

ACT No. 515

Regular Session, 2012

HOUSE BILL NO. 1064

BY REPRESENTATIVE HOFFMANN

AN ACT

To amend and reenact R.S. 11:62(12), 1581(5), and 1631(F)(1) and to enact R.S. 11:1636(C), relative to the District Attorneys' Retirement System; to provide relative to benefits; to provide relative to the funding of benefits; to provide for definitions; to provide for implementation; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:62(12), 1581(5), and 1631(F)(1) are hereby amended and reenacted and R.S. 11:1636(C) is hereby enacted to read as follows:

§62. Employee contribution rates established

Employee contributions to state and statewide public retirement systems shall be paid at the following rates, except as otherwise provided by law:

* * *

(12) District Attorneys' Retirement System - ~~7%~~ 8%.

* * *

§1581. Definitions

The following words and phrases, as used in this Chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

* * *

(5) "Average final compensation" shall mean the average monthly compensation earned by an employee during any period of ~~thirty-six~~ sixty successive months of service as an employee during which the said earned compensation was

1 the highest. The average monthly compensation shall include compensation not paid
 2 by the state, but only to the extent that ~~non-state~~ nonstate compensation for the
 3 thirteenth through the twenty-fourth month does not exceed one hundred ten percent
 4 of the total of ~~non-state~~ nonstate compensation for the first through twelfth month,
 5 and that ~~non-state~~ nonstate compensation for the ~~final twelve months~~ does not exceed
 6 ~~one hundred ten percent of the total of non-state compensation for the thirteenth~~
 7 ~~through the twenty-fourth month~~ twenty-fifth through the thirty-sixth month does not
 8 exceed one hundred ten percent of the total of nonstate compensation for the
 9 thirteenth through the twenty-fourth month, and that nonstate compensation for the
 10 thirty-seventh through the forty-eighth month does not exceed one hundred ten
 11 percent of the total of nonstate compensation for the twenty-fifth through thirty-sixth
 12 month, and that nonstate compensation for the forty-ninth through the sixtieth month
 13 does not exceed one hundred ten percent of the total of nonstate compensation for
 14 the thirty-seventh through forty-eighth month. Fees earned in connection with
 15 official duties shall not be included in average final compensation. In the event of
 16 interruption of employment, the ~~thirty-six-month~~ sixty-month period shall be
 17 computed by joining employment periods immediately preceding and succeeding the
 18 interruption.

* * *

§1631. Retirement benefits; application; eligibility requirements

* * *

22 F.(1) Except as provided in Paragraph (2) of this Subsection, if any member
 23 who has retired from this system is reemployed as an employee by any district
 24 attorney in the state, his retirement benefit shall be suspended during said
 25 employment, and he shall not be paid any benefits for the period covered by such
 26 employment. He shall, upon such reemployment, again become an active
 27 contributing member of the system, with the option of establishing service credit for
 28 any period of full-time employment as district attorney or assistant district attorney
 29 since returning to such employment following retirement by payment into the system
 30 the employer and employee amount plus interest that would have been withheld and

1 paid into the system for that period based upon his total salary for such period. He
 2 shall accrue a supplemental retirement benefit based on his service rendered after
 3 reemployment. If the member continues employment after retirement for a period
 4 of less than ~~thirty-six~~ sixty months, his supplemental monthly retirement benefit
 5 shall equal the benefit ~~accrued~~ calculated under R.S. 11:1632 or 1633, whichever is
 6 applicable, based on the lesser of his average final compensation at his original
 7 retirement date or his average final compensation during the period of his subsequent
 8 reemployment. If the member continues in employment after retirement for a period
 9 of ~~thirty-six~~ sixty months or more, his supplemental monthly retirement benefit shall
 10 equal the benefit ~~accrued~~ calculated under R.S. 11:1632 or 1633, whichever is
 11 applicable, based on his average final compensation during his period of
 12 reemployment. Upon retirement subsequent to reemployment, his benefit shall be
 13 equal to the benefits he was receiving immediately prior to reemployment plus the
 14 supplemental benefit earned during his reemployment.

* * *

§1636. Survivors' benefits

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18 C. Upon the death of an active contributing member who is eligible to retire,
 19 the spouse eligible for benefits payable under Paragraph (B)(1) of this Section may
 20 elect to receive such benefits in the same manner as described in R.S. 11:1644 as if
 21 the member had retired and elected Option Two Back-DROP benefits on the day
 22 following the member's death.

23 Section 2. The amendments to R.S. 11:1581(5) contained in this Act shall be
 24 implemented as follows: for members retiring on or after January 1, 2013, and on or before
 25 December 31, 2014, the period used to calculate the average final compensation shall be
 26 thirty-six months plus the number of whole months since January 1, 2013, until the date of
 27 retirement. Notwithstanding any other provision of this Section to the contrary, for all
 28 members enrolled in the system on January 1, 2013, the monthly average final compensation
 29 expressed in dollars used to compute their benefit after the effective date of this Act shall
 30 not be less than the dollar amount of the average monthly earnings during the member's

1 highest thirty-six consecutive months or joined months of service earned for employment
2 before the effective date of this Act as determined under R.S. 11:1581(5) as it provided prior
3 to amendment by this Act.

4 Section 3. The provisions of this Act shall become effective January 1, 2013.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____