

2021 Regular Session

SENATE BILL NO. 12

BY SENATOR BOUIE

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

CLERKS OF COURT. Creates a retired clerks and clerk's employees insurance fund for the Orleans Parish Clerk of Civil District Court. (8/1/21)

1 AN ACT

2 To enact R.S. 13:783.1, relative to the payment of group insurance premiums for retired

3 clerks of court and clerk's employees; to create the Orleans Parish Clerk of Civil

4 District Court's Office Retired Employees Insurance Fund; to provide for deposits

5 in the fund; to provide for payments from the fund; and to provide for related

6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:783.1 is hereby enacted to read as follows:

9 §783.1. Orleans Parish; retired clerks of civil district court and clerk's

10 employees; creation of fund

11 A.(1) Notwithstanding any other provisions of law to the contrary, there

12 is hereby created within the office of the Clerk of Civil District Court of the

13 parish of Orleans a special fund which shall be known as the Orleans Parish

14 Clerk of Civil District Court's Office Retired Employees Insurance Fund,

15 hereinafter referred to as the "OPCOCVDCREIF", to finance the payments of

16 insurance premiums by the clerk of Civil District Court of Orleans Parish for

17 eligible retired clerks of civil district court and retired employees of the office

1 of the Clerk of Civil District Court of Orleans Parish.

2 (2) Annually, the clerk of Civil District Court of the parish of Orleans
3 shall deposit money from the office of the clerk of Civil District Court of the
4 parish of Orleans general fund into the OPCOCVDCREIF until the total
5 amount of the money deposited in the OPCOCVDCREIF equals the accrued
6 liability of the benefits payable. The accrued liability and funded status shall be
7 recalculated annually as of the close of the fiscal year. No deposit shall be
8 required if the office of the clerk of Civil District Court of the parish of Orleans
9 has less than fifty thousand dollars available in its general fund after annual
10 operations.

11 (3) The clerk of Civil District Court of the parish of Orleans shall invest
12 the money in the OPCOCVDCREIF in the Louisiana Asset Management Pool.

13 (4) The funds and earnings invested pursuant to this Section shall be
14 available for the clerk of Civil District Court of the parish of Orleans to
15 withdraw for the purpose of paying the insurance premiums. No earnings shall
16 be withdrawn if the balance in the OPCOCVDCREIF is less than seventy
17 percent of the accrued liability calculated pursuant to Paragraph (2) of this
18 Subsection. In any year following an actuarial determination that the fund
19 balance is less than the seventy percent threshold, no earnings shall be
20 withdrawn from the OPCOCVDCREIF, and any balance owed for the payment
21 of insurance premiums shall be paid in full directly from the office of the clerk
22 of Civil District Court of the parish of Orleans.

23 (5) The money deposited into the OPCOCVDCREIF pursuant to this
24 Section and the accumulated earnings up to the required total shall not be
25 appropriated except for the investment and payment of premiums as provided
26 for in this Section.

27 B. The legislative auditor shall audit the fund annually and the expense
28 of such audit shall be paid by the clerk of Civil District Court of the parish of
29 Orleans.

The original instrument was prepared by Michael Bell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alan Miller.

DIGEST

SB 12 Engrossed

2021 Regular Session

Bouie

Proposed law creates the Orleans Parish Clerk of Civil District Court's Office Retired Employees Insurance Fund (OPCOCVDCREIF) to finance the payment of the insurance premiums by the office of the clerk of Civil District Court of Orleans Parish for eligible retired clerks and retired employees of the office of the clerk of Civil District Court of Orleans Parish.

Proposed law requires the clerk of Civil District Court of the parish of Orleans to annually deposit money from the office of the clerk of Civil District Court of the parish of Orleans general fund into the OPCOCVDCREIF until the total amount of the money deposited in the OPCOCVDCREIF equals the accrued liability of the benefits payable. Proposed law further mandates that the accrued liability and funded status must be recalculated annually as of the close of the fiscal year.

Proposed law provides no deposit shall be required if the office of the clerk of Civil District Court of the parish of Orleans has less than \$50,000 available in its general fund after annual operations.

Proposed law requires that the Orleans Parish clerk of Civil District Court must invest the money in the OPCOCVDCREIF in the Louisiana Asset Management Pool.

Proposed law provides the funds and earnings invested pursuant to proposed law must be available for the clerk of Civil District Court of the parish of Orleans to withdraw for the purpose of paying the insurance premiums. Proposed law further provides no earnings may be withdrawn if the balance in the OPCOCVDCREIF is less than 70% of the accrued liability calculated pursuant to proposed law.

Proposed law provides in any year following an actuarial determination that the fund balance is less than the 70% threshold, no earnings shall be withdrawn from the OPCOCVDCREIF, and any balance owed for the payment of insurance premiums as required by proposed law shall be paid in full directly from the office of the clerk of Civil District Court of the parish of Orleans.

Proposed law provides the legislative auditor shall audit the fund annually and the expense of such audit shall be paid by the clerk of Civil District Court.

Effective August 1, 2021.

(Adds R.S. 13:783.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Changes the money that may be used for the payment of premiums from "earning on the money" to "funds and earnings".