



Teachers' Retirement System of Louisiana

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May 3, 2019

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Ex Officio

Barrow Peacock
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The Honorable Barrow Peacock
Chairman, Senate Retirement Committee
State Capitol
Post Office Box 94183
Baton Rouge, LA 70804

The Honorable J. Kevin Pearson
Chairman, House Retirement Committee
State Capitol
Post Office Box 94062
Baton Rouge, LA 70804

Dear Senator Peacock and Representative Pearson:

Pursuant to R.S. 49:968(D)(1)(b), the Board of Trustees of the Teachers' Retirement System of Louisiana (TRSL) hereby announces its plan to proceed with rule-making by finalizing the March 20, 2019, Notice of Intent that was promulgated on page 465 of the March 2019 Louisiana Register. The proposed rule would promulgate LAC 58:III.103 for the purpose of ensuring compliance with R.S. 49:953(C), which requires state agencies to prescribe the form and procedures for interested persons to petition such agency requesting adoption, amendment, or repeal of a rule, and requiring state agencies to conduct hearings within certain time periods for the purpose of allowing interested persons the opportunity to comment on rules of the agency. The rule is being promulgated pursuant to the TRSL Board of Trustees' rulemaking authority provided in La. R.S. 11:826 and 49:953(C).

R.S. 49:953(C), among other things, requires an agency at least once prior to January 1, 2020, and at least once in every six year period, to conduct a public hearing for the purpose of allowing interested persons the opportunity to comment on any rule of the agency which the person believes is contrary to the law, outdated, unnecessary, overly complex, or burdensome. Subsection (D) of the proposed rule outlines the procedures for conducting such a hearing. R.S. 49:953(C) also requires an agency to prescribe by rule the form and procedure by which interested persons may petition an agency requesting the adoption, amendment, or repeal of a rule. Subsection (C) of the proposed rule outlines this procedure.

The Board has received no public comments and therefore has not conducted a hearing pursuant to R.S. 49:953(A)(2). The Board has made minor changes to the rule contained in the Notice of Intent at the suggestion of the state register's office. These changes, which are purely of a technical nature, are as follows:

- Language was added to the introductory paragraph of Subsection C to clarify that the prescribed form by which an interested person can request the adoption, amendment, or repeal a rule can be obtained from the TRSL website or upon request to the TRSL director.
- In Paragraphs (C)(4) and (D)(3) the words “or form” have been changed to “or format” since interested individuals will not be providing their own form when requesting the adoption, amendment, repeal, or review of a rule.

A copy of the rules with redlined changes is enclosed for your convenience.

Subject to legislative oversight by either the House or Senate Committee on Retirement, the Board intends to submit the rule to the Office of State Register for publication.

The Notice of Intent containing the proposed rules can be viewed on page 465 at:  
<https://www.doa.la.gov/osr/REG/1903/1903.pdf>.

If you or your staff has any questions related to this proposed rule, please contact us.

Sincerely,



Dana L. Vicknair  
Director

cc: Laura Gail Sullivan  
Margaret Corley  
Tyler Bosworth

## NOTICE OF INTENT

**Department of Treasury**  
**Board of Trustees of the Teachers' Retirement System of Louisiana**  
Rulemaking Procedures and Commentary (LAC 58:III.Chapter 1)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 11:826 and 49:953(C) that the Board of Trustees of the Teachers' Retirement System of Louisiana (TRSL) has approved for advertisement the adoption of LAC 58:III.103 in order to ensure compliance with R.S. 49:953(C) requiring state agencies to prescribe the form and procedures for interested persons to petition such agency requesting adoption, amendment, or repeal of a rule, and requiring state agencies to conduct hearings within certain time periods for the purpose of allowing interested persons the opportunity to comment on rules of the agency. A preamble to this proposed action has not been prepared.

**Title 58**  
**RETIREMENT**

**Part III. Teachers' Retirement System of Louisiana**

**Chapter 1. General Provisions**

**§103. Rulemaking Procedures and Commentary**

A. All rules of the board shall be adopted, amended or repealed in accordance with the Administrative Procedure Act.

B. The board, on its own motion or in response to the petition of any interested person, may request the adoption, amendment, or repeal of a rule pursuant to La. R.S. 49:953(C).

C. Request by an interested person shall be made on an approved form, **which may be obtained from the Teachers' Retirement System of Louisiana or upon request to the director.**

1. Such petition shall be in writing; and

a. clearly state that it is a petition for adoption, amendment or repeal of a rule;

b. state the name, address, telephone number, and e-mail address of its author;

c. be signed and dated by its author;

d. contain a brief description stating:

i. whether the petition is requesting the adoption, amendment or repeal of a rule;

ii. the need for the adoption, amendment or repeal of the proposed rule;

iii. the specific citation of any legal authority purporting to authorize the adoption, amendment or repeal of the proposed rule, if known; and

iv. the fiscal impact of the adoption, amendment or repeal of the proposed rule, if known.

e. state the reasons or grounds for the proposed adoption, amendment or repeal;

f. contain proposed wording, content or description of the suggested language of a newly proposed rule and/or the suggested language of a proposed amendment to an existing rule;

i. A petition for the repeal of an existing rule shall cite the rule to be repealed. The interested person may attach a copy of the rule with a strike through of all portions proposed to be repealed.

g. contain specific citation to any statute that specifically relates to the content of the requested rule change, if known; and

h. include any data, views or arguments in support of the rule's adoption, amendment, or repeal.

2. The petition for a rule change shall be addressed to the director and shall be mailed or hand delivered to Teachers' Retirement System of Louisiana, 8401 United Plaza Blvd., Suite 300, Baton Rouge, La. 70809.

3. The director retains sole discretion to grant, deny or defer a petition in whole or in part.

a. The director will consider the petition within ninety days after receipt.

i. The director may solicit the petitioner for further information regarding the request. If further information is sought, the ninety day period will commence from the date further information is received or ninety days from the date further information is requested if no response is made by the petitioner.

b. The determination of the director will be stated in writing and mailed, via usual means to the petitioner.

c. If the petitioner is not satisfied with the determination of the director, the petitioner may request a reconsideration within thirty days.

d. The director will consider the petition for reconsideration within ninety days after receipt.

e. The determination of the director regarding the reconsideration will be stated in writing and mailed, via usual means to the petitioner.

f. If the petitioner is not satisfied with the determination of the director, the petitioner may request an appeal to the board within thirty days.

i. The board will consider the appeal within ninety days after receipt.

ii. The board may defer the ruling on a petition to review the petition further or gather facts related to the petition.

iii. The board retains the discretion to grant or deny the petitioner a hearing.

iv. The determination of the board will be stated in writing and mailed, via usual means to the petitioner.

v. All determinations of the board are final and not appealable.

4. Nothing herein shall be construed to require the director or the board, in granting a petition of adoption, amendment or repeal of a rule, to employ the specific language ~~or form~~ or format requested by the petitioner.

D. The agency shall conduct a public hearing, at least once every six years, for the purpose of allowing interested persons the opportunity to comment on any rule believed to be contrary to law, outdated, unnecessary, overly complex or burdensome in accordance with La. R.S. 49:953(C).

1. Written comments by interested persons shall be in the same format as prescribed by Subsection (C) of this Section and shall be addressed to the director and mailed or hand delivered to Teachers' Retirement System of Louisiana, 8401 United Plaza Blvd., Suite 300, Baton Rouge, La. 70809.

2. The director shall appoint a committee of agency personnel to conduct the public hearing.

a. The committee will submit to the director, within thirty days:

i. The written submission by the interested person;

ii. Any statement by the agency explaining the basis and/or rationale for the rule in question; and

iii. Any data or evidence by the agency relating to the rule.

b. The director will consider the submission within ninety days after receipt.

i. The director may solicit the petitioner for further information regarding the request. If further information is sought, the ninety day period will commence from the date further information is received or ninety days from the date further information is requested if no response is made by the petitioner.

c. The determination of the director will be stated in writing and mailed, via usual means to the petitioner.

d. If the petitioner is not satisfied with the determination of the director, the petitioner may request a reconsideration within thirty days.

e. The director will consider the petition for reconsideration within ninety days after receipt.

f. The determination of the director regarding the reconsideration will be stated in writing and mailed, via usual means to the petitioner.

g. If the petitioner is not satisfied with the determination of the director, the petitioner shall request an appeal to the board within thirty days.

i. The board will consider the appeal within ninety days after receipt.

ii. The board may defer the ruling on a petition to review the petition further or gather facts related to the petition.

iii. The board retains the discretion to grant or deny the petitioner a hearing.



iv. The determination of the board will be stated in writing and mailed, via usual means to the petitioner.

v. All determinations of the board are final and not appealable.

3. Nothing herein shall be construed to require the board, in granting a petition of adoption, amendment or repeal of a rule, to employ the specific language ~~of form or format~~ requested by the petitioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11: 826 and 49:953(C).

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the Teachers' Retirement System of Louisiana, LR 45:

#### **Family Impact Statement**

The proposed adoption of LAC 58:III.103, relative to interested parties requesting the review of rules promulgated by the Teachers' Retirement System of Louisiana should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children; or
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

#### **Poverty Impact Statement**

The proposed adoption of LAC 58:III.103, relative to interested parties requesting the review of rules promulgated by the Teachers' Retirement System of Louisiana should not have any known or foreseeable impact on any child, individual or family poverty as defined in R.S. 49:973(D). Specifically, there should be no known or foreseeable effect on:

1. household income, assets, and financial security;
2. early childhood development and preschool through postsecondary education development;
3. employment and workforce development;

4. taxes and tax credits; and
5. child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Statement**

The impact of the proposed Rules on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rules that will accomplish the objectives of applicable statutes while minimizing the adverse impact on small businesses.

#### **Provider Impact Statement**

The proposed Rules should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Per HCR 170, "provider" means an organization that provides services for individuals with developmental disabilities. In particular, it is anticipated that these proposed Rules will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

#### **Public Comments**

Interested persons may submit written comments on the proposed changes until 4:30 p.m., April 10, 2019, to Matt Tessier, Deputy General Counsel, Board of Trustees for the Teachers' Retirement System of Louisiana, P.O. Box 94123, Baton Rouge, LA 70804-9123.

Dana L. Vicknair  
Director

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

The proposed rules will have no fiscal impact on state or local government units, other than the publication fees associated with the proposed rule changes.

The proposed rule simply ensures compliance with R.S. 49:953(C) as amended by Act 454 of the 2018 Regular Legislative Session. R.S. 49:953(C), among other things, requires an agency at least once prior to January 1, 2020, and at least once in every six year period, to conduct a public hearing for the purpose of allowing interested persons the opportunity to comment on any rule of the agency which the person believes is contrary to the law, outdated, unnecessary, overly complex, or burdensome. Subsection (D) of the proposed rule outlines the procedures for conducting such a hearing. R.S. 49:953(C) also requires an agency to prescribe by rule the form and procedure by which interested persons may petition an agency requesting the adoption, amendment, or repeal of a rule. Subsection (C) of the proposed rule outlines this procedure.



These changes are not expected to have any discernible impact to TRSL or state or local governmental units since TRSL will handle the procedures and hearings contemplated by the proposed rule with existing staff and current resources. The proposed rule ensures TRSL is in compliance with existing law.

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

The proposed rule change will not impact state or local governmental revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule change will not impact costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

\_\_\_\_\_  
Signature of Agency Head or Designee  
Designee

Dana L. Vicknair  
Typed Name & Title of Agency Head or Designee

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Legislative Fiscal Officer or  
Designee

\_\_\_\_\_  
Date of Signature