

1. ...

2. the previous licensees or other related design professionals are notified in writing by the licensee of the engagement referred to herein within five business days of acceptance of the engagement; and

D.3. - H....

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), amended LR 11:950 (October 1985), LR 16:776 (September 1990), LR 17:273 (March 1991), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1037 (July 2001), LR 30:1721 (August 2004), LR 44:624 (March 2018), LR 48:2365 (September 2022).

Chapter 31. Continuing Professional Development (CPD)

§3105. Requirements

A. - B.2. ...

C. Each dual licensee is required to earn 15 PDHs per calendar year; however, at least one-third of the required PDHs for each calendar year shall be earned separately for each profession.

C.1. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2152 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1047 (July 2001), LR 30:1730 (August 2004), LR 37:2420 (August 2011), LR 42:1104 (July 2016), LR 44:629 (March 2018), LR 47:495 (April 2021), LR 48:2366 (September 2022).

§3109. Exemptions

A. A licensee may be exempt from the CPD requirements in this Chapter for any one or more of the following reasons.

1 - 4. ...

5. Licensees who certify their licensure status as inactive on their biennial licensure renewal form shall be exempt from the CPD requirements until their next licensure renewal. In the event such licensee subsequently elects to reactivate his/her inactive license to active status, he/she must meet the requirements set forth in §3121.

6. Licensees who certify their licensure status as retired on their biennial licensure renewal form shall be exempt from the CPD requirements until their next licensure renewal. In the event such licensee subsequently elects to reactivate his/her retired license to active status, he/she must meet the requirements set forth in §3121.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2153 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1048 (July 2001), LR 30:1731 (August 2004), LR 42:1105 (July 2016), LR 44:630 (March 2018), LR 47:495 (April 2021), LR 47:897 (July 2021), LR 48:2366 (September 2022).

§3121. CPD Reactivation

A. To become reactivated to an active status, a licensee in an expired, inactive, or retired status must have earned all PDHs which he/she would have been required to earn if he/she had been in an active status during the previous two calendar years as provided in §3105.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1049 (July 2001), LR 30:1732 (August 2004), LR 42:1107 (July 2016), LR 44:633 (March 2018), LR 47:497 (April 2021), LR 48:2366 (September 2022).

Donna D. Sentell
Executive Director

2209#001

RULE

**Department of Treasury
Municipal Employees' Retirement System**

Administration of the Retirement System
(LAC 58:XXV.Chapters 1-15)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq the Department of Treasury, Municipal Employees' Retirement System has adopted rules codifying its current policies and procedures for administration of the retirement system. Authority for rulemaking is generally established in R.S. 11:1823. Specific rulemaking authority is set out in R.S. 11:291, 11:1733, 11:1755, and 11:1821. This Rule is hereby adopted on the day of promulgation.

**Title 58
RETIREMENT**

**Part XXV. Municipal Employees' Retirement System
Chapter 1. General Provisions**

§101. Definitions

A. Use of the masculine includes the feminine and vice versa. Use of the singular includes the plural and vice versa.

B. The following definitions apply unless the usage clearly indicates another meaning.

Active Member—a member of the Municipal Employees' Retirement System (MERS) who is employed by a participating employer and actively contributing to MERS or who is participating in the Deferred Retirement Option Plan (DROP).

Active Member Trustee—a trustee holding a seat elected by active members of MERS or appointed to such a seat in accordance with R.S. 11:1821G(4).

Board of Trustees or Board—the board of trustees of the Municipal Employees' Retirement System.

Director—the executive director of the Municipal Employees' Retirement System.

DROP—Deferred Retirement Option Plan.

Inactive Member—a member who is not actively contributing to MERS but is not retired and has left their contributions in the system.

MERS—the Municipal Employees’ Retirement System of Louisiana.

Retired Member Trustee—a trustee holding a seat elected by retired members of MERS or appointed to such a seat in accordance with R.S. 11:1821G(4).

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees’ Retirement System, LR 48:2366 (September 2022).

§105. Payment of Benefits

A. All new retirees and beneficiaries are required to have their monthly benefits electronically deposited into an account at a financial institution.

B. To facilitate electronic payment of benefits, a retiree/beneficiary must provide a copy of their Social Security card, name, complete address, routing number of a financial institution, account number, and indication of whether the account is a checking account or a savings account.

C. A voided check, for a checking account, or deposit slip, for a savings account must be provided by the payee.

D. Direct deposit payments are issued on the first business day of the month for which they are due. Paper checks, for retirees/beneficiaries not subject to the direct deposit rule, are mailed on the last business day of the month prior to the month in which they are due and dated the first of the month for which they are due.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees’ Retirement System, LR 48:2367 (September 2022).

§108. Rollover of Refunds

A. Qualified rollovers of accumulated employee contributions require a certification from the receiving financial institution that the institution is qualified to receive the rollover.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees’ Retirement System, LR 48:2367 (September 2022).

§110. Plan Year

A. The plan year for MERS shall be July 1-June 30.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees’ Retirement System, LR 48:2367 (September 2022).

Chapter 2. Elections

§201. Active Eligible Candidates

A. An active member candidate for a position on the board of trustees must be an active member of the system with at least six years of creditable service.

B. A participant in the deferred retirement option plan (DROP) is eligible to run as an active member candidate.

C. A disability retiree who has returned to work under either R.S. 11:224 or R.S. 11:225 is eligible to run as an active member candidate.

D. An active member candidate for an elected official position must be holding an office elected through the state election code.

E. An active member candidate for a non-elected position may not be an elected official.

F. To satisfy the requirement that no more than two elected trustees from the same employer may serve on the board at the same time, the trustees first elected have preference for the seat. If trustees are elected at the same election, the person elected with the most votes has preference for the seat.

G. Any person convicted of a felony offense shall be prohibited from being a candidate for a period of five years after the latter of their conviction or the end of their imprisonment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees’ Retirement System, LR 48:2367 (September 2022).

§203. Retiree Eligible Candidates

A. A retiree member candidate for a position on the board of trustees must be a retired member of MERS as of the date that the nomination period for the seat closes.

B. Any person convicted of a felony offense shall be prohibited from being a candidate for a period of five years after the latter of their conviction or the end of their imprisonment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees’ Retirement System, LR 48:2367 (September 2022).

§205. General Schedule of Elections

A. Elections shall be held in years in which the term of an elected member of the board expires.

B. In the year 2022, an election shall be held for an active member trustee who is an elected official.

C. In the year 2023, an election shall be held for an active member trustee who is an elected official.

D. In the year 2024, an election shall be held for an active member trustee who is not an elected official.

E. In the year 2025, an election shall be held for an active member trustee who is not an elected official.

F. In the year 2026, an election shall be held for an active member trustee who is an elected official.

G. In the year 2027, an election shall be held for a retired member trustee.

H. Elections shall be held during the sixth year after the years listed above for the described trustee seats.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees’ Retirement System, LR 48:2367 (September 2022).

§207. Specific Schedule of Elections

A. The schedule for elections shall be as follows.

1. nominations open on the first day of May;
2. nominations close by 4 p.m. of the fourth Wednesday of May;
3. ballots will be mailed by the first Friday in July;
4. ballots are due no later than 4 p.m. of the fourth Friday in July. MERS may allow ballots to be cast by mail, telephone, and/or through an online system;
5. ballots will be tabulated by the fourth working day following the deadline for receipt of the ballots;

- 6. if no candidate receives a majority of the votes cast, a run-off election is required;
- 7. if a run-off is necessary, the candidates' names will appear alphabetically on the ballot;
- 8. run-off ballots will be mailed no later than the first Friday in August;
- 9. run-off ballots are due no later than the fourth Friday in August;
- 10. ballots will be counted by the fourth working day following the deadline for receipt of ballots.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2367 (September 2022).

§210. Nomination Process

- A. Candidates for the retiree seat must be nominated by at least 10 active and/or retired members of MERS.
- B. Candidates for the elected and non-elected active seats must be nominated by at least 25 actively contributing members of MERS.
- C. The nominating petition must contain the signature, printed name, and last four digits of the Social Security number of each person nominating the candidate.
- D. Candidates must submit a candidate information form containing their education, positions held, and reasons they are seeking the position.
- E. Staff of MERS must verify that candidates and enough members signing the nominating petition meet the criteria set forth in statute and these rules.
- F. In the event that an election must be held for a partial term, in addition to a seat for a full term, the candidate must specify whether they are seeking the partial or full term.
- G. If a candidate does not have opposition, that candidate may take office at the expiration of the term of the incumbent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2368 (September 2022).

§215. Election Process

- A. Approximately three months before the expiration of a trustee's term, the director will issue a notice of the upcoming vacancy on the MERS' website and send a notice to participating employers.
- B. A nominating petition packet will be made available on the MERS' website and will be distributed via electronic mail or through the United States Post Office upon request.
- C. The names of candidates will appear in alphabetical order on the ballot. If an incumbent trustee is a candidate that will be noted on the ballot.
- D. The director will cause ballots to be mailed to all eligible voters. The statements provided by each candidate with their nominating petition shall be included in the ballot mailout.
- E. The number of votes which may be cast depends on the number of vacancies for which a trustee must be elected.
- F. Only votes cast by the deadline will be counted.
- G. Votes will be tabulated by a third party, such as a certified public accountant or an election vendor, selected by the director. Candidates may attend and observe the ballot tabulating, at their own expense.

H. A majority of votes is required for a candidate to win a contested election. If a single candidate does not attain a majority of votes, a runoff will be conducted in the same fashion as the original election with the top two vote recipients competing.

I. Ties affecting elected positions shall be decided by a drawing conducted by the director in the presence of at least two witnesses. The candidates, or a representative of the candidates, may attend.

J. Election results shall be certified by the board of trustees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2368 (September 2022).

§220. Emergency Situations

A. In the event an act of God or other circumstances beyond the control of the board prevents compliance with timelines set forth in these rules, the director and the board shall fulfill the responsibilities set out in these rules as soon as practicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2368 (September 2022).

Chapter 3. Employer Agreements

§301. Employer Agreements

- A. A sample agreement for coverage shall be posted on the MERS website.
- B. Employers are not required to use the sample agreement so long as any agreement for coverage submitted to the board of trustees for approval contains each of the elements specified in R.S. 11:1733.
- C. An employer must submit a resolution of its governing authority agreeing to the application for coverage before it will be considered by the board of trustees.
- D. The board of trustees may require that the actuarial study required with an agreement for coverage be conducted by the actuary retained by the system, at the expense of the applying employer.
- E. The board of trustees must approve an agreement for coverage by a majority vote at a public meeting before coverage is extended.

F. Amendments to an employer agreement require the same process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1733.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2368 (September 2022).

Chapter 4. Community Property

§401. Spousal Rights

- A. Because Louisiana is a community property state, a spouse has an interest in the retirement benefits of a MERS member.
- B. A divorced member of MERS should provide a certified copy of a judgment of divorce and/or community property settlement document indicating that their ex-spouse relinquishes their interest in the member's benefit paid by MERS. Alternatively, the member should provide a certified copy of a Domestic Relations Order (DRO) signed by a

judge and indicating how their retirement benefit must be shared with their former spouse.

C. A married member of MERS must obtain consent of their spouse to leave a retirement benefit of less than fifty percent for that spouse.

D. Absent a court order directing MERS to split a member's benefit with an ex-spouse, MERS will make payments to the member only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:291 and 1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2368 (September 2022).

Chapter 5. Refunds

§501. Method of Payment

A. Refunds of accumulated contributions shall be issued as an electronic payment to the member or as a rollover to a qualified financial institution.

B. Refunds may be paid to a checking account, savings account, or debit card, provided the account is in the name of the member receiving the refund.

C. Refunds are issued after all contributions have been received from the employer. In exceptional circumstances, as set out in a written policy, the director may authorize a partial refund.

D. MERS shall withhold federal taxes on refunds as required by the Internal Revenue Service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2369 (September 2022).

§503. Documentation Required

A. A refund to a member's checking account requires a pre-printed voided check or other documentation from the financial institution of the validity of the account.

B. A refund to a member's savings account requires a pre-printed deposit slip or other documentation from the financial institution of the validity of the account.

C. A refund to a debit card requires a signed direct deposit form from the financial institution.

D. A rollover of a refund requires a qualified financial institution to complete a form to acknowledge the status of the account and the ability to accept the funds.

E. A member must provide a copy of their Social Security card and a government issued photo identification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2369 (September 2022).

§505. Vested Employees

A. A member who has earned enough service credit to qualify for monthly retirement benefits at their regular retirement age must sign a notarized statement forfeiting their monthly benefits to receive a refund.

B. If the member is married, their spouse must also sign the notarized statement.

C. The notarized statement to be signed by a vested member and legal spouse must state the estimated monthly benefit to which the member is entitled to receive for their lifetime upon reaching retirement age.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2369 (September 2022).

Chapter 6. Reemployed Retirees

§601. Eligibility

A. Members who retired with an early retirement or as a disability retiree are not eligible for reemployment with a participating MERS employer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2369 (September 2022).

§603. Waiting Period

A. A retiree of MERS wishing to return to work with a participating employer in MERS, whether part-time or full-time, shall wait one month from the effective date of their retirement to begin reemployment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2369 (September 2022).

§605. Earnings Limit for Part-Time Reemployed Retirees

A. A member returning to work as a part-time employee may request a written earnings limit statement from MERS.

B. Monthly earnings of part-time reemployed retirees must be reported to MERS by the participating MERS employer by which they are employed.

C. It is the responsibility of the reemployed retiree to stay within the statutory earnings limit.

D. The member's monthly retirement benefit may be offset to recoup overearnings as a reemployed retiree.

E. If overearnings by a rehired retiree cannot be recouped through benefit payments, a payment plan subject to board approval shall be established with a promissory note required from the retiree.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2369 (September 2022).

Chapter 7. Conversion of Leave

§701. Eligibility

A. A participating employer may irrevocably elect to have its employees convert unused and unpaid annual and sick leave to retirement credit. The employer should submit a resolution to MERS indicating its acceptance of this option.

B. Only leave that is unused and unpaid by the employer at the time of the member's retirement may be converted to retirement credit.

C. Converted leave is not allowed for calculation of DROP account payments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1755.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2369 (September 2022).

§705. Reporting

A. Within 30 days of a member's retirement, the participating employer which has elected to convert unused leave to retirement credit shall submit a conversion of leave form certifying the member's unused and unpaid leave.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1755.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2370 (September 2022).

§710. Payment

A. Upon receipt of the conversion of leave form from an employer, MERS will send an invoice to the employer for the actuarial cost of the leave conversion.

B. The participating employer shall pay to MERS the actuarial cost of the member's unused leave within 30 days of the date of the member's retirement.

C. The employer must make full payment of the actuarial value of the member's unused leave before it is converted to retirement credit.

D. The member's benefit will be recalculated by MERS, to include the value of their converted leave, upon receipt of payment from the employer. Future benefit payments to the member will then include the value of the leave and a one-time retroactive payment to the date of their retirement for leave not previously compensated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1755.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2370 (September 2022).

Chapter 8. Disability Retirement

§801. Application Process

A. Disability applications should be submitted before the member exhausts all leave or terminates employment.

B. Disability applications will be processed upon receipt of the following:

1. disability application by the member;
2. disability report by supervisor;
3. notification of income from other sources from the member;
4. member statement of disabling condition;
5. copies of all medical records pertaining to the disability;
6. authorization to request income information from the member;
7. salary evaluation form;
8. authorization for direct deposit;
9. copy of member's birth certificate and Social Security card;
10. copy of beneficiary's birth certificate and Social Security card, if applicable;
11. spousal consent form if legally married and maximum option is chosen;
12. copy of certificate of elected service if the member is an elected official in Tier 1;
13. copy of death certificate of spouse if member's spouse is deceased; and
14. certified copy of divorce decree if member is divorced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2370 (September 2022).

Chapter 9. Insurance Premium Deductions

§901. Collection of Insurance Premiums

A. Health and life insurance premiums may be deducted by MERS from benefit payments issued to retirees and beneficiaries.

B. The premiums collected by MERS will then be transmitted to the participating employer which is responsible for paying the premium to the insurer.

C. Written authorization from participating employers to withhold premiums from their retirees' benefits and transmit those premiums to the employer must be made to MERS.

D. The member or beneficiary must provide written authorization to MERS to initiate the premium deduction and to make any changes to the deduction, other than routine rate changes.

E. Deductions will cease on the first of the month following the payee's death or upon the first of the month following notice of death.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2370 (September 2022).

Chapter 10. Deferred Retirement Option Plan (DROP)

§1001. Application Process

A. An application for DROP may be made when a member is eligible for retirement.

B. The DROP application shall include:

1. a form submitted by the member's employer providing data on the member's salary for the highest 60 consecutive or joined months of earnings;
2. a written acknowledgement by the member of the number of months in which they will participate in DROP;
3. a copy of the member's birth certificate and Social Security card;
4. a copy of the beneficiary's birth certificate and Social Security card;
5. a designation of a beneficiary to receive the DROP fund balance if the member dies while participating in DROP;
6. a spousal consent form as to the retirement benefit if the member is legally married and not selecting a benefit which provides at least 50 percent to the spouse;
7. a spousal consent form as to the DROP funds if the member is legally married and not leaving at least 50 percent of their DROP fund balance to their spouse;
8. a copy of the spouse's death certificate if the member is widowed;
9. a certified copy of the divorce judgment if the member is divorced; and
10. for elected officials, a certificate of elected service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2370 (September 2022).

§1003. Ineligible for DROP

A. A member who has retired is not eligible to enter DROP if they become reemployed.

B. A member who is approved for disability retirement is not eligible for DROP.

C. A member who retires with an actuarially reduced retirement is not eligible for DROP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2371 (September 2022).

§1005. Third Party Provider

A. MERS shall engage a third-party provider, selected by the board of trustees, to administer the DROP accounts of members.

B. Upon a member's completion of the DROP participation period, MERS shall transfer their DROP funds to the provider on the first business day of the month following the member's completion of the DROP participation period.

C. In situations where a member terminates employment and DROP prior to the selected participation period, DROP funds shall be transferred to the third-party provider on the first business day of the month following notification to MERS of the member's termination.

D. The third-party provider shall provide multiple investment options to participants, including fixed and variable investment options. Participation may result in the loss or gain of principal or earnings based on market performance.

E. The third-party provider shall not process withdrawal requests made by the member until MERS notifies the provider that the member has terminated employment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2371 (September 2022).

Chapter 11. Fees

§1101. Adoption of Fees

A. The board of trustees may adopt fees for various services provided to members through the retirement system.

B. The board of trustees should recoup the amount of fees charged by the system's actuary for member calculations. At the discretion of the director, members may not be required to pay the full amount of fees of the actuary.

C. Fees may only be imposed upon adoption by the board of trustees at a public meeting with opportunity for public comment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2371 (September 2022).

Chapter 12. Military Service Purchases

§1201. Service Credit

A. This section is adopted in accordance with R.S. 11:152, R.S. 11:152.1, R.S. 11:153, R.S. 29:411, et seq., and the Uniformed Services Employment and Reemployment Rights Act (USERRA, 38 U.S. C. 4301 et seq.).

B. Purchase of service credit for military service shall be in accordance with R.S. 11:153.

C. The board shall comply with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA, 38 U.S. C. 4301 et seq.) as well as rules and regulations issued by the United States Department of Labor relating to USERRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:152, R.S. 11:152.1, R.S. 11:153, R.S. 29:411, et seq.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2371 (September 2022).

Chapter 13. Renunciation of Benefits

§1301. Terms and Conditions to Renounce a Benefit

A. Any person eligible to receive, or receiving a benefit from MERS may renounce such benefit under the following terms and conditions:

1. the renunciation shall be unconditional and irrevocable. Once a benefit is renounced, MERS shall have no further obligation or liability with respect to that benefit, and the person renouncing the benefit shall, under no circumstances, be eligible to receive that benefit;

2. a base benefit may be renounced in whole or in part. An adjustment to a base benefit (cost-of-living adjustment, adjustment for inflation, or one-time supplemental payment) may only be renounced in its entirety. If an adjustment is renounced, the base benefit need not be renounced.

3. if more than one person is entitled to receive a particular survivor benefit, each person entitled to a portion of the benefit may renounce his entitlement. The person or persons who continue to have an entitlement in that benefit shall receive the benefit to which they are entitled without consideration of the person who becomes ineligible through renunciation. Any adjustment shall be prospective only.

4. if the party making the renunciation is married, the spouse must join in the renunciation.

5. if the person making the renunciation is subject to an executed and effective community property settlement, only that portion of the benefit due the person making the renunciation may be renounced.

6. if the person making the renunciation is legally separated or divorced, but is not subject to an executed and effective community property settlement, the renunciation must be approved by the court having jurisdiction over the separation or divorce.

7. if the person making the renunciation is retired and has named a joint and survivor beneficiary, the renunciation cannot affect the joint and survivors' beneficiary or benefit, including adjustments to the joint and survivor benefit.

8. if a benefit is renounced by a member prior to receipt by the member of a sum equal to his or her accumulated contributions, the balance of the accumulated contributions will be paid to the member.

9. a renunciation must be executed before a notary public and two witnesses, neither of whom may be a spouse nor presently named beneficiary. The renunciation is effective and irrevocable when received by MERS.

10. a person revoking or participating in renunciation of a benefit must hold MERS harmless from such action.

11. a renunciation may not be used to terminate active participation in MERS.

12. amounts credited to a DROP account cannot be renounced.

13. a benefit or portion of a benefit that has been renounced may be used to recoup benefits or refunds of accumulated contributions paid by administrative error or mistake.

B. MERS makes no representation with respect to the effect of a renunciation on a person's eligibility for receipt of any state or federal benefits, or for participation in any private, local, state, or federal program. Eligibility for or participation in such programs, or eligibility for or receipt of such benefits, is an issue for which the person making the renunciation is solely responsible. Ineligibility for or termination of participation in such programs or benefits shall not affect the irrevocable character of the renunciation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2371 (September 2022).

Chapter 14. Collection of Employer Contributions

§1401. Due Dates

A. Contribution payroll files and payment of employee and employer contributions are required by the tenth of each month, covering the preceding month.

B. Employers may pay contributions through electronic means or with a check.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2372 (September 2022).

§1403. Late Contributions

A. Interest may be charged for payments submitted after the tenth of the month.

B. Interest is calculated based on the system's actuarial valuation rate.

C. Payments more than 60 days late shall be reported to the board of trustees.

D. The board of trustees may certify delinquent amounts and request that the state treasurer deduct the certified amount from monies payable to the delinquent employer by any department or agency of the state.

E. The board of trustees may authorize the director to retain counsel to file suit for collection of certified delinquent amounts in a court of competent jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2372 (September 2022).

Chapter 15. Money Manager Obligations

§1501. Reporting by Money Managers

A. Money managers shall report to MERS investments made with system funds in any company having facilities, employees, or both located in a prohibited nation as defined by the legislature.

B. Such reports shall be submitted by January 30 and July 30 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:312.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2372 (September 2022).

Maris E. LeBlanc

Executive Director and General Counsel

2209#006

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Marking of Gill Nets, Trammel Nets, Hoop Nets, Slat Traps, and Wire Nets (LAC 76:VII.114)

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission has amended a Rule (LAC 76:VII.114) regarding the marking of gill nets, trammel nets, hoop nets, slat traps, and wire nets in inland waters. This Rule is intended to reduce litter and ensure accountability for passive gear being fished. This Rule expands on the saltwater net marking Rule (LAC 76:VII.325). This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§114. Marking System for Gill Nets, Trammel Nets, Hoop Nets, Slat Traps, and Wire Nets

A. Each gill net or trammel net shall be marked with a waterproof tag attached to the corkline at each end of the net, no more than three feet from the edge of the webbing or on the attached buoy in indelible ink. Each hoop net, slat trap, or wire nets shall be marked with a waterproof tag attached directly to the device. Said tags shall be supplied by fisherman and to be completely waterproof. Each tag shall have the fisherman's full name (no initials) and the appropriate commercial or recreational fisherman's license number (not the net license number) printed thereon in the English language, so as to be clearly legible.

B. Each gill net or trammel net shall be marked with buoys which shall be visible above the surface of the water. Said buoys shall be supplied by the commercial fisherman, have a minimum diameter of six inches and be international orange in color. The buoys shall be attached to each end of the net.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:322.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 48:2372 (September 2022).

Joe McPherson

Chairman

2209#017