

Regular Session, 2010

SENATE BILL NO. 276

BY SENATOR HEITMEIER

SHERIFFS. Creates a fund to pay group insurance premiums for retired sheriffs and deputies in Plaquemines Parish. (8/15/10)

1 AN ACT  
2 To enact R.S. 33:1448.3, relative to payment of group insurance premiums for retired  
3 sheriffs and deputy sheriffs; to create the Plaquemines Parish Retired Employees'  
4 Insurance Fund; to provide relative to eligible retired sheriffs and retired deputy  
5 sheriffs; to provide for the total amount of principal and earnings; to provide for  
6 limitations on withdrawals; to provide limitations of investments; to provide for  
7 membership and election of advisory board; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:1448.3 is hereby enacted to read as follows:

10 **§1448.3. Plaquemines Parish; payment of group insurance premiums; retired**  
11 **sheriffs and deputy sheriffs; creation of fund**

12 **A. There is hereby created the Plaquemines Parish Retired Employees'**  
13 **Insurance Fund, hereinafter referred to as the "PREIF", to fund the payment**  
14 **by the sheriff's office of Plaquemines Parish of the premium costs for eligible**  
15 **retired sheriffs and retired deputy sheriffs as provided in R.S. 33:1448(N).**

16 **B. The following monies shall be deposited into the PREIF until the total**  
17 **amount of the monies including principal and earnings in the PREIF equals the**

1 sum of five million dollars:

2 (1) One and one-half percent of the monies received by the Plaquemines  
3 Parish Sheriff's Office for their efforts of collecting parish property tax.

4 (2) Fifty percent of the revenues received by the Plaquemines Parish  
5 Sheriff from video poker proceeds in accordance with R.S. 27:312.

6 (3) Any other monies that the sheriff of Plaquemines Parish may  
7 contribute to the PREIF.

8 C. Upon recommendation of the board established in Subsection G, the  
9 sheriff of Plaquemines Parish shall invest the monies in the PREIF as follows:

10 (1) Not more than fifty percent in equities.

11 (2) At least fifty percent in fixed income investments, provided that not  
12 more than one-half of the investment in fixed income may be invested in  
13 corporate bonds.

14 (3) The amount of earnings received pursuant to Paragraphs (1) and (2)  
15 of this Subsection shall be accounted for separately from the amount of the  
16 monies deposited into the PREIF pursuant to Subsection B of this Section.

17 D. The earnings realized on the monies invested pursuant to Subsection  
18 C of this Section shall be available for the sheriff to withdraw for the purpose  
19 of paying the insurance premium costs provided in R.S. 33:1448(N) for retired  
20 sheriffs and retired deputy sheriffs of Plaquemines Parish, provided that no  
21 such earnings shall be withdrawn until the amount of principal and  
22 accumulated earnings in the PREIF is equal to the sum of five million dollars.  
23 In the event that the total amount of monies derived from deposits provided in  
24 Subsection B of this Section and investment earnings fall below the sum of five  
25 million dollars, no earnings shall be withdrawn, and any balance owed for the  
26 payment of insurance premium costs as required by R.S. 33:1448(N) shall be  
27 paid in full from the sheriff's general fund.

28 E. The monies deposited pursuant to Subsection B of this Section and the  
29 accumulated earnings up to a total of five million dollars shall not be

1 appropriated except in compliance with the provisions of Subparagraphs  
2 G(1)(f) and (g) of this Section and shall be used only for making income-  
3 producing investments as provided in this Section.

4 F. Any financial audit conducted of the sheriff's office of Plaquemines  
5 Parish shall specifically address compliance with the provisions of this Section.

6 G.(1) To provide recommendations concerning the investment of funds  
7 as provided in Subsection C of this Section, the sheriff shall establish an  
8 investment advisory board consisting of three members as follows:

9 (a) The sheriff.

10 (b) Two active deputy sheriffs of the department elected by the other  
11 active deputy sheriffs of the department. If more than two people qualify for  
12 the election, the two candidates receiving the highest number of votes cast shall  
13 be elected to the board.

14 (c) The sheriff shall use and provide all means necessary and proper to  
15 conduct the initial and subsequent elections. All expenses, including the printing  
16 of the ballots for the initial and subsequent elections, shall be borne by the  
17 sheriff and paid out of the sheriff's general fund.

18 (d) The members of the board shall elect a chairperson at its first board  
19 meeting which shall be held within thirty days after the election of board  
20 members. The board shall adopt rules governing the election of the members  
21 of the board. The election of board members shall be called and supervised by  
22 the board with the assistance of the sheriff.

23 (e) Should a vacancy occur on the board within sixty days of the date the  
24 vacancy occurs, the board shall appoint a member to fill the vacancy for the  
25 unexpired term who is qualified to serve on the board as provided in  
26 Subparagraph (b) of this Paragraph. If a board member who is an active deputy  
27 sheriff elected pursuant to Subparagraph (b) of this Paragraph retires, he may  
28 continue to serve for the remainder of the term for which he was elected, if less  
29 than two years remain on his term; however, if more than two years remain on

1 his term, the board shall appoint an active deputy sheriff to fill the remainder  
 2 of that term.

3 (f) The members of the board shall retain a financial advisor and legal  
 4 counsel to provide recommendations and legal consultation concerning the  
 5 investment of the funds. The board shall adopt rules governing their selection  
 6 and compensation. The board may retain the sheriff's office in-house legal  
 7 counsel.

8 (g) The board members shall be paid a per diem for each day of  
 9 attendance at meetings of the board or on authorized business of the board.

10 The board shall establish the per diem rates.

11 (2) Members of the board shall serve terms concurrent with that of the  
 12 sheriff.

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christopher D. Adams.

---

#### DIGEST

Heitmeier (SB 276)

Proposed law creates the Plaquemines Parish Retired Employees' Insurance Fund (PREIF), to fund the payment by the sheriff's office of Plaquemines Parish of the premium costs for eligible retired sheriffs and retired deputy sheriffs.

Proposed law provides that the following monies will be deposited into the PREIF until the total amount of the monies including principal and earnings in the PREIF equals the sum of \$5,000,000.00:

- (1) One and one-half percent of the monies received by the Plaquemines Parish Sheriff's Office for their efforts of collecting parish property tax.
- (2) 50 percent of the revenues received by the Plaquemines Parish Sheriff from video poker proceeds.
- (3) Any other monies that the sheriff of Plaquemines Parish may contribute to the PREIF.

Proposed law provides that the sheriff must invest the monies in the PREIF as follows:

- (1) Not more than 50% in equities.
- (2) At least 50% in fixed income investments, provided that not more than one-half of the investment in fixed income may be invested in corporate bonds.

Proposed law permits the earnings realized on the monies invested be available for the sheriff to withdraw for the purpose of paying the insurance premium costs for retired sheriffs and retired deputy sheriffs of Plaquemines Parish, provided that no such earnings will be

withdrawn until the amount of principal and accumulated earnings in the PREIF is equal to the sum of \$5,000,000.00.

Proposed law requires the sheriff to establish an investment advisory board consisting of three members as follows:

- (1) The sheriff.
- (2) Two active deputy sheriffs of the department elected by the other active deputy sheriffs of the department. If more than two people qualify for the election, the two candidates receiving the highest number of votes cast shall be elected to the board.

Proposed law provides for election of members, filling of vacancies, election of a chairperson, terms of office, the adoption of rules by the board, compensation of the board, and the requirement that the board retain a financial advisor and legal counsel.

Proposed law requires members of the board to serve terms concurrent with that of the sheriff.

Effective August 15, 2010.

(Adds R.S. 33:1448.3)

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill.

1. Technical amendments.