2018 Regular Session

HOUSE BILL NO. 701

### BY REPRESENTATIVE JACKSON

# RETIREMENT/STATE EMPS: Adds public defenders to the Louisiana State Employees' Retirement System

1	AN ACT
2	To amend and reenact R.S. 11:413(6) and to enact R.S. 11:411(10), relative to eligibility for
3	membership in the Louisiana State Employees' Retirement System; to provide for
4	membership of public defenders employed by or under contract with the Louisiana
5	Public Defender Board; to provide for membership of public defenders employed by
6	or under contract with a district public defender program not participating in the
7	Parochial Employees' Retirement System of Louisiana; and to provide for related
8	matters.
9	Notice of intention to introduce this Act has been published
10	as provided by Article X, Section 29(C) of the Constitution
11	of Louisiana.
12	Be it enacted by the Legislature of Louisiana:
13	Section 1. R.S. 11:413(6) is hereby amended and reenacted and R.S. 11:411(10) is
14	hereby enacted to read as follows:
15	§411. Eligibility for membership
16	The membership of this system shall be as follows:
17	* * *
18	(10)(a) Each attorney employed by or under contract with the Louisiana
19	Public Defender Board.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(b) Each attorney employed by a district indigent defender program that does
2	not have a plan for extending benefits to employees of such district approved by the
3	Parochial Employees' Retirement System of Louisiana board of trustees pursuant to
4	R.S. 11:1903 and in effect on June 30, 2018.
5	(c) Each attorney under contract with a district indigent defender program.
6	* * *
7	§413. Classes of employees not eligible
8	The following classes of employees and officers shall not be or become
9	members of this system:
10	* * *
11	(6) Independent Except as provided in R.S. 11:411(10), independent
12	contractors pursuing an independent business or profession pursuant to a contract for
13	a specific price to perform a specific task.
14	* * *
15	Section 2. The cost of this Act, if any, shall be funded with additional employer
16	contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.
17	Section 3. This Act shall become effective on July 1, 2018; if vetoed by the governor
18	and subsequently approved by the legislature, this Act shall become effective on July 1,
19	2018, or on the day following such approval by the legislature, whichever is later.

## 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)]

HB 701 Original	2018 Regular Session	Jackson

Abstract: Requires membership in the La. State Employees' Retirement System (LASERS) for certain persons employed by or under contract with the La. Public Defender Bd. (board) or a district indigent defender program that does not have an agreement in place to provide membership in the Parochial Employees' Retirement System of La. (PERS) as of June 30, 2018.

<u>Present law</u> requires the board to employ an executive staff and employ or contract with a district public defender for each district indigent defender program. Allows the board to employ or contract with regional directors. Further allows each district indigent defender program to employ district personnel or contract for services.

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<u>Present law</u> requires a person employed by a district indigent defender program who works at least twenty-eight hours a week to become a member of PERS, if the PERS board of trustees approves a plan submitted by the program for extending the benefits provided by PERS to employees of the program (plan). <u>Present law</u> requires the PERS board of trustees to accept plans that meet certain criteria.

<u>Present law</u> requires employees of any state board to become a member of LASERS as a condition of their employment. Makes independent contractors ineligible for membership in LASERS.

<u>Proposed law</u> provides that each attorney employed by the board shall become a member of LASERS. Requires an attorney employed by a district indigent defender program not covered by a PERS plan in effect on June 30, 2018, to become a member of LASERS. Further requires any attorney under contract with the board or a district indigent defender program to become a member of LASERS.

Effective July 1, 2018.

(Amends R.S. 11:413(6); Adds R.S. 11:411(10))