purpose.

15 \* \* \*

16 §251. Legal counsel, certified public accountants, professional investment personnel  
17 Notwithstanding any other provisions of law to the contrary, the boards of  
18 trustees of the Louisiana State Employees' Retirement System, the Teachers'  
19 Retirement System of Louisiana, the Louisiana School Employees' Retirement  
20 System, the Municipal Police Employees' Retirement System, the Louisiana State  
21 Police Retirement System, the Parochial Employees' Retirement System of  
22 Louisiana, the Municipal Employees' Retirement System of Louisiana, the  
23 Firefighters Retirement System, the Assessors' Retirement Fund, the Clerks of Court  
24 Retirement and Relief Fund, ~~the Registrars of Voters Employees' Retirement System~~,  
25 the Sheriffs' Pension and Relief Fund, and the District Attorneys' Retirement System  
26 are hereby authorized, jointly or otherwise, to at their option either employ or  
27 appoint at their own cost and expense legal counsel, certified public accountants, and  
28 professional investment personnel who shall be full-time in-house staff members of  
29 said systems, who may be members of the appropriate public retirement system, and

1 who may participate in the state's group life, health, and hospitalization insurance  
2 program, or to retain legal counsel to represent said systems who shall not be a  
3 member of any of the above systems.

4 \* \* \*

5 §411. Eligibility for membership

6 The membership of this system shall be as follows:

7 \* \* \*

8 (10) A registrar of voters of the state of Louisiana, a deputy registrar of  
9 voters, or a permanent employee of the office of registrar of voters in any parish of  
10 the state of Louisiana any of whom is first appointed or hired on or after July 1,  
11 2018.

12 \* \* \*

13 SUBPART F. REGISTRARS OF VOTERS EMPLOYEES' RETIREMENT PLAN

14 §641. Administration of the Registrars of Voters Employees' Retirement Plan

15 A. With the exception of payment of permanent benefit increases,  
16 membership and benefits for the Registrars of Voters Employees' Retirement Plan  
17 shall be in accordance with the provisions of Chapter 6 of Subtitle III of Title 11 of  
18 the Louisiana Revised Statutes of 1950; however, if provisions of this Chapter cover  
19 matters not specifically addressed by the provisions of Chapter 6 of Subtitle III of  
20 Title 11 of the Louisiana Revised Statutes of 1950, the provisions of this Chapter  
21 shall apply to that plan. The provisions of Chapter 6 of Subtitle III of Title 11 of the  
22 Louisiana Revised Statutes of 1950 are hereby made a part of this system. Eligibility  
23 for and payment of permanent benefit increases for members of the plan shall be  
24 governed by the laws and rules of this system.

25 B. Notwithstanding any provision of law to the contrary, upon the merger  
26 of the Registrars of Voters Employees' Retirement Plan with this system, the assets  
27 of the Registrars of Voters Employees' Retirement System shall become part of the  
28 Louisiana State Employees' Retirement System trust and shall be managed in  
29 accordance with the laws governing this system.

1       §642. Transfer of other service credit

2               A. Any member of the Registrars of Voters Employees' Retirement Plan who  
3       would otherwise be eligible for the regular retirement plan except that his first  
4       employment making him eligible for membership in the Registrars of Voters  
5       Employees' Retirement Plan occurred on or before June 30, 2018, and who has not  
6       participated in the Deferred Retirement Option Plan in the Registrars of Voters  
7       Employees' Retirement Plan shall have the right to irrevocably elect to become a  
8       member of the regular retirement plan by submitting an application to the board of  
9       trustees to become effective on or after July 1, 2018.

10              B. Any eligible member who elects to transfer to the regular retirement plan  
11       from the Registrars of Voters Employees' Retirement Plan shall have the option of:

12              (1) Maintaining prior service credit in the Registrars of Voters Employees'  
13       Retirement Plan pursuant to the provisions of that plan and accruing service credit  
14       and benefits in the regular plan after the date he joins the plan. If such election  
15       results in an actuarial cost to this system, the member shall pay the system the  
16       amount of such actuarial cost prior to his retirement.

17              (2)(a) An internal actuarial transfer from the Registrars of Voters Employees'  
18       Retirement Plan to this plan in accordance with the provisions of R.S. 11:143(C) and  
19       (D) in which the member transfers all of his service credit from the Registrars of  
20       Voters Employees' Retirement Plan and maintains prior service credit at the accrual  
21       rate at which it was earned in such plan prior to joining the regular plan. If the  
22       amount of funds transferred is less than the actuarial cost of the service transferred,  
23       the member transferring, except as otherwise provided in this Section, shall pay the  
24       deficit or difference, including the interest thereon at the board-approved actuarial  
25       valuation rate of the system.

26              (b) In lieu of paying the deficit or difference plus interest, the member may,  
27       at his option but only at the time of transfer, be granted an amount of credit in this  
28       plan which is based on the amount of funds actually transferred plus any additional  
29       funds less than the deficit paid by the member.



1 (11) "Employer" shall mean the registrar of voters of any parish in the state  
2 of Louisiana, the state of Louisiana, or the police jury or any other governing body  
3 of a parish which employs and pays persons as registrars of voters. "Employer" shall  
4 also mean this retirement ~~system~~ plan.

5 \* \* \*

6 (14) "Member" shall include any employee, as defined in Paragraph (10) of  
7 this Section, included in the membership of this ~~system~~ plan as provided in R.S.  
8 11:2051.

9 (15) "Membership service" shall mean service as an employee while a  
10 member of this ~~system~~ plan.

11 \* \* \*

12 (16.1) "Plan" or "pension plan" shall mean the Registrars of Voters  
13 Employees' Retirement Plan established in this Part and administered as a plan  
14 within the Louisiana State Employees' Retirement System pursuant to R.S. 11:641.

15 (17) "Prior service" shall mean service rendered prior to ~~the date of the~~  
16 ~~establishment of this retirement system~~ January 1, 1955, for which credit is  
17 allowable as provided in R.S. 11:2061.

18 (18) "Regular interest" shall mean interest compounded annually at such a  
19 rate as shall be determined by the board of trustees ~~in accordance with R.S. 11:2111.~~

20 \* \* \*

21 (21) "Retirement system" shall mean the ~~Registrars of Voters Employees'~~  
22 ~~Retirement System as defined in R.S. 11:2032~~ Louisiana State Employees'  
23 Retirement System.

24 \* \* \*

25 §2032. Name and date of establishment

26 ~~A.~~ A retirement ~~system~~ plan is hereby established and placed under the  
27 management of the board of trustees for the purpose of providing retirement  
28 allowance and other benefits under the provisions of this Chapter for registrars of  
29 voters, their deputies, and their permanent employees in each parish hired or

1 appointed on or before June 30, 2018. ~~The retirement system so created shall be~~  
2 ~~established as of the first day of January nineteen hundred and fifty-five.~~

3 B. ~~It shall have the power and the privileges of a corporation and shall be~~  
4 ~~known as the "Registrars of Voters Employees' Retirement System" and by such~~  
5 ~~name all of its business shall be transacted, all of its funds invested and all of its cash~~  
6 ~~and securities and other property held.~~

7 \* \* \*

8 §2034. Protection against fraud

9 Any persons who shall knowingly make any false statement or shall falsify  
10 or permit to be falsified any record or records of this retirement ~~system~~ plan in any  
11 attempt to defraud ~~such the plan or retirement~~ system as a result of such act shall be  
12 guilty of a misdemeanor, and on conviction thereof by any court of competent  
13 jurisdiction shall be punished by a fine not exceeding five hundred dollars or  
14 imprisonment in the parish jail not exceeding twelve months, or both such fine and  
15 imprisonment at the discretion of the court. Should any change or error in the  
16 records result in any member or beneficiary receiving from the plan or retirement  
17 system more or less than he would have been entitled to receive had the records been  
18 correct, the board of trustees shall correct such error, and as far as practicable, shall  
19 adjust the payment in such a manner that the actuarial equivalent of the benefit to  
20 which such member or beneficiary was correctly entitled shall be paid.

21 §2035. Limitation of membership

22 No other provisions of law ~~in any other status~~ which provides wholly or  
23 partly at the expense of the state of Louisiana for pensions or retirement benefits for  
24 employees of the several parishes or any parish of the state of Louisiana, their  
25 widows, or other dependents, shall apply to members or beneficiaries of the  
26 retirement ~~system~~ plan established by this Chapter, their widows, or other  
27 dependents.



1 §2051. Membership

2 ~~A.~~ The membership of the retirement system plan shall be composed as  
3 follows:

4 (1) All persons who shall become employees as defined in R.S. 11:2031(10),  
5 except those specifically excluded under R.S. 11:2052, shall become members as a  
6 condition of their employment. ~~Any employee who was excluded from membership  
7 on the basis of age, shall be entitled to receive credit in the system for the period in  
8 which he was denied membership. In order to obtain such membership and credit  
9 for such service, each such person shall make application to the board of trustees  
10 therefor prior to January 1, 1994, and shall furnish to the board a detailed statement  
11 of all service for which credit is claimed. In addition, each such person shall pay into  
12 the system the member's and employer's contributions on the salary earned during  
13 the period for which credit for service is claimed at the contribution rates which were  
14 in effect at the time service was rendered plus eight percent interest thereon from the  
15 time the service was rendered until paid. However, the employing agency may pay  
16 the employer's contributions and interest in its discretion. However, in no event shall  
17 the amount paid be less than the actuarial cost of the creditable purchased time. The  
18 amount to be paid hereunder shall be paid in one lump sum prior to July 1, 1994.  
19 Any person who is an employee as defined in R.S. 11:2031(10), except those  
20 excluded under R.S. 11:2052, and who was denied membership in the system  
21 because of his age, may elect not to be covered in the membership of the system in  
22 accordance with the provisions of Paragraph (2) of this Subsection.~~

23 ~~(2) All persons who are employees as the term is defined in R.S.  
24 11:2031(10), except those specifically excluded under R.S. 11:2052, and who were  
25 denied membership in the system on account of age, shall become members on July  
26 1, 1993, unless within a period of ninety days thereafter any such employee shall file  
27 with the board of trustees on a form prescribed by such board a notice of his election  
28 not to be covered in the membership of the system and a duly executed waiver of all~~

1 present and prospective benefits which would otherwise inure to him on account of  
2 his participation in the retirement system.

3 (3) (2) Notwithstanding any other provision of law to the contrary, any  
4 person who is retired from service under any actuarially funded state, municipal,  
5 parochial, or other retirement system which is supported in whole or in part by public  
6 funds, and who is receiving retirement benefits therefrom, who is otherwise eligible  
7 for membership in this system plan by reason of employment, shall be eligible to  
8 become a member of this system plan if he was under the age of fifty-five years at  
9 the time of the employment which normally would render him eligible for  
10 membership. Any such person may gain credit for service, rendered on and after  
11 January 1, 1976 as an employee in an office of a registrar of voters while he was not  
12 a member of the system plan, if he pays into the system an amount equal to all  
13 contributions which would have been required had he been a member of the system  
14 plan, plus interest thereon at the rate of five percent per annum compounded to the  
15 date of repayment. No such person shall be permitted to retire from the system until  
16 he has been a member of this system plan for at least four years.

17 ~~B. All persons who are employees as the term is defined in R.S. 11:2031,~~  
18 ~~Paragraph (10) on the date as of which the retirement system is established who are~~  
19 ~~members of any fund or who are eligible for membership in any fund operated for~~  
20 ~~the retirement of employees by the state of Louisiana, or by a city, parish, or other~~  
21 ~~political subdivision of the state of Louisiana when this Chapter takes effect, shall~~  
22 ~~cease to be members in such fund upon the effective date of this Chapter and shall~~  
23 ~~receive a refund of all amounts paid into such fund, together with any interest which~~  
24 ~~may have accrued thereon, and shall become a member of the Registrars of Voters~~  
25 ~~Employees' Retirement System with full credit for all prior service.~~

26 §2052. Persons not eligible for membership

27 No elected or appointed official of this state or of any parish thereof who  
28 under any provisions of the constitution or laws of this state is subject to retirement  
29 with pay is eligible for membership in this system plan.

1 §2053. Persons failing to elect coverage; admission to membership

2 A person whose membership in this retirement ~~system~~ plan is contingent on  
3 his own election and who elects not to become a member, may thereafter but not  
4 subsequent to the attainment of age fifty-five apply for and be admitted to  
5 membership; but no such person shall receive prior service credit unless he becomes  
6 a member within the first year following ~~the establishment of this retirement system~~  
7 January 1, 1955.

8 §2054. Persons temporarily employed

9 Employees who are serving on temporary basis or other than per annum basis  
10 shall be ineligible for membership in the ~~system~~ plan.

11 \* \* \*

12 §2062. Verification of creditable service

13 \* \* \*

14 C. When membership ceases, such prior service certificate shall become null  
15 and void. Should the employee again become a member of the ~~system~~ plan, he shall  
16 enter the ~~system~~ plan as an employee not entitled to prior service credit except as  
17 provided for in Parts IV and VII of this Chapter.

18 \* \* \*

19 §2072. Annual amount of retirement allowance

20 A. The annual amount of the retirement allowance for persons who retired  
21 from this ~~system~~ plan on or before June 30, 1999, shall be three percent of the  
22 average compensation for each year of creditable service.

23 B.(1) The annual amount of the retirement allowance for any person who is  
24 an active contributing member of this ~~system~~ plan on or after July 1, 1999, and  
25 whose first employment making him eligible for membership in the ~~system~~ plan  
26 occurred on or before January 1, 2013, shall be equal to three and one-third percent  
27 of the average compensation for each year of creditable service.

28 (2) For any former active contributing member who returns to service as an  
29 active contributing member on and after July 1, 1999, and whose first employment

1 making him eligible for membership in the ~~system plan~~ plan began prior to January 1,  
2 2013, the provisions of this Subsection shall apply only to the service credit earned  
3 after the date such member returns to service.

4 \* \* \*

5 §2075. Return of accumulated contributions

6 If a member ceases to be an employee, except by death or retirement under  
7 the provisions of this Chapter, he shall be paid such part of the amount of the  
8 accumulated contributions standing to the credit of his individual account in the  
9 annuity savings fund as he shall demand. If a member dies before retirement, the  
10 amount of his accumulated contributions standing to the credit of his individual  
11 account shall be paid to his estate or to such person as he shall have nominated by  
12 written designation, duly executed and filed with the board of trustees. If an  
13 employee returns to membership in the ~~system plan~~ plan after withdrawing his  
14 contributions and remains a contributing member for four years, he then shall be  
15 entitled to repay the amount which he withdrew, plus interest at a rate determined by  
16 the board of trustees, and upon such repayment, he shall again be given credit for the  
17 service he forfeited at the time he withdrew.

18 \* \* \*

19 §2077. Survivors' benefits

20 \* \* \*

21 C. Should the spouse desire to receive in lieu of such Option 2 benefits a  
22 refund of the member's contributions, with interest earned thereon, ~~she~~ he may do so  
23 by specifying ~~her~~ his choice in writing, properly notarized, to the board of trustees  
24 ~~of the Registrars of Voters Employees' Retirement System~~. The retirement system  
25 shall pay a lump sum refund equal to the difference between total monthly survivor  
26 benefits paid and total accumulated contributions, if any, on cessation of all eligible  
27 monthly payments.

28 \* \* \*

1 §2078. Reemployment of retirees

2 A. In the event any retiree of the ~~system plan~~ is employed by an employer  
3 covered by this ~~system plan~~, the retiree and the employer shall immediately notify  
4 the system of the retiree's date of employment, the amount of salary paid, any  
5 changes in salary while reemployed, number of hours employed per week, estimated  
6 duration of employment, and date of termination of reemployment.

7 B.(1) Any retiree of this plan may be employed by an employer covered by  
8 this ~~system plan~~ without suspension of benefits provided the retiree has terminated  
9 employment for at least six consecutive months. Such retiree may be employed for  
10 no more than sixty days, or four hundred eighty hours, in a calendar year. Should  
11 the portion of the calendar year available for employment be less than twelve  
12 months, the period of employment without reduction in benefits shall be reduced on  
13 a pro rata basis.

14 (2) Should any retiree of this plan be employed in excess of the amount of  
15 time provided for in Paragraph (1) of this Subsection, his retirement benefit shall be  
16 reduced by an amount equal to the amount earned in excess of the limitation. The  
17 reduction in benefits shall begin with the next payroll after the system receives  
18 notification of such employment.

19 C. Should any retiree of this plan be employed by an employer covered by  
20 this ~~system plan~~ within six months of termination of employment, his retirement  
21 benefit shall be reduced by an amount equal to that earned during such employment.  
22 Such reduction shall begin with the next payroll after the system receives notification  
23 of such employment.

24 D. Should any retiree of this plan return to full-time permanent employment  
25 by an employer covered by this ~~system plan~~ at any time after termination of  
26 employment, his retirement benefit shall be suspended and he shall become an active  
27 contributing member of the ~~system plan~~. Upon his subsequent retirement, he shall  
28 receive his original benefit plus a supplemental benefit based on his salary and  
29 service earned since his reemployment. No change shall be permitted in the

1 member's original option; however, at the end of the period of reemployment, the  
2 member shall select any option authorized as to any supplemental benefit earned.

3 §2096. Actuary; appointment; duties and powers

4 A. The board of trustees shall designate an actuary who shall be a technical  
5 advisor of the board of trustees on matters regarding the operation of the ~~system~~ plan  
6 created by the provisions of this Chapter and shall perform such other duties as are  
7 required by law or by the board of trustees.

8 B. Immediately after the establishment of the ~~retirement system~~ plan, the  
9 actuary shall make such investigation of the mortality, service, and compensation  
10 experience of the members of the ~~system~~ plan as he shall recommend and the board  
11 of trustees shall authorize, and on the basis of such investigation, he shall  
12 recommend for adoption by the board of trustees such tables and such rates as are  
13 required in Subsection C of this Section. The board of trustees shall adopt tables and  
14 certify rates, and as soon as practicable thereafter, the actuary shall make a valuation  
15 based on such tables and rates of the assets and liabilities of the ~~system~~ plan created  
16 by this Chapter.

17 \* \* \*

18 D.(1) On the basis of such tables as the board of trustees shall adopt, the  
19 actuary shall make an annual valuation of the assets and liabilities of the ~~system~~ plan  
20 created by this Chapter.

21 \* \* \*

22 E.(1) Effective June 30, 2013, unless different actuarial assumptions are  
23 formally adopted and disclosed, as provided in Paragraph (2) of this Subsection, the  
24 following assumptions shall determine the actuarial equivalents to be used in this  
25 ~~retirement system~~ plan:

26 \* \* \*

27 (2) The board of trustees may authorize the use of interest and mortality rates  
28 in determining the actuarial equivalents which are different from the actuarial  
29 assumptions specified in Paragraph (1) of this Subsection. Any change in such

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 actuarial assumptions shall be considered a part of the plan provisions of this  
2 ~~retirement system~~ plan and shall be considered an amendment to the plan provisions  
3 contained in this Section. In order to be effective, such change shall be formally  
4 adopted by the board of trustees as a rule or rules promulgated pursuant to the  
5 Administrative Procedure Act and disclosed to members of the retirement system.

6 \* \* \*

7 §2111. Investment of funds by board of trustees

8 \* \* \*

9 B. The board of trustees annually shall allow regular interest on the mean  
10 amount for the preceding year in each of the funds with the exception of the expense  
11 fund and the Annuity Savings Fund. The amounts so allowed shall be due and  
12 payable to said funds and shall be annually credited thereto by the board of trustees  
13 from interest and other earnings on the moneys of the retirement system. Any  
14 additional amount required to meet the interest on the funds of the retirement system  
15 shall be paid from the pension accumulation fund, and any excess of earnings over  
16 such amount required shall be paid to the pension accumulation fund. Regular  
17 interest shall mean such per centum rate to be compounded annually as shall be  
18 determined by the board of trustees on the basis of interest earnings of the ~~system~~  
19 plan for the preceding year and of the probable earnings to be made, in the judgment  
20 of the board, during the immediate future. Such rate to be limited to a maximum of  
21 four per centum with a rate of two per centum applicable during the first year of  
22 operation of the ~~retirement system~~ plan.

23 \* \* \*

24 §2141. Collection of member contributions

25 The collection of members' contributions shall be as follows:  
26 (1) Each employer shall cause to be deducted on each and every payroll of  
27 a member for each and every payroll period subsequent ~~to the date of establishment~~  
28 ~~of the retirement system~~ January 1, 1955, the contributions payable by such member,  
29 as provided in this Chapter. Each employer shall certify to the treasurer of said

1 employer on each and every payroll a statement as vouchers for the amount so  
2 deducted.

3 \* \* \*

4 §2144. Deferred Retirement Option Plan

5 \* \* \*

6 C.(1) The duration of participation in the ~~plan~~ Deferred Retirement Option  
7 Plan shall be specified and shall not exceed three years.

8 (2) Any person who had previously participated in the Deferred Retirement  
9 Option Plan, who remained in service after participating in the ~~plan~~ Deferred  
10 Retirement Option Plan and who continues to be in service on July 1, 1993, shall be  
11 allowed to participate in the ~~plan~~ Deferred Retirement Option Plan for one additional  
12 year subject to the same conditions and benefit payments that existed when the  
13 person first entered participation; written notice of the member's decision to reenter  
14 participation shall be given to the system.

15 D. A person may participate in the ~~plan~~ Deferred Retirement Option Plan  
16 only once. At the time the member elects to participate in the ~~plan~~ Deferred  
17 Retirement Option Plan, the member shall exercise a retirement option for service  
18 retirement under the provisions of Subsection H of this Section and no change in the  
19 option selected shall be permitted after it has been filed with the board.

20 E. Upon the effective date of the commencement of participation in the ~~plan~~  
21 Deferred Retirement Option Plan, active membership in the ~~system~~ plan shall  
22 terminate. Employer contributions shall continue to be payable by the employer  
23 during the person's participation in the ~~plan~~ Deferred Retirement Option Plan, but  
24 payment of employee contributions shall cease upon the effective date of the person's  
25 commencement of participation in the ~~plan~~ Deferred Retirement Option Plan. For  
26 purposes of this Section, compensation and creditable service shall remain as they  
27 existed on the effective date of commencement of participation in the ~~plan~~ Deferred  
28 Retirement Option Plan. The monthly retirement benefits that would have been



1 payable, had the person elected to cease employment and receive a serviced  
2 retirement allowance, shall be paid into the Deferred Retirement Option Plan Fund.

3 F. The Deferred Retirement Option Plan shall not earn interest. A person  
4 who participates in ~~this plan~~ the Deferred Retirement Option Plan shall not be  
5 eligible to receive a cost-of-living increase while participating, and shall not be  
6 eligible for a cost-of-living increase until the employment which made the person  
7 eligible to become a member of the ~~system plan~~ has been terminated for at least one  
8 full calendar year.

9 G. Upon termination of employment at the end of the specified period of  
10 participation, a participant in the ~~plan~~ Deferred Retirement Option Plan shall receive,  
11 at his option, a lump sum payment from the Deferred Retirement Option Plan Fund  
12 equal to the payments made to that fund on his behalf, a true annuity based upon his  
13 account in that fund, or any other method of payment approved by the board of  
14 trustees. If a person elects to receive a true annuity or other method of payment  
15 approved by the board of trustees, funds shall be transferred from the Deferred  
16 Retirement Option Plan Fund to the Annuity Reserve Fund to provide for the annuity  
17 payments. The monthly benefits that were being paid into the Deferred Retirement  
18 Option Plan Fund shall begin to be paid to the retiree.

19 H. If a participant dies during the period of participation in the ~~plan~~ Deferred  
20 Retirement Option Plan, a lump sum equal to the account balance in the ~~plan~~  
21 Deferred Retirement Option Plan fund shall be paid to his named beneficiary or, if  
22 none, to the estate. If a participant terminates employment prior to the end of the  
23 specified period of participation, the participant shall receive a lump sum payment  
24 from the ~~plan~~ Deferred Retirement Option Plan fund equal to his account in that  
25 fund, a true annuity based upon his account in that fund, or any other method of  
26 payment approved by the board of trustees and the monthly benefits that were being  
27 paid into the ~~plan~~ Deferred Retirement Option Plan fund shall begin to be paid to the  
28 retiree. If a person elects to receive a true annuity or other method of payment  
29 approved by the board of trustees, funds shall be transferred from the ~~plan~~ Deferred

1        Retirement Option Plan to the Annuity Reserve Fund to provide for the annuity  
2        payments.

3                I. If employment is not terminated at the end of the period specified for  
4        participation in the ~~plan~~ Deferred Retirement Option Plan, payments into the ~~plan~~  
5        Deferred Retirement Option Plan fund shall cease and the person shall resume active  
6        contributing membership in the ~~system plan~~. Payments from the ~~plan~~ Deferred  
7        Retirement Option Plan fund shall not be made until employment is terminated, nor  
8        shall the monthly benefits which were being paid into the ~~plan~~ Deferred Retirement  
9        Option Plan fund during the period of participation be payable to the person until the  
10       employment is terminated. Upon termination of employment, the person shall  
11       receive a lump sum payment from the ~~plan~~ Deferred Retirement Option Plan fund  
12       equal to the account in that fund, a true annuity based upon the account in that fund,  
13       or any other method of payment approved by the board of trustees. If a person elects  
14       to receive a true annuity or other method of payment approved by the board of  
15       trustees, funds shall be transferred from the ~~plan~~ Deferred Retirement Option Plan  
16       fund to the Annuity Reserve Fund to provide for the annuity payments. Also upon  
17       termination of employment, the monthly benefits which were being paid into the  
18       ~~plan~~ Deferred Retirement Option Plan fund shall begin to be paid to the retiree who  
19       shall receive a supplemental benefit based on the additional service rendered since  
20       resuming active contributing participation in the fund, in an amount attributable to  
21       the service and average compensation during the subsequent participation based on  
22       the computation formula in effect at the end of the subsequent participation. Any  
23       supplemental benefit shall be based on the subsequent participation compensation  
24       and service credit only, except the years of subsequent participation shall be added  
25       to the member's retirement service credit to determine the supplemental service  
26       credit accrual rate for purposes of computing any supplemental benefits earned  
27       during the subsequent participation. No change in the retirement options selected by  
28       the member shall be permitted as to the original retirement. However, at the end of  
29       the subsequent participation the member shall be permitted to select any option

1 authorized as to any supplemental benefits earned by virtue of the subsequent  
2 participation.

3 \* \* \*

4 §2163. Benefit provided

5 \* \* \*

6 C. This ~~plan~~ excess benefit plan shall be administered by the board. The  
7 rights, duties, and responsibilities of the board shall be the same for this excess  
8 benefit plan as for the pension plan set forth in this Chapter.

9 \* \* \*

10 §2164. Contributions

11 \* \* \*

12 B. The employer contributions otherwise required to be paid to the ~~pension~~  
13 ~~plan~~ retirement system pursuant to R.S. 11:103 and any other qualified plan shall be  
14 divided into those contributions required to pay retirement benefits from this excess  
15 benefit plan and those contributions paid into and accumulated to pay the maximum  
16 benefits required under the pension plan. Employer contributions made to provide  
17 retirement benefits from this excess benefit plan may not be commingled with the  
18 monies of the pension plan or any other qualified plan, nor may this excess benefit  
19 plan ever receive any transfer of assets from the pension plan.

20 §2165.1. Creation; application

21 There is hereby created a second tier of benefits within this ~~system~~ plan for  
22 persons whose first employment making them eligible for membership in this ~~system~~  
23 plan occurred on or after January 1, 2013, and on or before June 30, 2018. The  
24 provisions of this Part shall be known as "Tier 2" of the ~~system~~ plan. The provisions  
25 of this Chapter applicable to persons whose first employment making them eligible  
26 for ~~system~~ plan membership occurred before January 1, 2013, shall be known as  
27 "Tier 1". Any other provisions of this Chapter or any other laws to the contrary  
28 notwithstanding, the retirement of such persons shall be governed by the provisions  
29 of this Part; however, if provisions of this Chapter applicable to the original plan

1 cover matters not specifically addressed by the provisions of this Part or if any of the  
2 provisions of this Chapter are made applicable in this Part, then those provisions  
3 shall apply to members governed by this Part.

4 §2165.2. Definitions

5 A. As used in this Part, the following terms have the meanings ascribed  
6 below unless a different meaning is clearly required by the context:

7 \* \* \*

8 (2) "Member" shall include persons who would be eligible for ~~system plan~~  
9 membership pursuant to R.S. 11:2051 but whose first employment making them  
10 eligible for membership in this ~~system plan~~ occurred on or after January 1, 2013, and  
11 on or before June 30, 2018.

12 \* \* \*

13 §2165.3. Eligibility for membership

14 Each person who would be eligible for Tier 1 membership but whose first  
15 employment making him eligible for membership in this ~~system plan~~ occurred on or  
16 after January 1, 2013, and on or before June 30, 2018, shall become a member of the  
17 Tier 2 of the ~~system plan~~ as a condition of employment.

18 \* \* \*

19 §2165.5. Annual amount of retirement allowance

20 A. The annual amount of the retirement allowance for any member who  
21 upon retirement has less than thirty years of creditable service in this ~~fund plan~~ shall  
22 be three percent of the average final compensation for each year of creditable  
23 service. The annual amount of the retirement allowance for any member who upon  
24 retirement shall have at least thirty years of total creditable service, with at least  
25 twenty years of creditable service in this ~~system plan~~, shall be three and one-third  
26 percent of the average final compensation for each year of creditable service.

27 \* \* \*

28 Section 2. R.S. 11:243(A)(6), 246(A)(6), 2061, 2073, 2091 through 2095, 2096(C),  
29 and 2112 through 2115 are hereby repealed in their entirety.

1 Section 3.(A) The term of office of every member serving on the Registrars of  
2 Voters Employees' Retirement System board of trustees shall terminate upon the effective  
3 date of this Act and the board shall be dissolved and its duties and functions assumed by the  
4 board of trustees of the Louisiana State Employees' Retirement System as provided in this  
5 Act.

6 (B) The members of the Registrars of Voters Employees' Retirement System board  
7 of trustees shall remain fiduciarily liable, as provided in Subpart I of Part II of Chapter 4 of  
8 Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, for the decisions made and  
9 contracts entered into during their tenure. The members of the Louisiana State Employees'  
10 Retirement System board of trustees who were never members of the Registrars of Voters  
11 Employees' Retirement System board shall not be considered fiduciaries with respect to  
12 decisions made and contracts entered into by the Registrars of Voters Employees' Retirement  
13 System.

14 Section 4.(A) The Louisiana State Employees' Retirement System, with the  
15 cooperation of the professional consultants of the Registrars of Voters Employees'  
16 Retirement System, shall determine the most appropriate methods to properly account for  
17 payment of the unfunded accrued liability attributable to the Registrars of Voters Employees'  
18 Retirement Plan, to facilitate the transition of Registrar of Voters Employees' Retirement  
19 Plan funds and other assets to the Louisiana State Employees' Retirement System, and to  
20 transfer administrative duties of the Registrars of Voters Employees' Retirement Plan to the  
21 Louisiana State Employees' Retirement System.

22 (B) Except as authorized herein, the board of trustees for the Louisiana State  
23 Employees' Retirement System shall complete the transfer of all assets, liabilities, and  
24 administrative functions from the Registrars of Voters Employees' Retirement System within  
25 two years after the effective date of this Act in the manner determined pursuant to  
26 Subsection(A) of this Section. Should the Louisiana State Employees' Retirement System,  
27 during the course of implementation of this Act, determine that the transfer of all assets,  
28 liabilities, and administrative functions cannot be completed within the time frame  
29 established, it may seek an extension from the House and Senate committees on retirement.

1 Section 5. Except as provided for in this Act, the Louisiana State Law Institute shall  
2 change every reference of "Registrars of Voters Employees' Retirement System" to  
3 "Registrars of Voters Employees' Retirement Plan" in Title 11 of the Louisiana Revised  
4 Statutes of 1950.

5 Section 6. This Act shall become effective on July 1, 2018; if vetoed by the governor  
6 and subsequently approved by the legislature, this Act shall become effective on July 1,  
7 2018, or on the day following such approval by the legislature, whichever is later.

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### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 43 Original

2018 Regular Session

Pearson

**Abstract:** Provides for enrollment of new registrars of voters and new hires of an office of registrar of voters in the La. State Employees' Retirement System (LASERS) and for incorporation of the existing Registrars of Voters Employees' Retirement System (ROVERS) into LASERS.

Proposed law generally provides for enrollment of newly appointed registrars of voters and new hires of an office of registrar of voters into LASERS, effective July 1, 2018, and for merger of the existing ROVERS into LASERS, as more fully explained below.

#### **Newly appointed registrars of voters and new hires of an office of registrar of voters**

Present law establishes a rank and file plan in LASERS, a state retirement system. Members of such plan whose first employment making them eligible for membership in a La. state retirement system occurs on or after July 1, 2015, receive a 2.5% accrual rate with an employee contribution rate of 8%. Members of such plan are eligible to retire with 5 years of service at age 62.

Present law provides that any registrar of voters, employee of a registrar of voters, employee of ROVERS or employee of the La. Registrar of Voters Association, Inc., shall be a member of ROVERS. Proposed law instead places any registrar of voters or employee of an office of a registrar of voters first hired or appointed on or after July 1, 2018, in the rank and file plan in LASERS.

#### **Members of the Registrars of Voters Employees' Retirement System on or before June 30, 2018**

Present law establishes ROVERS as a statewide retirement system to provide for the retirement of any registrar of voters in the state of La., any deputy or permanent employee of the office of registrar of voters in any parish, any employee of ROVERS, or any employee of the La. Registrar of Voters Association, Inc. Proposed law abolishes ROVERS as an independent retirement system and recreates it as a plan (the ROVER Plan) within LASERS for ROVER Plan members hired or appointed before July 1, 2018.

Present law authorizes the ROVERS board to provide permanent benefit increases (PBIs) to retirees in certain circumstances. Proposed law provides that future PBIs for ROVER

Plan retirees and beneficiaries shall be calculated and granted pursuant to present law relative to LASERS. Proposed law retains all other plan provisions relative to members of ROVERS provided by present law including the calculation of employee and employer contributions as they apply to members of the ROVER Plan.

Proposed law authorizes active members of the ROVER Plan to transfer service credit to LASERS. Requires the member to pay any actuarial cost, calculated according to present law, for such transfers.

#### **Transfer of ROVERS assets, liabilities, and plan administration**

Present law provides for the administration of ROVERS by a board of trustees comprised of active, retired, and ex officio members. Proposed law repeals the ROVERS board on July 1, 2018, and provides that the ROVER Plan shall be administered by the LASERS board after the merger.

Proposed law provides that LASERS, with the cooperation of ROVERS' professional consultants, shall determine the most appropriate methods to properly account for payment of the unfunded accrued liability attributable to ROVERS, to facilitate the transition of ROVER Plan funds to LASERS, and to transfer assets and administrative duties of the ROVER Plan to LASERS. Further provides that the LASERS board of trustees shall complete the transfer of all administrative functions from ROVERS within two years after July 1, 2018.

Effective July 1, 2018.

(Amends R.S. 11:102(C)(3)(m), 182(A)(1), 251, 2031(1), (7), (10), (11), (14), (15), (17), (18), and (21), 2032, 2034, 2035, 2051, 2052, 2053, 2054, 2062(C), 2072(A) and (B), 2075, 2077(C), 2078, 2096(A), (B), (D)(1), and (E)(1)(intro. para.) and (2), 2111(B), 2141(1), 2144(C) through (I), 2163(C), 2164(B), 2165.1, 2165.2(A)(2), 2165.3, 2165.5; Adds R.S. 11:102(C)(3)(n), 411(10), 641, 642, and 2031(16.1); Repeals R.S. 11:243(A)(6), 246(A)(6), 2061, 2073, 2091-2095, 2096(C), and 2112-2115)