

Regular Session, 2011

HOUSE BILL NO. 426

BY REPRESENTATIVE KLECKLEY

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

RETIREMENT/STATE EMPS: Provides relative to membership of the LASERS, TRSL, and LSERS boards of trustees

1 AN ACT

2 To amend and reenact R.S. 11:511, 822(A) and (B), 1162(A), 1164, and 1302(A), relative  
3 to certain state retirement systems; to provide relative to the membership of the  
4 boards of trustees of the Louisiana State Employees' Retirement System, the  
5 Teachers' Retirement System of Louisiana, the State Police Pension and Retirement  
6 System, and the Louisiana School Employees' Retirement System; to provide for  
7 effectiveness; and to provide for related matters.

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 11:511, 822(A) and (B), 1162(A), 1164, and 1302(A) are hereby  
13 amended and reenacted to read as follows:

14 §511. Composition of board of trustees

15 The board of trustees shall consist of ~~twelve~~ thirteen members, as follows:

16 (1) The chairman of the Retirement Committee of the House of  
17 Representatives, ex officio, or his designee.

18 (2) The chairman of the Retirement Committee of the Senate, ex officio, or  
19 his designee.

1 (3) The treasurer of the state of Louisiana, ex officio, or his designee.

2 (4) The commissioner of administration, ex officio, or his designee.

3 (5) Six trustees who shall be active employees and members of the system  
4 with at least ten years of creditable service and who shall be elected by the members  
5 of the system for a term of four years to succeed members whose terms expire under  
6 rules and regulations adopted by the board to govern the elections. However, those  
7 trustees whose terms begin on or after January 1, 1998, shall be eligible to serve only  
8 three consecutive four-year terms, to include any term served as an active or retired  
9 member. Upon the completion of the third consecutive four-year term, the trustee  
10 shall be ineligible for a fourth consecutive term of office. An active member who  
11 retires while serving on the board shall be allowed to remain on the board for the  
12 remainder of the term for which elected. The director, assistant directors, chief  
13 investment officer, and other employees of the staff of the system shall be ineligible  
14 for membership on the board, and no member of the board elected under this Section  
15 shall be eligible for one of these positions for a period of two years after the  
16 termination of their service on the board. No department in the executive branch of  
17 state government, as more particularly described in Title 36 of the Louisiana Revised  
18 Statutes of 1950, as amended and revised, may have more than two trustees serving  
19 on the board at the same time. The candidate or candidates who have received the  
20 highest and next highest vote tallies, and who do not violate the prohibition against  
21 more than two trustees serving from the same department, shall be declared the  
22 elected trustee or trustees.

23 ~~(5)~~ (6) Three trustees who are retired members of the system and who shall  
24 represent the retired members of the system. The retired trustees shall be elected by  
25 the retired members of the system for a term of four years. However, those trustees  
26 whose terms begin on or after January 1, 1998, shall be eligible to serve only three  
27 consecutive four-year terms, to include any term served as an active or retired  
28 member. Upon the completion of the third consecutive four-year term, the trustee  
29 shall be ineligible for a fourth consecutive term of office. The election shall be held

1 in accordance with the rules adopted by the board to govern the elections of trustees.

2 Vacancies shall be filled in accordance with R.S. 11:512.

3 \* \* \*

4 §822. Members of board of trustees; appointment or election; terms of office;  
5 vacancies; compensation

6 A. The board shall consist of such trustees as follows:

7 (1) The state superintendent of public education, ~~or his first assistant,~~  
8 ~~appointed pursuant to Article IV, Section 13 of the Louisiana Constitution of 1974,~~  
9 ~~ex officio.~~ ex officio, or his designee.

10 (2) One voting member representing the members paid by school food  
11 service funds shall be elected by a majority of ~~said~~ the members for a four-year term.

12 (3) The state treasurer, ~~ex officio,~~ or his designee.

13 (4) The commissioner of administration, ex officio, or his designee.

14 (5) The chairman of the Retirement Committee of the House of  
15 Representatives of the Louisiana Legislature, ~~ex officio,~~ or his designee.

16 (5) (6) The chairman of the Retirement Committee of the Senate of the  
17 Louisiana Legislature, ~~ex officio,~~ or his designee.

18 (6) (7) One voting member representing the state colleges and universities  
19 at large shall be elected by a majority of the members of the Teachers' Retirement  
20 System of Louisiana employed by the colleges and universities of the state for a  
21 four-year term.

22 (7) (8) One voting member from and to represent each of seven districts, to  
23 be elected by a majority of the members employed in the respective districts to a  
24 four-year term, except those members who are employed by the state colleges and  
25 universities and who elect a representative under Paragraph (6) (7) of this Subsection  
26 and those members paid by school food service funds and who elect a representative  
27 under Paragraph (2) of this Subsection and who shall not be a parish or city  
28 superintendent of schools. The seven districts shall be composed of parishes as  
29 follows:

1 District 1: Ascension, St. James, St. John the Baptist, St. Charles, Jefferson,  
2 Plaquemines, St. Bernard

3 District 2: Washington, St. Tammany, Orleans

4 District 3: East Baton Rouge, Iberville, Assumption, Lafourche, Terrebonne

5 District 4: Caddo, Bossier, Webster, Claiborne, ~~De Soto~~ DeSoto, Red River,  
6 Bienville, Lincoln, Sabine, Natchitoches

7 District 5: Union, Morehouse, West Carroll, East Carroll, Jackson, Ouachita,  
8 Richland, Madison, Caldwell, Franklin, Tensas, Catahoula, Concordia, West  
9 Feliciana, East Feliciana, St. Helena, Livingston, Tangipahoa

10 District 6: Winn, Grant, LaSalle, Vernon, Rapides, Avoyelles, Beauregard,  
11 Allen, Evangeline, St. Landry, Pointe Coupee, Jefferson Davis, St. Martin, West  
12 Baton Rouge

13 District 7: Calcasieu, Acadia, Cameron, Vermilion, Lafayette, Iberia, St.  
14 Mary

15 ~~(8)~~ (9) Two voting members to represent the retired teachers shall be elected  
16 by a majority of those voting retired members of the Teachers' Retirement System  
17 of Louisiana for a four-year term.

18 ~~(9)~~ (10) One voting member, who shall be a parish or city superintendent  
19 of schools, shall be elected by all parish and city superintendents of schools in  
20 Louisiana, for a four-year term.

21 B. There shall be no restriction as to type of employment or position held as  
22 a qualification for any member seeking election under Paragraphs ~~(6)~~ (7) through ~~(8)~~  
23 (9) of Subsection A of this Section; however, an elected member of the board who  
24 has served at least twelve months of his term shall be eligible to continue as a  
25 member of the board following the effective date of his retirement from the system,  
26 until the expiration of the term for which he was elected; however, no elected  
27 member of the board shall be eligible to continue as a member of the board after  
28 December thirty-first following any change in his principal residence, employment,

1 or status which would otherwise render him ineligible to become a candidate for the  
2 position to which he was previously elected.

3 \* \* \*

4 §1162. Members of board of trustees; appointment or election; terms of office;  
5 vacancies; compensation

6 A. The board shall consist of ~~eleven~~ such trustees, as follows:

7 (1) President of the Louisiana School Bus Operators' Association, ex officio.

8 (2) Chairman of the ~~Appropriations~~ Retirement Committee of the House of  
9 Representatives, ex officio, or his designee.

10 (3) Chairman of the Retirement Committee of the Senate, ex officio, or his  
11 designee.

12 (4) The secretary of state, ex officio, or his designee.

13 (5) The state treasurer, ex officio, or his designee.

14 (6) The commissioner of administration, ex officio, or his designee.

15 ~~(6)(a)~~ (7)(a) Four members of the system shall be elected by the members  
16 of the retirement system for a term of four years each, according to such rules and  
17 regulations as the board of trustees shall adopt to govern such elections. Except as  
18 otherwise provided in this Paragraph, each board member shall be a resident of the  
19 district represented. The districts will elect a member for a four-year term with the  
20 elections staggered so as to elect one member each year. Participation in the  
21 Deferred Retirement Option Plan shall not cause a member to be ineligible for  
22 candidacy in an election for the active member position on the board of trustees.  
23 Any member of this system who is elected to serve as a representative of the active  
24 members on the board of trustees and who, after such election, either commences  
25 participation in the Deferred Retirement Option Plan or retires shall not have his  
26 term of office as a trustee affected by either of those events.

27 (b) Beginning March 1, 1997, and until December 31, 2008, the districts  
28 shall be composed of the following parishes:

1 (i) District 1: Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St.  
2 Bernard, St. Charles, St. James, St. John the Baptist, and Terrebonne.

3 (ii) District 2: Ascension, East Baton Rouge, East Feliciana, Iberville,  
4 Lafayette, Livingston, St. Helena, St. Martin, St. Tammany, Tangipahoa,  
5 Washington, West Baton Rouge, and West Feliciana.

6 (iii) District 3: Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne,  
7 Concordia, DeSoto, East Carroll, Franklin, Jackson, LaSalle, Lincoln, Madison,  
8 Morehouse, Ouachita, Red River, Richland, Tensas, Union, Webster, West Carroll,  
9 and Winn.

10 (iv) District 4: Acadia, Allen, Avoyelles, Beauregard, Calcasieu, Cameron,  
11 Evangeline, Grant, Iberia, Jefferson Davis, Natchitoches, Pointe Coupee, Rapides,  
12 Sabine, St. Landry, St. Mary, Vermilion, and Vernon.

13 (c) Each member elected pursuant to this Paragraph who takes office on or  
14 after January 1, 2009, shall be elected from districts composed as provided in this  
15 Subparagraph. Each member serving on December 31, 2008, who was elected to  
16 represent a district as provided in Subparagraph (b) of this Paragraph shall represent  
17 the district as provided in this Subparagraph having the same number designation as  
18 the district as provided in Subparagraph (b) of this Paragraph from which the  
19 member was elected until the expiration of his term of office, whether or not he is  
20 a resident of the district as provided in this Subparagraph. Each successor of a  
21 member serving on December 31, 2008, who was elected to represent a district as  
22 provided in Subparagraph (b) of this Paragraph shall be elected from the district as  
23 provided in this Subparagraph having the same number designation and shall be a  
24 resident of the district as provided in this Subparagraph. On January 1, 2009, and  
25 thereafter, the districts shall be composed of the following parishes:

26 (i) District 1: Assumption, Iberia, Iberville, Jefferson, Lafayette, Lafourche,  
27 Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St.  
28 Martin, St. Mary, and Terrebonne.

1 (ii) District 2: Ascension, East Baton Rouge, East Feliciana, Livingston, St.  
2 Helena, St. Tammany, Tangipahoa, Washington, West Baton Rouge, and West  
3 Feliciana.

4 (iii) District 3: Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne,  
5 Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita,  
6 Richland, Tensas, Union, Webster, and West Carroll.

7 (iv) District 4: Acadia, Allen, Avoyelles, Beauregard, Calcasieu, Cameron,  
8 ~~Desoto~~ DeSoto, Evangeline, Grant, Jefferson Davis, LaSalle, Natchitoches, Pointe  
9 Coupee, Rapides, Red River, Sabine, St. Landry, Vermilion, Vernon, and Winn.

10 ~~(7)~~ (8) Two retired members elected at large by the retirees of the retirement  
11 system, provided the members' terms of office are for the same duration, but  
12 staggered so that the beginning and ending years of each member's term are not on  
13 the same year, and the member's terms and elections shall be governed according to  
14 rules and regulations adopted by the board of trustees.

15 \* \* \*

16 §1164. Voting power of trustees; votes necessary for action of board

17 Each trustee shall be entitled to one vote in the board. ~~Five~~ Six votes shall  
18 be necessary for a decision by the trustees at any meeting of the board.

19 \* \* \*

20 §1302. Creation and composition of board; powers; expenses of administration

21 A. The State Police Retirement Board is created and is composed of the  
22 following members:

- 23 (1) The state treasurer, ex officio, or his designee.
- 24 (2) The commissioner of administration, ex officio, or his designee.
- 25 (3) The superintendent of the office of state police, ex officio, or his  
26 designee.
- 27 (4) The president of the Louisiana State Troopers' Association, ex officio.
- 28 (5) The president of the Central State Troopers' Coalition, ex officio.





Present law provides relative to the membership of the boards of LASERS, TRSL, LSERS, and STPOL.

Proposed law adds the commissioner of administration or his designee to the membership of LASERS, TRSL, and LSERS.

Present law permits various individuals to serve on the boards of LASERS, TRSL, LSERS, and STPOL by virtue of their office.

Proposed law clarifies that all such members shall be "ex officio" members and further provides that all such members may appoint designees to serve on the boards.

Present law relative to LSERS, provides that the chairman of the appropriations committee of the House of Representatives and the chairman of the retirement committee of the House of Representatives shall serve on the board.

Proposed law, removes the chairman of the Appropriations Committee of the House of Representatives from the LSERS board.

Effective July 1, 2011.

(Amends R.S. 11:511, 822(A) and (B), 1162(A), 1164, and 1302(A))

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Retirement to the original bill.

1. Added change to the TRSL board authorizing the state superintendent of education to appoint any designee to such board, not just his first assistant.

#### House Floor Amendments to the engrossed bill.

1. Provides that all ex officio members of the boards of trustees of such retirement systems may appoint a designee to serve on those boards.
2. Removes the chairman of the appropriations committee of the House of Representatives from the LSERS board; replaces him with the chairman of the House Committee on Retirement.