

**SECOND REPORT ON INTENT TO AMEND RULES**  
**Department of the Treasury**  
**Board of Trustees of the Louisiana State Employees' Retirement System**  
Part I. Louisiana State Employees' Retirement System  
Purchase of Service Credit for Military Service  
(LAC 58:I.701, 703, 905, 907, 913 and 915)

The Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") proposes amendment in part and repeal in part of provisions contained in Chapters 7 and 9 of Part I of LAC Title 58. Amendments are recommended to reflect the federal maximum purchase of five years of military service credit allowed, to reflect the federal time period allowed to pay for military service credit, removal of provisions which are in conflict with federal and state law, the amendment of the chapter titles to better reflect the purpose of each, the removal of references to payment of interest and changes to utilize the term "member" uniformly throughout both chapters. The proposed rule changes comply with and are enabled by R.S. 11:515. The notice of intent to amend these rules was published on July 20, 2017. In that notice of intent, interested persons were given until 4:30 pm, August 29, 2017 to submit written comments on the proposed changes.

LASERS reports the following:

- No parties submitted a request for an opportunity for an oral presentation or argument on the proposed rule changes.
- No parties submitted comments on the proposed rule changes.
- No parties submitted a request for further information on the proposed rule changes.
- Absent a request for oral presentation or argument, no public hearing was held on the proposed rule changes.
- Absent a public hearing, no comments or testimony on the proposed rule changes were received.
- Absent comments or testimony on the proposed rule changes, LASERS has prepared no response to same.
- Absent comments or testimony on the proposed rule changes, LASERS has prepared no statement of tentative or proposed action.
- Absent comments or testimony on the proposed rule changes, LASERS has made no revision of the proposed rule changes since the initial report to the legislature.

Subject to legislative oversight by either the House or Senate Retirement Committee, the board intends to submit a Rule to the Office of the State Register for publication. Please contact Steve Stark at (225) 922-0398 if the board may be of any assistance to you concerning this rule.

Cindy Rougeou  
Executive Director

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:3101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:424 (June 1983), amended by the Department of Transportation and Development, Offshore Terminal Authority, LR 43:

### §107. Applications

A. - B.4. ...

5. An application shall contain a statement by the applicant that:

a. there will be no substantial changes from the plans, operational system, and methods, procedures and safeguards set forth in the operations manual; and

5.b. - 7.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:3101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:424 (June 1983), amended by the Department of Transportation and Development, Offshore Terminal Authority, LR 43:

### §111. Licenses

A. - C.1.b. ...

D. Term of License. Except as otherwise provided in these rules and regulations, a license shall be in effect unless suspended or revoked by the authority or surrendered by the licensee, or for a term of years as prescribed by the authority.

E. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:3101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:425 (June 1983), amended by the Department of Transportation and Development, Offshore Terminal Authority, LR 43:

#### Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### Poverty Impact Statement

This proposed Rule should have no foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;

2. the effect on early childhood development and preschool through postsecondary education development;

3. the effect on employment and workforce development;

4. the effect on taxes and tax credits;

5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### Small Business Analysis

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

#### Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014 Regular Legislative Session.

#### Public Comments

Interested persons may submit written comments relative to the proposed Rule until 4:30 p.m., Wednesday, August 9, 2017, to Julie Silva, Louisiana Offshore Terminal Authority,

1201 North Third Street, Suite-7-210, Baton Rouge, LA 70802.

Robert R. Adley  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Licensing**

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule will not result in any costs to state or local government units. Nor are they likely to result in any savings to any such units.

The proposed rule provides for the addition of a definition of an operations manual; requires an applicant to reference the operations manual within an application which is being codified to match federal procedures and current practices, and lastly permits perpetual licensure of licensees in order to conform the state licensure program to the federal licensure program.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will not affect revenue collections of state or local governmental units in the fiscal years addressed in the fiscal and economic impact statement.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Promulgation of this proposed rule may result in a benefit to licensees. Previously licenses would be renewed every 20 years, but the proposed rule takes away term limits of licenses unless suspended or revoked by the authority.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not effect competition and employment.

Robert R. Adley  
Executive Director  
1707#038

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of the Treasury Board of Trustees of the Louisiana State Employees' Retirement System

Purchase of Service Credit for Military Service  
(LAC 58:I.701, 703, 905, 907, 913 and 915)

The Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") proposes amendment in part and repeal in part of provisions contained in Chapters 7 and 9 of Part I of LAC Title 58. Amendments are recommended to reflect the federal maximum purchase of five years of military service credit allowed, to reflect the federal time period allowed to pay for military service credit, removal of provisions which are in conflict with federal and state law, the amendment of the chapter titles of to better reflect the purpose of each, the

removal of references to payment of interest and changes to utilize the term "member" uniform throughout both chapters. The proposed rule changes comply with and are enabled by R.S. 11:515.

**Title 58  
RETIREMENT**

**Part I. Louisiana State Employees' Retirement System  
Chapter 7. Purchase of Military Service under  
R.S. 11:153**

**§701. Purchase of Military Service**

A. A maximum of four years of credit for military service may be purchased by members who rendered military service in accordance with R.S. 11:153, provided the member received a discharge other than dishonorable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515 and R.S. 11:153.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 26:1490 (July 2000), amended LR 43:

**§703. Requirements for Application to Purchase  
Military Service**

A. - B. ...

C. - D. Repealed.

E. The payment of the cost shall be credited to the member's account. If the member later separates from state employment and requests a refund of contributions, the amount paid shall be refunded along with other employee contributions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515 and R.S. 11:153.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 32:265 (February 2006), amended LR 43:

**Chapter 9. Purchase of Retirement Credit under  
R.S. 29:411 et seq., and the Uniformed  
Services Employment and Reemployment  
Rights Act**

**§905. Limitations**

A. Members may receive no more than a total of five years of military service credit in the retirement system for military service rendered in accordance with R.S. 29:411 et seq. and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:411 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 43:.

**§907. Credit for Eligibility or Benefit Purposes**

A. In accordance with provisions of USERRA, a member shall receive credit for purposes of determining eligibility for retirement at no cost to the individual or agency. In order to receive credit for purposes of calculating the retirement benefit, contributions shall be paid to the retirement system in accordance with section 414(u) of the *Internal Revenue Code*. If the employee was on paid leave during the period of active military service, the employee has received retirement credit for that service and no additional information need be furnished to the retirement system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:411 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 43:

**§913. Payment of Contributions after Military Service  
is Completed**

A. The employer shall pay the employer contribution.

B. ...

C. The employer shall determine the amount of earnings that would have been earned and compute the employee and employer's contributions that are due.

D. The employee shall pay the employee contributions to the agency. The agency shall remit the employee and employer contributions to LASERS within 30 days after the employee has paid his or her portion. The agency shall provide a monthly breakdown of the earnings and contributions for each member and the certification documents to LASERS

E. Payment for military service shall be made in accordance with section 414(u) of the Internal Revenue Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:414 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 43:

**§915. Death and Survivor Benefits**

A. - B. ...

C. If a member dies before completing payment for military service under this chapter, a beneficiary or survivor has the right to pay the required contributions as set forth in R.S. 29:415, except that the applicable time limit within which payment must be made is that set forth in section 414(u) of the Internal Revenue Code. If the beneficiary or survivor chooses not to pay the member's contribution, the computation of death and survivor benefits shall be based on the actual service credit of the member, excluding his or her military service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:414, R.S. 29:415 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 43:

**Family Impact Statement**

The proposed Rule is not anticipated to have an impact on family formation, stability, or autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

**Provider Impact Statement**

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

**Public Comments**

Interested persons may submit written comments on the proposed changes until 4:30 pm, August 29, 2017 to Steve

Stark, Board of Trustees for the Louisiana State Employees' Retirement System, P.O. Box 44213, Baton Rouge, LA 70804. No rule preamble has been prepared.

Cindy Rougeou  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Purchase of Service  
Credit for Military Service**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change will not result in any costs or savings to state or local governmental units.

In addition to technical updates and clarifying language, the proposed changes update existing rules to comply with federal regulations.

The proposed changes provides that LASERS members may purchase up to 5 years of military service credit in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and that this purchase should be made within 5 years of release from active military duty in accordance with Section 414(u) of the Internal Revenue Code. The proposed rule also removes the provision that prohibits a DROP participant from purchasing military service credit under LA R.S. 11:153. Finally, the proposed rule removes a provision that a member may be charged interest by LASERS when purchasing military service credit under LA R.S. 29:411.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will not affect state or local government revenue collections. There is no anticipated loss of interest revenue given that, in current practice, LASERS does not charge members interest when purchasing military service credit under LA R.S. 29:411.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change will benefit LASERS members who have served in the military and wish to purchase military service credit under LA R.S. 11:153 and/or LA R.S. 29:411.

Present rule provides that a member that participated in DROP may not purchase military service credit under LA R.S. 11:153. This rule change removes this provision. Therefore, a member that participated in DROP may purchase military service credit under LA R.S. 11:153, thus increasing his/her LASERS retirement benefit. There is no anticipated cost to LASERS as the member pays the actuarial cost of the increased benefit.

In addition, present rule provides that a member may purchase up to 4 years of military service credit under LA R.S. 29:411. This rule change provides that a member may purchase up to 5 years of military service credit under LA R.S. 29:411. Therefore, a member may purchase an additional year of military service credit under LA R.S. 29:411, thus increasing his/her LASERS retirement benefit. There is no anticipated cost to LASERS as the member pays the actuarial cost of the increased benefit.

Finally, present rule provides that a member is charged interest when purchasing military service credit under LA R.S. 29:411. This rule change removes this provision. Therefore, a member that wishes to purchase military service credit under LA R.S. 29:411 will benefit from this change in that he/she will not be charged interest.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change does not effect competition and/or employment.

Trey Boudreaux  
Assistant Director  
1707#040

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

**Daily Take and Possession Limits of King  
and Spanish Mackerel and Cobia (LAC 76:VII.327)**

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule (LAC 76:VII.327) by modifying the recreational bag and possession limit of king mackerel from two fish to three fish per person per day. Proposed changes further modify existing king commercial harvest regulations by establishing in rule the commercial season for the harvest of king mackerel to begin on July 1 of each year and provide authority to the secretary of the department to modify the commercial season should it be modified in the adjacent waters of the EEZ. Authority for amendment of this Rule is included in the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:6(25)(a), 56:320.2, 56:326.1, and 56:326.3 to the Wildlife and Fisheries Commission.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this notice of intent and the final Rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 3. Saltwater Sport and Commercial Fishery**

**§327. Daily Take and Possession Limits of King and Spanish Mackerel and Cobia**

A. ...

B. The recreational bag limit for the possession of king mackerel (*Scomberomorus cavalla*) whether caught within or without the territorial waters of Louisiana shall be three fish per person, per day.

C. - E.4. ...

5. The season for the commercial harvest of king mackerel shall open on July 1 of each year and remain open until the allotted portion of the commercial king mackerel quota for the western Gulf of Mexico has been harvested or is projected to be harvested.

6. The secretary of the Department of Wildlife and Fisheries is authorized, upon notification of the chairman of the Wildlife and Fisheries Commission, to open, close, re-open, or re-close the commercial season for the harvest of king mackerel when informed of such a season modification in the adjacent waters of the EEZ by the National Marine Fisheries Service.