

Regular Session, 2010

HOUSE BILL NO. 1337

BY REPRESENTATIVES ROBIDEAUX AND TUCKER

RETIREMENT/STATE SYSTEMS: Relative to the state retirement systems, makes changes to the benefits for persons hired on or after January 1, 2011

1 AN ACT

2 To amend and reenact R.S. 11:62(4), (5)(a) and (c) and (10), 203, 211, 212, 214, 231,

3 403(5), 441(A) and (F), 444(A), 461(B), 471(A), 478(A), 551, 553 (introductory

4 paragraph), 581, 601(B), 602, 701(5)(a), (b), and (c)(i), 761(A)(3), 768(B)(2) and

5 778(C) and (D), 779, 1002(6)(b), 1141(A), 1144(B)(2)(a) and (3), 1147(C)(2)(b),

6 1151(A), 1307(A), 1310(A), 1313(B)(introductory paragraph), 1316(A),

7 1317(A)(1)(introductory paragraph), 1318(A), 1319, 1320(A), 1321(A)(1),

8 1322(A)(introductory paragraph) and to enact R.S. 11:62(5)(g), 471.1, Subpart D

9 of Part VII of Chapter 1 of Subtitle II of Title 11 of the Louisiana Revised Statutes

10 of 1950, to be comprised of R.S. 11:611 through 619, 761(A)(4), 779.1, 1002(6)(c),

11 1144(B)(4), 1147(C)(2)(a)(iii), 1151.1, 1313(C), 1323, 1323.1, Part III of Chapter

12 4 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised

13 of R.S. 11:1345.1 through 1345.9, and R.S. 24:36(M), relative to the Louisiana State

14 Employees' Retirement System, the Teachers' Retirement System of Louisiana, the

15 State Police Pension and Retirement System, and the Louisiana School Employees'

16 Retirement System; to provide relative to membership, employee contributions,

17 benefit calculation, survivor benefits, disability benefits, and retirement eligibility

18 for members of such systems newly hired after a certain date; to provide an effective

19 date; and to provide for related matters.

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

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 11:62(4), (5)(a) and (c) and (10), 203, 211, 212, 214, 231, 403(5),
6 441(A) and (F), 444(A), 461(B), 471(A), 478(A), 551, 553 (introductory paragraph), 581,
7 601(B), 602, 701(5)(a), (b), and (c)(i), 761(A)(3), 768(B)(2), 778(C) and (D), 779,
8 1002(6)(b), 1141(A), 1144(B)(2)(a) and (3), 1147(C)(2)(b), 1151(A), 1307(A), 1310(A),
9 1313(B)(introductory paragraph), 1316(A), 1317(A)(1)(introductory paragraph), 1318(A),
10 1319, 1320(A), 1321(A)(1), 1322(A)(introductory paragraph) are hereby amended and
11 reenacted and R.S. 11:62(5)(g), 471.1, Subpart D of Part VII of Chapter 1 of Subtitle II of
12 Title 11 of the Louisiana Revised Statutes of 1950, comprised of R.S. 11:611 through 619,
13 761(A)(4), 779.1, 1002(6)(c), 1144(B)(4), 1147(C)(2)(a)(iii), 1151.1, 1313(C), 1323, 1323.1,
14 and Part III of Chapter 4 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950,
15 comprised of R.S. 11:1345.1 through 1345.9 are hereby enacted to read as follows:

16 §62. Employee contribution rates established

17 Employee contributions to state and statewide public retirement systems shall
18 be paid at the following rates:

19 * * *

20 (4) Louisiana School Employees' Retirement System ~~=7.5%~~ :

21 (a) Employed on or before December 31, 2010 - 7.5%

22 (b) Employed on or after January 1, 2011 - 8%

23 (5) Louisiana State Employees' Retirement System:

24 (a) Judges, court officers, the governor, lieutenant governor and legislators
25 ~~=11.5%~~ :

26 (i) Employed on or before December 31, 2010 - 11.5%

27 (ii) Employed on or after January 1, 2011 - 8%

28 * * *

29 (c) Clerk of the House and Secretary of the Senate ~~=9.5%~~ :

1 B. A member whose first employment making him eligible for system
2 membership occurs on or after January 1, 2011, who becomes disabled and who
3 files for disability benefits while in service, and who upon medical examination and
4 certification as provided for elsewhere in this Subpart is found to be either totally or
5 partially disabled solely as the result of injuries sustained in the performance of his
6 official duties, or totally disabled for any cause, provided the member has at least ten
7 years of creditable service, and provided that the disability was incurred while the
8 member was an active contributing member in active service, shall be entitled to
9 disability benefits under the provisions of R.S. 11:1357.

10 C. However, if If the application for disability benefits is not filed while the
11 member is in service, it shall be presumed that the disability was not incurred while
12 the member was an active contributing member in active service. Such presumption
13 may be overcome only by clear, competent, and convincing evidence that the
14 disability was incurred while the member was an active contributing member in
15 active service.

16 §212. Louisiana State Employees' Retirement System

17 A. A member who becomes disabled, and who is not eligible for regular
18 retirement, and who files for disability benefits while in service, and who upon
19 medical examination and certification, as provided for elsewhere in this Subpart, is
20 found to be totally disabled for any cause, shall be entitled to disability benefits
21 under the provisions of R.S. 11:461(B), provided the member has at least ten years
22 of creditable service, and provided that the disability was incurred while the member
23 was an active contributing member in active state service. ~~However, if the~~
24 ~~application for disability benefits is not filed while the member is in state service, it~~
25 ~~shall be presumed that the disability was not incurred while the member was an~~
26 ~~active contributing member in active state service; such presumption may be~~
27 ~~overcome only by clear, competent, and convincing evidence that the disability was~~
28 ~~incurred while the member was an active contributing member in active state service.~~

1 Wildlife and Fisheries on or before December 31, 2010, and who upon medical
2 examination and certification as provided for elsewhere in this Subpart, is found to
3 be either totally disabled solely as the result of injuries sustained in the official
4 performance of his official duties, or partially disabled or incapacitated for any
5 reason, provided the member has been an employee of the enforcement division for
6 at least ten years, and provided that the disability was incurred while the member
7 was an active contributing member in active service, shall be entitled to disability
8 benefits under the provisions of R.S. 11:583(B).

9 (2) A member who is first employed by the enforcement division in the
10 Department of Wildlife and Fisheries on or after January 1, 2011, who becomes
11 disabled and who files for disability benefits while in service, and who upon medical
12 examination and certification as provided for elsewhere in this Subpart is found to
13 be totally and permanently disabled solely as the result of injuries sustained in the
14 performance of his official duties, or totally disabled for any cause, provided the
15 member has at least ten years of creditable service, shall be entitled to disability
16 benefits under the provisions of R.S. 11:617.

17 B. ~~However, if~~ If the application for disability benefits is not filed while the
18 member is in state service, it shall be presumed that the disability was not incurred
19 while the member was an active contributing member in active service. Such
20 presumption may be overcome only by clear, competent, and convincing evidence
21 that the disability was incurred while the member was an active contributing member
22 in active service.

23 * * *

24 §231. Average compensation

25 A. Notwithstanding any other provisions of law to the contrary, the
26 provisions of this Section shall be applicable, unless specifically exempted in
27 Subsection C ~~below~~ of this Section, to all members of the following public
28 retirement systems:

29 ~~(1) Louisiana State Employees' Retirement System.~~

- 1 ~~(2) State Police Pension and Retirement System.~~
- 2 ~~(4)~~ (1) Assessors' Retirement Fund.
- 3 ~~(5)~~ (2) Clerks' of Court Retirement and Relief Fund.
- 4 ~~(6)~~ (3) District Attorneys' Retirement System.
- 5 ~~(7)~~ (4) Municipal Employees' Retirement System of Louisiana.
- 6 ~~(9)~~ (5) Registrars of Voters Employees' Retirement System.
- 7 ~~(10)~~ (6) Sheriffs' Pension and Relief Fund.
- 8 ~~(11)~~ (7) Municipal Police Employees' Retirement System.

9 B. For purposes of retirement benefit computation, average compensation,
 10 or its equivalent, shall be based on the thirty-six highest successive months of
 11 employment, or on the highest thirty-six successive joined months of employment
 12 where interruption of service occurred. The earnings to be considered for the
 13 thirteenth through the twenty-fourth month shall not exceed one hundred and
 14 twenty-five percent of the earnings of the first through the twelfth month. The
 15 earnings to be considered for the final twelve months shall not exceed one hundred
 16 and twenty-five percent of the earnings of the thirteenth through the twenty-fourth
 17 month. Nothing ~~herein~~ in this Subsection, however, shall change the method of
 18 determining the amount of earned compensation received.

19 C.(1) ~~This Section shall not apply to members of the State Police Pension~~
 20 ~~and Retirement System who become members on or before September 8, 1978, but~~
 21 ~~it shall apply to all persons who become members of the State Police Pension and~~
 22 ~~Retirement System on or after September 9, 1978.~~

23 ~~(2) This Section shall not apply to members of the Louisiana State~~
 24 ~~Employees' Retirement System whose first employment making them eligible for~~
 25 ~~system membership began on or after July 1, 2006, or to any person who receives an~~
 26 ~~additional benefit pursuant to R.S. 11:557, 582, or 602 or R.S. 24:36.~~

27 ~~(3)~~ This Section shall not apply to members of the following retirement
 28 systems whose first employment making them eligible for system membership began
 29 on or after July 1, 2006:

1 (a) Clerks' of Court Retirement and Relief Fund.

2 (b) Municipal Employees' Retirement System.

3 (c) Registrars of Voters Employees' Retirement System.

4 (d) Sheriffs' Pension and Relief Fund.

5 ~~(4)~~ (2) This Section shall not apply to members of the Parochial Employees'
6 Retirement System whose first employment making them eligible for system
7 membership began on or after January 1, 2007.

8 ~~(5)~~ (3) This Section shall not apply to members of the Assessors' Retirement
9 Fund whose first employment making them eligible for system membership began
10 on or after October 1, 2006.

11 ~~(6)~~ This Section shall not apply to members of the Louisiana School
12 Employees' Retirement System whose first employment making them eligible for
13 system membership began on or after July 1, 2006.

14 * * *

15 §403. Definitions

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

18 * * *

19 (5)(a)(i) "Average compensation", for a member whose first employment
20 making him eligible for membership in the system began on or before June 30, 2006,
21 and for any person who receives an additional benefit pursuant to R.S.
22 11:444(A)(2)(b) or (c), 557, 582, or 602 or R.S. 24:36 whose first employment
23 making him eligible for receiving such additional benefit began on or before
24 December 31, 2010, means the average annual earned compensation of a state
25 employee for the thirty-six highest months of successive employment, or for the
26 highest thirty-six successive joined months of employment where interruption of
27 service occurred; however, average compensation for part-time employees who do
28 not use thirty-six months of full-time employment for average compensation

1 purposes shall be based on the base pay the part-time employee would have received
2 had he been employed on a full-time basis.

3 (ii) The earnings to be considered for the thirteenth through the
4 twenty-fourth month shall not exceed one hundred and twenty-five percent of the
5 earnings of the first through the twelfth month. The earnings to be considered for the
6 final twelve months shall not exceed one hundred and twenty-five percent of the
7 earnings of the thirteenth through the twenty-fourth month. Nothing in this
8 Subparagraph, however, shall change the method of determining the amount of
9 earned compensation received.

10 (b)(i) "Average compensation", for a member whose first employment
11 making him eligible for membership in the system began on or after July 1, 2006,
12 and subject to the limitations provided in this Subparagraph, means the average
13 annual earned compensation of a state employee for the sixty highest months of
14 successive employment or for the highest sixty successive joined months of
15 employment where interruption of service occurred; however, average compensation
16 for part-time employees who do not use sixty months of full-time employment for
17 average compensation purposes shall be based on the base pay the part-time
18 employee would have received had he been employed on a full-time basis. This Item
19 shall also be applicable to any judge, court officer, governor, lieutenant governor,
20 clerk or sergeant-at-arms of the House of Representatives, secretary or sergeant-at-
21 arms of the Senate, or state treasurer whose first employment making him eligible
22 for membership began on or after January 1, 2011.

23 (ii) The earnings to be considered for persons to whom Item (i) of this
24 Subparagraph applies for the thirteenth through the twenty-fourth month shall not
25 exceed one hundred fifteen percent of the earnings of the first through the twelfth
26 month. The earnings to be considered for the twenty-fifth through the thirty-sixth
27 month shall not exceed one hundred fifteen percent of the earnings of the thirteenth
28 through the twenty-fourth month. The earnings to be considered for the thirty-
29 seventh through the forty-eighth month shall not exceed one hundred fifteen percent

1 of the earnings of the twenty-fifth through the thirty-sixth month. The earnings for
 2 the final twelve months shall not exceed one hundred fifteen percent of the earnings
 3 of the thirty-seventh through the forty-eighth month. The limitations on the
 4 computation of average compensation contained in this Item shall not apply to any
 5 twelve-month period during which compensation increased by more than fifteen
 6 percent over the previous twelve-month period solely because of an increase in
 7 compensation by a uniform systemwide increase adopted by the state Department of
 8 Civil Service and approved by the governor or because of a pay adjustment enacted
 9 by the legislature. This Item shall also be applicable to any judge, court officer,
 10 member of the Louisiana Legislature, governor, lieutenant governor, clerk or
 11 sergeant-at-arms of the House of Representatives, secretary or sergeant-at-arms of
 12 the Senate, or state treasurer whose first employment making him eligible for
 13 membership began on or after January 1, 2011.

14 (iii) The provisions of this Subparagraph shall not apply to any person who
 15 receives an additional benefit pursuant to R.S. 11:444(A)(2)(b) or (c), 557, 582, or
 16 602 or R.S. 24:36 whose first employment making him eligible for receiving such
 17 additional benefit began on or after January 1, 2011.

18 * * *

19 §441. Eligibility for retirement

20 A.(1) Any member hired on or before June 30, 2006, ~~or~~ and any member
 21 who receives a benefit calculated pursuant to R.S. 11:444(A)(2)(b) and was hired on
 22 or before December 31, 2010, shall be eligible for retirement if he has:

- 23 (a) Thirty years or more of service, at any age.
- 24 (b) Twenty-five years or more of service, at age fifty-five or thereafter.
- 25 (c) Ten years or more of service, at age sixty or thereafter.
- 26 (d) Twenty years of service credit at any age, exclusive of military service
- 27 and unused annual and sick leave, but any person retiring under this Subparagraph
- 28 shall have his benefit, inclusive of military service credit and allowable unused
- 29 annual and sick leave, actuarially reduced from the earliest age that he would

1 normally become eligible for a regular retirement benefit under Subparagraph (a),
2 (b), or (c) of this Paragraph if he had continued in service to that age. Any employee
3 who elects to retire under the provisions of this Subparagraph shall not be eligible
4 to participate in the Deferred Retirement Option Plan provided by R.S. 11:447 or the
5 Initial Benefit Option provided by R.S. 11:446(A)(5).

6 (2)(a) Any member hired on or after July 1, 2006, shall be eligible for
7 retirement if he has ten years or more of service, at age sixty or thereafter.

8 (b) Except for members of the Hazardous Duty Services Plan, as defined in
9 R.S. 11:612, any member whose first employment making him eligible for
10 membership began on or after January 1, 2011, including any judge, court officer,
11 governor, lieutenant governor, clerk or sergeant-at-arms of the House of
12 Representatives, secretary or sergeant-at-arms of the Senate, or state treasurer, shall
13 be eligible for retirement if he has:

14 (i) Five years or more of service, at age sixty or thereafter.

15 (ii) Twenty years of service credit at any age, exclusive of military service
16 and unused annual and sick leave, but any person retiring under this Item shall have
17 his benefit, inclusive of military service credit and allowable unused annual and sick
18 leave, actuarially reduced from the earliest age that he would normally become
19 eligible for a regular retirement benefit under Item (i) of this Subparagraph if he had
20 continued in service to that age. Any employee who elects to retire under the
21 provisions of this Item shall not be eligible to participate in the Deferred Retirement
22 Option Plan provided by R.S. 11:447 or the Initial Benefit Option provided by R.S.
23 11:446.

24 (3) Any full-time law enforcement personnel, supervisor, or administrator
25 who is employed with the Department of Revenue, office of alcohol and tobacco
26 control, on June 30, 2007, or thereafter, but on or before December 31, 2010, who
27 is P.O.S.T.-certified, who has the power to arrest, and who holds a commission from
28 such office shall be eligible to retire if he has:

29 (a) Twenty-five years or more of service, at any age.

1 (b) Ten years or more of service, at age sixty or thereafter.

2 (c) Twenty years of service credit at any age, exclusive of military service
3 and unused annual and sick leave, but any person retiring under this Subparagraph
4 shall have his benefit, inclusive of military service credit and allowable unused
5 annual and sick leave, actuarially reduced from the earliest age that he would
6 normally become eligible for a regular retirement benefit under Subparagraph (a) or
7 (b) of this Paragraph if he had continued in service to that age. Any employee who
8 elects to retire under the provisions of this Subparagraph shall not be eligible to
9 participate in the Deferred Retirement Option Plan provided by R.S. 11:447 or the
10 Initial Benefit Option provided by R.S. 11:446(A)(5).

11 * * *

12 F. Notwithstanding the provisions of Subsection A of this Section or any
13 other provision of law to the contrary, ~~employees of persons who are first employed~~
14 by the bridge police section of the Crescent City Connection Division of the
15 Department of Transportation and Development on or before December 31, 2010,
16 who are members of the system shall be eligible for retirement at any age upon
17 attaining twenty-five or more years of service credit, at least ten of which were
18 served immediately prior to application for retirement in a position with the bridge
19 police section of the Crescent City Connection Division of the Department of
20 Transportation and Development.

21 * * *

22 §444. Computation of retirement benefit

23 A.(1)(a) A member who retires effective on or after July 1, 1973, shall
24 receive a maximum retirement allowance equal to two and one-half percent of
25 average compensation, as determined under R.S. 11:231, for every year of creditable
26 service, plus three hundred dollars.

27 (b) The additional sum of three hundred dollars referenced in Subparagraph
28 (a) of this Paragraph shall only apply to a person who became a member prior to July
29 1, 1986.

1 (2)(a) Public safety service employees as those employees are referred to as
2 "member" or "members" in R.S. 11:601(B) whose first employment making them
3 eligible for membership began on or before December 31, 2010, shall receive a
4 retirement allowance computed in accordance with R.S. 11:602.

5 (b) Peace officers, as defined by R.S. 40:2402~~(1)~~(3)(a), employed by the
6 Department of Public Safety and Corrections, office of state police, other than state
7 troopers, whose first employment making them eligible for membership began on
8 or before December 31, 2010, shall receive a maximum retirement allowance in
9 accordance with the following:

10 (i)(aa) Any person employed as a peace officer on or before June 30, 2006,
11 shall receive a benefit equal to three and one-third percent of average compensation,
12 as determined under R.S. 11:231, for every year of creditable service in the
13 retirement system whether or not such service was rendered as a peace officer, not
14 to exceed one hundred percent of the member's average compensation.

15 (bb) Any person employed as a peace officer on or before June 30, 2006,
16 who was participating in the Deferred Retirement Option Plan on June 30, 2007, or
17 who had continued in employment as of such date after completion of plan
18 participation shall have his base benefit recalculated to reflect the increase in benefits
19 provided pursuant to Subitem (aa) of this Item. The balance in his plan account and
20 any subsequent contributions to such account shall be increased to reflect such
21 benefit increase.

22 (ii) Any person first employed as a peace officer after June 30, 2006, but
23 before December 31, 2010, shall receive a benefit equal to three and one-third
24 percent of average compensation, as determined under R.S. 11:231, for every year
25 of creditable service as a peace officer, not to exceed one hundred percent of the
26 member's average compensation.

27 (iii) Any peace officer to whom this Subparagraph applies who continues in
28 employment after participation in the Deferred Retirement Option Plan shall receive

1 a supplemental benefit pursuant to R.S. 11:450(D) for such continued employment
2 calculated using the accrual rate of three and one-third percent.

3 (c)(i) Full-time law enforcement personnel, supervisors, and administrators
4 who are employed with the Department of Revenue, office of alcohol and tobacco
5 control, on June 30, 2007, who are P.O.S.T.-certified, who have the power to arrest,
6 and who hold a commission from such office shall receive a maximum retirement
7 allowance equal to three and one-third percent of average compensation, as
8 determined pursuant to R.S. 11:231, for:

9 (aa) Every year of creditable service in the retirement system earned on or
10 before June 30, 2007, as a peace officer as defined in R.S. 40:2402~~(1)~~(3)(a) in
11 compliance with the certification requirements applicable when such credit was
12 earned, whether or not such service was rendered as such a commissioned alcohol
13 and tobacco control officer, and

14 (bb) Every year of creditable service earned thereafter as such a
15 commissioned alcohol and tobacco control officer.

16 (ii) Full-time law enforcement personnel, supervisors, and administrators
17 who become employed by the Department of Revenue, office of alcohol and tobacco
18 control, on or after July 1, 2007, but before December 31, 2010, who are P.O.S.T.-
19 certified, who have the power to arrest, and who hold a commission from such office
20 shall receive a maximum retirement allowance equal to three and one-third percent
21 of average compensation, as determined pursuant to R.S. 11:231, for every year of
22 creditable service in the retirement system earned as such a commissioned alcohol
23 and tobacco control officer.

24 (3) In computing retirement allowances, any fractional period of service shall
25 be taken into account and a proportionate amount of such retirement allowance,
26 annuity, or benefit shall be granted. The retirement benefits provided pursuant to the
27 provisions of this Chapter shall not exceed one hundred percent of the member's
28 average compensation.

29 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 §461. Eligibility; certification

2 * * *

3 B. The board of trustees shall award disability benefits to eligible members
4 who have been officially certified as disabled by the State Medical Disability Board.

5 The disability benefit shall be determined as follows:

6 (1) Except as otherwise provided in this Section, a member shall receive a
7 maximum disability retirement benefit which shall be equivalent to the regular
8 retirement formula without reduction by reason of age.

9 (2) Subject to the appropriation of funds for this purpose, a corrections
10 officer, probation or parole officer, or a security officer of the Louisiana Department
11 of Public Safety and Corrections who becomes disabled solely as a result of
12 disabilities sustained in the official performance of official duties of a hazardous
13 nature shall receive a maximum disability benefit of sixty percent of average
14 compensation. The agency shall certify that the disability was sustained while the
15 member was performing official duties while on active status and the disability must
16 be certified by a physician on the State Medical Disability Board. Any such officer
17 whose first employment as a corrections officer, probation or parole officer, or a
18 security officer of the Louisiana Department of Public Safety and Corrections began
19 on or after January 1, 2011, shall be subject to provisions of R.S. 11:617.

20 (3)(a) For any person whose employment first making him eligible for
21 membership in the system occurred on or before June 30, 2006, or who has attained
22 the age of sixty regardless of hire date, or anyone who receives an additional benefit
23 pursuant to R.S. 11:444(A)(2)(b) or (c) or 557 or R.S. 24:36 whose first employment
24 making him eligible for such additional benefit began on or before December 31,
25 2010, the disability retiree may retire under any of the regular retirement plans which
26 applies to him.

27 (b) Any person who has not attained the age of sixty and whose employment
28 first making him eligible for membership in the system occurred on or after July 1,
29 2006, shall receive a disability benefit equal to two and one-half percent of average

1 compensation for every year of creditable service. When the disability retiree attains
2 the age of sixty, he shall receive his regular retirement benefit upon making
3 application therefor to the board. The provisions of this Subparagraph shall not
4 apply to any person who receives an additional benefit pursuant to R.S.
5 11:444(A)(2)(b) or (c) or 557 or R.S. 24:36 whose first employment making him
6 eligible for such additional benefit began on or before December 31, 2010.

7 (4) Selection of retirement option ~~need not~~ shall be made when application
8 is filed. ~~Selection may be made after the applicant receives his disability retirement~~
9 ~~estimate.~~ Upon the death of a disability retiree, his benefit shall be payable in
10 accordance with the option selected at the time of application for disability
11 retirement. Accumulated annual leave for which payment cannot be made upon
12 retirement and unused sick leave accumulated upon retirement shall be credited to
13 the extension of service in the computation of disability retirement benefits.

14 * * *

15 §471. Survivors' benefits; members hired on or before December 31, 2010

16 A. Surviving minor children. Benefits for the surviving children of members
17 whose first employment making them eligible for membership in the system
18 occurred on or before December 31, 2010, shall be calculated as set forth in this
19 Section. The benefit or benefits shall be based on the average compensation of the
20 member. A benefit shall be payable to surviving unmarried minor children of a
21 member who had at least five years of creditable service, at least two years of which
22 was earned immediately prior to death, and was in state service at the time of death
23 or had twenty years or more of service credit regardless of when earned and whether
24 the deceased member was in the state service at the time of death.

25 * * *

26 §471.1. Survivors' benefits; members hired on or after January 1, 2011

27 A. Survivor benefits shall be due and payable by the system effective the
28 first day of the next month following the death of a member whose first employment
29 making him eligible for membership in the system occurred on or after January 1,

1 2011, but shall not be paid until a properly completed and acceptable application is
2 received by the system and all proper certifications have been received by the
3 system.

4 B.(1) A surviving spouse with a minor or handicapped child, or mentally
5 disabled child, or children shall be paid per month, for so long as one or more
6 children remain eligible for benefits under Subsection C of this Section, fifty percent
7 of the benefit to which the member would have been entitled if he had retired on the
8 date of his death using the member's applicable accrual rate regardless of years of
9 service or age, or six hundred dollars per month, whichever is greater, provided the
10 deceased member was an active member at the time of death and had five or more
11 years of service credit, at least two years of which were earned immediately prior to
12 death or provided the deceased member had twenty or more years of service credit
13 regardless of when earned or whether the deceased member was in active service at
14 the time of death.

15 (2)(a) Benefits shall cease upon remarriage, and the surviving spouse shall
16 be liable to the system for repayment of any survivor benefits received subsequent
17 to his remarriage. The surviving spouse shall notify the system in writing within
18 thirty days of his remarriage. Failure to provide such notice shall constitute fraud for
19 purposes of R.S. 11:543.

20 (b) Benefits shall resume upon a subsequent divorce or death of a new
21 spouse.

22 (c) Notwithstanding the provisions Subparagraph (a) of this Paragraph, if the
23 member was eligible to retire on the date of his death, benefits shall not cease upon
24 remarriage.

25 (3) When all surviving children cease to be eligible for benefits under
26 Subsection C of this Section, the surviving spouse shall cease to receive benefits
27 provided by this Subsection and thereafter, if eligible, shall receive benefits in
28 accordance with the provisions of Subsection D of this Section.

1 C. In addition to the amount payable in accordance with Subsection B of this
2 Section, for the benefit of the surviving minor or handicapped child, or mentally
3 disabled child, or children, there shall be paid for each such child, subject to a
4 maximum of two children, per month fifty percent of the benefit to which a spouse
5 would be entitled under Subsection B of this Section. Benefits shall be payable to
6 such children even if no spouse eligible for survivor benefits is present, provided the
7 member had at least five years of service credit. Benefits for a child shall cease
8 when the child is no longer a minor child as defined by this Chapter. No surviving
9 minor child shall receive more than one survivor's benefit at any one time. If two
10 benefits are applicable, only the larger shall be paid.

11 D.(1) A surviving spouse without a minor or handicapped child, or mentally
12 disabled child, or children shall be paid per month, for the remainder of his life, the
13 Option 2-A equivalent of the benefit amount based on years of service that the
14 member had earned to the date of his death using the applicable accrual rate; or six
15 hundred dollars per month, whichever is greater, provided the surviving spouse had
16 been married to the deceased member for at least one year prior to death, and
17 provided the deceased member was an active member at the time of death and had
18 ten or more years of service credit, at least two years of which were earned
19 immediately prior to death or provided the deceased member had twenty or more
20 years of service credit regardless of when earned or whether the deceased member
21 was in active service at the time of death.

22 (2)(a) Benefits shall cease upon remarriage, and the surviving spouse shall
23 be liable to the system for repayment of any survivor benefits received subsequent
24 to his remarriage. The surviving spouse shall notify the system in writing within
25 thirty days of his remarriage. Failure to provide such notice shall constitute fraud for
26 purposes of R.S. 11:543.

27 (b) Benefits shall resume upon a subsequent divorce or death of a new
28 spouse.

1 (c) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
2 if the member was eligible to retire on the date of his death, benefits shall not cease
3 upon remarriage.

4 E. The accumulated contributions of a deceased member shall be paid in a
5 lump sum refund to the natural person or persons that he designated as his
6 beneficiary, or to his succession if there is no designated beneficiary, but only if no
7 benefits under Subsection A, B, C, D, F, or G of this Section are payable. Payment
8 of accumulated contributions shall be made only upon receipt of the deceased
9 member's death certificate. Said payment to the named beneficiary or the estate
10 Cancels all liability of the system to the deceased member, his named beneficiary, or
11 his estate.

12 F. In the event of death of a member leaving a surviving spouse and
13 dependent children, the total of the benefits payable under Subsections B and C of
14 this Section shall not be less each month than what would have been payable under
15 Subsection D of this Section for as long as both spouse and children are eligible to
16 receive benefits under Subsection B and C of this Section.

17 G. If a member dies, even after retirement, eligible minor children shall
18 receive the benefits under Subsection C of this Section.

19 H. The benefits payable under Subsection C of this Section shall be paid to
20 the person having legal custody of the property of the child, except in those cases
21 when a trust created under law has been created by the deceased member for the
22 benefit of the child, the terms of the instrument creating the trust so provide and the
23 system has been provided with a certified copy of the trust document, then the
24 survivor benefit shall be paid to the trust under the terms of the trust for addition to
25 the trust property. In the event that the trust is contested by any party, the system
26 shall withhold all benefit payments or deposit them in the registry of the court if a
27 concurus proceeding is filed, until there is a final binding legal agreement or
28 judgment regarding the proper payment of benefits. If the trust terminates under the
29 terms of the trust prior to the death of the child, then benefits shall be payable as

1 otherwise provided under this Subsection. The trustee of the trust shall immediately
2 notify the system in writing of the death of the child.

3 * * *

4 §478. Benefits payable to certain members killed in the line of duty; survivor
5 benefits; corrections officers hired on or before December 31, 2010

6 A. Notwithstanding any other provision of law to the contrary, if a
7 correctional officer, probation or parole officer, or a security officer of the Louisiana
8 Department of Public Safety and Corrections, whose first employment in such
9 position occurred on or before December 31, 2010, is killed in the line of duty while
10 serving in his official capacity, survivor benefits shall be payable to qualified
11 survivors as provided for in accordance with this Section, except that a surviving
12 spouse shall be eligible for benefits under this Section, without regard to the amount
13 of time that the surviving spouse was married to the deceased officer and without
14 regard to the amount of time that the deceased officer was a member of this system.
15 This benefit is payable only if the member dies as a direct result of injuries sustained
16 in the official performance of his official duties while on active duty status.

17 * * *

18 §551. Eligibility for membership

19 A. Notwithstanding anything in R.S. 11:413 to the contrary, except for R.S.
20 11:413(7) which is specifically applicable, the judges and court officers set forth in
21 R.S. 11:553 who take office on and after July 1, 1983, shall become members of the
22 Louisiana State Employees' Retirement System and be eligible to obtain credit in and
23 transfer credit to the system, as set forth herein. Judges and court officers in office
24 prior to July 1, 1983, shall continue to be governed by the law applicable to them
25 prior to July 1, 1983.

26 B. Beginning January 1, 2011, the provisions of this Subpart shall not be
27 applicable to judges or court officers to whom R.S. 11:553 would otherwise apply
28 but whose first employment making them eligible for system membership began on
29 or after such date. Such persons shall continue to be members of the Louisiana State

1 SUBPART D. HAZARDOUS DUTY SERVICES PLAN2 §611. Creation of Hazardous Duty Services Plan

3 A.(1) The legislature recognizes that certain state service requires employees
4 to carry weapons and routinely be put in harm's way. These hazardous duty services
5 employees, because of the dangerous and unpredictable nature of their
6 responsibilities, should be entitled to unique retirement benefits.

7 (2) The legislature further recognizes that current law provides myriad
8 hazardous duty services plans, but that a single plan applied consistently and
9 comprehensively to all hazardous duty services positions is preferred.

10 (3) The legislature further recognizes the need for an adequate funding
11 source for all retirement benefits as required by Article X, Section 29 of the
12 Constitution of Louisiana. The Hazardous Duty Services Plan is therefore created
13 for persons whose first employment making them eligible for system membership
14 occurs on or after January 1, 2011, in hazardous duty positions, as defined in this
15 Subpart.

16 (4) Funding for this plan shall be actuarially sound with employee and
17 employer contribution rates calculated and established at levels necessary to fund all
18 benefits provided.

19 (5) Members of existing hazardous duty plans may retain membership in
20 those plans.

21 B. Any other provisions of this Chapter or any other laws to the contrary
22 notwithstanding, the retirement of hazardous duty services employees shall be
23 governed by the provisions of this Subpart; however, if provisions of this Chapter
24 cover matters not specifically addressed by the provisions of this Subpart or if any
25 of the provisions of this Chapter are made applicable in this Subpart, then those
26 provisions shall apply to members governed by this Subpart.

1 §612. Application; definitions

2 Terms not specifically defined in this Section shall have the meanings
3 provided in R.S. 11:403 unless a different meaning is clearly required by the context.

4 For purposes of this Subpart:

5 (1) "Average compensation" means the average annual earned compensation
6 of a member for the sixty highest months of successive employment, or for the
7 highest sixty successive joined months of employment where interruption of service
8 occurred; however, average compensation for part-time employees who do not use
9 sixty months of full-time employment for average compensation purposes shall be
10 based on the base pay the part-time employee would have received had he been
11 employed on a full-time basis. The earnings to be considered for the thirteenth
12 through the twenty-fourth month shall not exceed one hundred fifteen percent of the
13 earnings of the first through the twelfth month. The earnings to be considered for the
14 twenty-fifth through the thirty-sixth month shall not exceed one hundred fifteen
15 percent of the earnings of the thirteenth through the twenty-fourth month. The
16 earnings to be considered for the thirty-seventh through the forty-eighth month shall
17 not exceed one hundred fifteen percent of the earnings of the twenty-fifth through
18 the thirty-sixth month. The earnings for the final twelve months shall not exceed one
19 hundred fifteen percent of the earnings of the thirty-seventh through the forty-eighth
20 month. The limitations on the computation of average compensation contained in
21 this Paragraph shall not apply to any twelve-month period during which
22 compensation increased by more than fifteen percent over the previous twelve-month
23 period solely because of an increase in compensation by a uniform systemwide
24 increase adopted by the state Department of Civil Service and approved by the
25 governor or because of a pay adjustment enacted by the legislature.

26 (2) "Member" or "members" shall include the following persons whose first
27 employment making them eligible for system membership occurs on or after January
28 1, 2011:

1 (a) Wildlife agents of the enforcement division of the Department of
2 Wildlife and Fisheries.

3 (b) Wardens, correctional officers, security personnel, and probation and
4 parole officers employed by the Department of Public Safety and Corrections.

5 (c) Employees of the bridge police section of the Crescent City Connection
6 Division of the Department of Transportation and Development.

7 (d) Full-time law enforcement personnel, supervisors, and administrators
8 who are employed with the Department of Revenue, office of alcohol and tobacco
9 control, who are P.O.S.T.-certified, who have the power to arrest, and who hold a
10 commission from such office.

11 (e) Peace officers, as defined by R.S. 40:2402(3)(a), employed by the
12 Department of Public Safety and Corrections, office of state police, other than state
13 troopers.

14 (f) Arson investigators employed by the office of state fire marshal who are
15 P.O.S.T.-certified, who have the power to arrest, and who hold a commission from
16 such office.

17 (g) Park rangers employed by the Department of Culture, Recreation and
18 Tourism, office of state parks, who are P.O.S.T.-certified, who have the power to
19 arrest, and who hold a commission from such office.

20 (h) Campus police officers employed by the various colleges and
21 universities, who are P.O.S.T.-certified, who have the power to arrest, and who hold
22 a commission from such office.

23 (i) Hospital security officers employed by Louisiana State University Health
24 Sciences Center, who are P.O.S.T.-certified, who have the power to arrest, and who
25 hold a commission from such office.

26 (j) Investigators of the Department of Justice who are in a position required
27 to be P.O.S.T.-certified.

28 (k) All personnel employed in a position required to be P.O.S.T.-certified,
29 who have the power to arrest, and who hold a commission from such office, who are

1 otherwise members of the Louisiana State Employees' Retirement System, and are
2 not members of any other retirement system.

3 (3) "Plan" means the Hazardous Duty Services Plan created by this Subpart
4 for certain hazardous duty services employees within the Louisiana State Employees'
5 Retirement System.

6 (4) "Qualified Survivors" means a surviving spouse, a minor child as defined
7 in R.S. 11:403, and a handicapped or mentally incapacitated child.

8 (5) "System" means the Louisiana State Employees' Retirement System.

9 §613. Eligibility for membership

10 Each person who becomes an employee in state service in one of the
11 positions enumerated in R.S. 11:612(2) shall become a member of the Hazardous
12 Duty Services Plan of the system as a condition of employment.

13 §614. Eligibility for retirement

14 A. Any member shall be eligible for retirement if he has:

15 (1) Twenty-five years or more of service, at any age.

16 (2) Twelve years or more of service, at age fifty-five or thereafter.

17 (3) Twenty years of service credit at any age, exclusive of military service
18 and unused annual and sick leave, but any person retiring under this Paragraph shall
19 have his benefit, inclusive of military service credit and allowable unused annual and
20 sick leave, actuarially reduced. Any member retiring under this Paragraph who is
21 in state service at the time of his retirement shall have his benefit actuarially reduced
22 from the earliest age that he would normally become eligible for a regular retirement
23 benefit under Paragraph (1) or (2) of this Subsection if he had continued in service
24 to that age. Any member retiring under this Paragraph who is out of state service at
25 the time of his retirement shall have his benefit actuarially reduced from the earliest
26 age that he would normally become eligible for a regular retirement benefit under
27 Paragraph (1) or (2) of this Subsection based upon his years of service as of the date
28 of retirement. Any employee who elects to retire under the provisions of this

1 Paragraph shall not be eligible to participate in the Deferred Retirement Option Plan
2 provided by R.S. 11:447 or the Initial Benefit Option provided by R.S. 11:446(A)(5).

3 B. Notwithstanding Subsection A of this Section, to be eligible to retire
4 under this plan, the member's last ten years of system eligible service must have been
5 in one of the hazardous duty positions defined in R.S. 11:612(2). With less than ten
6 years hazardous duty service, he shall be eligible to retire at two and one-half percent
7 of his average compensation for the actual number of years of service credit provided
8 he has sufficient system service as required in Subsection A of this Section.

9 §615. Retirement benefit

10 A. A member shall receive a retirement benefit, except as provided in R.S.
11 11:614(B), equal to three and one-third percent of average compensation for every
12 year of creditable service in the Hazardous Duty Services Plan, not to exceed one
13 hundred percent of the member's average compensation.

14 B. Retirement benefits for members who had service in nonhazardous duty
15 or service under existing plans prior to entering the Hazardous Duty Services Plan
16 shall upon retirement eligibility receive a retirement benefit for that prior service
17 based on the applicable accrual rate when earned.

18 C. Upon application for retirement, members of this plan may choose any
19 of the options specified in R.S. 11:446.

20 §616. Deferred Retirement Option Plan

21 A member, except as specified in R.S. 11:614(A)(3), shall have the option of
22 participating in the Deferred Retirement Option Plan in accordance with the
23 provisions of R.S. 11:447 through 454.

24 §617. Disability retirement

25 A. Upon approval of a member's retirement based upon a total and
26 permanent disability resulting solely from injuries sustained in the performance of
27 his official duties, a member shall receive a disability benefit equal to seventy-five
28 percent of his average compensation regardless of years of service. This benefit is
29 payable only if the injury or injuries were sustained while on active duty status.

1 B. If a member's disability occurs for reasons other than in the performance
2 of his duties and the member has earned at least ten years of hazardous duty service
3 credit, then the member shall be entitled to disability benefits under the provisions
4 of R.S. 11:461(B)(1).

5 C. The disability retirement procedures contained in R.S. 11:216 through
6 225, which are not in conflict with this Section, shall apply to members.

7 D. The provisions of R.S. 11:461(B)(4) shall apply to members.

8 §618. Survivor's benefit for members killed in the line of duty

9 A. If a member's death occurs in the line of duty or is a direct result of an
10 injury sustained while in the line of duty, survivor benefits shall be payable to
11 qualified survivors as provided for in this Section, except that a survivor shall be
12 eligible for benefits under this Section without regard to the amount of time that the
13 surviving spouse was married to the deceased member and without regard to the
14 amount of time that the deceased was a member of this plan. This benefit is payable
15 only if the injury or injuries were sustained while on active duty status.

16 B. If the member has a surviving spouse, minor, or handicapped or mentally
17 incapacitated child or children, the amount of the total benefit shall equal eighty
18 percent of the member's average compensation. The benefit shall be shared equally
19 by the surviving spouse and children. When a child who is not handicapped or
20 mentally incapacitated no longer meets the definition of minor child under R.S.
21 11:403, his benefit shall cease, and the remaining beneficiaries shall have their
22 shares adjusted accordingly.

23 C. The provisions of R.S. 11:472 through 477, concerning procedures for
24 payment of survivor benefits which are not in conflict with this Section, shall apply
25 to members.

26 §619. Survivor's benefit for death other than in the line of duty

27 A. The surviving spouse or children of any active member whose death
28 occurs other than in the performance of his duties shall have the same pension rights
29 as provided in R.S. 11:471.1.

1 §761. Retirement benefits; application; eligibility requirements; effective date;
2 cancellation; errors and omissions

3 A.

4 * * *

5 (3) Any person whose first employment making him eligible for system
6 membership occurs on or after January 1, 2011, may retire upon written application
7 to the board of trustees, if at the time of application the member:

8 (a) Has attained the age of sixty years and has credit for five years of
9 accredited service.

10 (b) Has twenty years of service credit at any age, exclusive of military
11 service and unused annual and sick leave, but any person retiring under this
12 Subparagraph shall have his benefit, inclusive of military service credit and
13 allowable unused annual and sick leave, actuarially reduced from the earliest age that
14 he would normally become eligible for a regular retirement benefit under
15 Subparagraph (a) of this Paragraph if he had continued in service to that age. Any
16 member who elects to retire under the provisions of this Subparagraph shall not be
17 eligible to participate in the Deferred Retirement Option Plan provided by R.S.
18 11:786 or the Initial Lump-Sum Benefit option provided by R.S. 11:783.

19 (4)(a) A properly executed application for retirement shall be considered as
20 officially filed when received by the board of trustees of this system. Retirement
21 benefits shall become effective as of the date a properly executed application for
22 retirement is received by the board of trustees of this system or the day after the
23 member terminates from teaching service, whichever is later.

24 (b) A member may cancel his application for retirement only prior to
25 negotiating, cashing, or depositing any benefit check including an estimated benefit
26 check.

27 * * *

1 §768. Retirement allowances

2 * * *

3 B.

4 * * *

5 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, any
6 person who became a member on or after July 1, 1999, but on or before December
7 31, 2010, having twenty years of service credit, exclusive of military service and
8 unused annual and sick leave, but who is less than sixty years of age, may retire but
9 he shall have his maximum benefit inclusive of military service credit and allowable
10 unused annual and sick leave actuarially reduced from the earlier of the following:

11 (a) The date he would reach sixty years of age.

12 (b) The earliest age that he would first become eligible for a retirement
13 benefit as provided in Paragraph (A)(2) of this Section, if he had continued in service
14 to that age and without regard to the date he became a member.

15 * * *

16 §778. Disability retirement

17 * * *

18 C. Upon the application of a member in service or of his employer, any
19 member whose first employment making him eligible for membership in the system
20 occurred on or before December 31, 2010, and who has five or more years of
21 creditable service may be retired by the board of trustees, not less than thirty nor
22 more than ninety days following the date of filing such application, on a disability
23 retirement allowance, provided that the medical board, after a medical examination
24 of the member, certifies that the member is mentally or physically incapacitated for
25 the further performance of the duties currently being performed, that the incapacity
26 is likely to be total and permanent, and that the member should be retired. Any
27 member whose first employment making him eligible for membership in the system
28 occurred on or after January 1, 2011, shall be eligible for disability benefits if he has
29 ten or more years of creditable service.

1 D. Disability retirees whose first employment making them eligible for
 2 membership in the system occurred on or before December 31, 2010, and who had
 3 at least fifteen years of service prior to being certified as disabled and who have been
 4 receiving disability benefits for at least ten years and who have attained at least age
 5 fifty shall be eligible to convert from disability benefits to regular retirement
 6 benefits, provided that any such retiree's regular retirement benefits shall be based
 7 on the number of years actually credited to the member's account, and provided that
 8 such conversion does not produce a benefit that creates an actuarial cost to the
 9 system.

* * *

11 §779. Allowance on disability retirement; members hired on or before December
 12 31, 2010

13 A. The provisions of this Section shall apply to members whose first
 14 employment making them eligible for membership in the system began on or before
 15 December 31, 2010.

16 A: B.(1) Upon retirement for disability, a member shall receive a disability
 17 retirement allowance equal to two and one-half percent of his average compensation
 18 multiplied by his years of creditable service, but not more than fifty percent of his
 19 average compensation. In no event shall such disability retirement allowance be less
 20 than the lesser of forty percent of the state minimum salary for a beginning teacher
 21 with a bachelor's degree, or seventy-five percent of his average compensation. Such
 22 retiree shall not be allowed an optional allowance.

23 (2) In addition to the benefit provided by Paragraph (1) of this Subsection,
 24 if a disability retiree has a minor child, the disability retiree shall be paid an added
 25 benefit equal to fifty percent of his disability benefit for so long as he has a minor
 26 child, provided that the total benefit payable to the disability retiree does not exceed
 27 seventy-five percent of his average compensation.

28 ~~B:~~ C.(1) If a disability retiree dies and leaves a surviving spouse who had
 29 been married to the deceased disability retiree for at least two years before the death

1 of the disability retiree and there are no minor children or there are minor children
2 who are the children of both the disability retiree and the surviving spouse, the
3 surviving spouse shall receive a survivor's benefit equal to seventy-five percent of
4 the benefit being received by the disability retiree at the time of his death, and no
5 benefits shall be paid under R.S. 11:762.

6 (2) If a disability retiree dies and leaves a surviving spouse who had been
7 married to the deceased disability retiree for at least two years before the death of the
8 disability retiree and there are surviving minor children of the deceased disability
9 retiree who are not the children of the surviving spouse, the surviving spouse shall
10 receive a survivor's benefit equal to thirty-seven and one-half percent of the benefit
11 being received by the disability retiree at the time of his death. Benefits equal to a
12 total of thirty-seven and one-half percent of the benefit being received by the
13 disability retiree at the time of his death shall be divided equally among the minor
14 children who are not the children of the surviving spouse for the duration of their
15 minority, and no benefits shall be paid under R.S. 11:762. When there are no longer
16 any minor children of the deceased disability retiree who are not the children of the
17 surviving spouse, the spousal benefit shall revert to seventy-five percent of the
18 benefit being received by the disability retiree at the time of his death.

19 (3) If a disability retiree dies and leaves a surviving spouse who had been
20 married to the deceased disability retiree for at least two years before the death of the
21 disability retiree and there are minor children of the deceased disability retiree who
22 are not the children of the surviving spouse and also minor children of both the
23 deceased disability retiree and the surviving spouse, the surviving spouse shall
24 receive a survivor's benefit equal to fifty percent of the benefit being received by the
25 disability retiree at the time of his death, and the minor children of the deceased
26 disability retiree who are not the children of the surviving spouse shall receive and
27 divide equally twenty-five percent of the benefit being received by the disability
28 retiree at the time of his death for the duration of their minority, and no benefits shall
29 be paid under R.S. 11:762. When there are no longer minor children of the deceased

1 disability retiree who are not the children of the surviving spouse, the spousal benefit
2 shall revert to seventy-five percent of the benefit being received by the disability
3 retiree at the time of his death.

4 (4) If a disability retiree dies and does not leave a surviving spouse, or the
5 surviving spouse dies after the death of the disability retiree, and there is a minor
6 child or children of the disability retiree, the minor child or children shall be entitled
7 to a total benefit equal to fifty percent of the benefit being received by the disability
8 retiree at the time of his death for so long as there is a minor child, and no benefits
9 shall be paid under R.S. 11:762.

10 ~~€. D.~~ A disability retiree, upon attainment of the earliest age that he would
11 have become eligible for a retirement benefit, if he had continued in service without
12 further change in compensation, shall become a regular retiree using only his years
13 of creditable service; however, his maximum benefit shall not be less than his
14 disability benefit as provided by Paragraph ~~A~~ B(1) of this Section and shall not
15 include the benefit provided by Paragraph ~~A~~ B(2) of this Section. The benefit
16 provided by Paragraph ~~A~~ B(2) of this Section shall continue, but only be paid to the
17 retiree and only for so long as the retiree has a minor child. The years that he is on
18 disability retirement shall not be used in the computation of his regular retirement
19 benefit. If a member dies after converting from disability retiree to regular retiree
20 and leaves a minor child or children, the applicable benefits provided by Paragraph
21 ~~A~~ B(2) of this Section shall be paid on behalf of the minor child or children, and no
22 benefits shall be paid under R.S. 11:762 and 783(B).

23 §779.1 Allowance on disability retirement; members hired on or after January 1,
24 2011

25 Any member whose first employment making him eligible for membership
26 in the system began on or after January 1, 2011, shall receive a maximum disability
27 retirement benefit which shall be equivalent to the regular retirement formula
28 without reduction by reason of age. Selection of a retirement option shall be made
29 when application for disability is filed. If the disability retiree dies, the option

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 because of an increase in compensation by legislative act or by a city/parish
2 system-wide salary increase.

3 (c) "Average compensation", for a member whose first employment making
4 him eligible for membership in the system began on or after January 1, 2011, shall
5 be based on the sixty highest successive months of employment, or on the highest
6 sixty successive joined months of employment where interruption of service
7 occurred; however, the average compensation amount for the thirteenth through the
8 twenty-fourth month shall not exceed the actual compensation amount for the first
9 through the twelfth month by more than fifteen percent. The amount for the
10 twenty-fifth through the thirty-sixth month shall not exceed the lesser of the
11 maximum allowable compensation amount or the actual compensation amount for
12 the thirteenth through the twenty-fourth month by more than fifteen percent. The
13 amount for the thirty-seventh through the forty-eighth month shall not exceed the
14 lesser of the maximum allowable compensation amount or the actual compensation
15 amount for the twenty-fifth through the thirty-sixth month by more than fifteen
16 percent. The amount for the forty-ninth through the sixtieth month shall not exceed
17 the lesser of the maximum allowable compensation amount or the actual
18 compensation amount for the thirty-seventh through the forty-eighth month by more
19 than fifteen percent. The limitations on the computation of average compensation
20 contained in this Subparagraph shall not apply to any twelve-month period during
21 which compensation increased by more than one hundred fifteen percent over the
22 previous twelve-month period solely because of an increase in compensation by
23 legislative act or by a city/parish system-wide salary increase.

24 §1141. Retirement benefits; application; eligibility requirements; effective date;
25 cancellation

26 A. Any member, whose first employment making him eligible for system
27 membership began on or before December 31, 2010, may retire upon written
28 application to the board of trustees, if the member at the time of application has
29 attained the age of sixty years and has credit for ten years of accredited service or has

1 provided by this Subsection and thereafter, if eligible, shall receive benefits in
2 accordance with the provisions of Subsection D of this Section.

3 C. In addition to the amount payable in accordance with Subsection B of this
4 Section, for the benefit of the surviving minor or handicapped child, or mentally
5 disabled child, or children, there shall be paid for each such child, subject to a
6 maximum of two children, per month fifty percent of the benefit to which a spouse
7 would be entitled under Subsection B of this Section. Benefits shall be payable to
8 such children even if no spouse eligible for survivor benefits is present, provided the
9 member had at least five years of service credit. Benefits for a child shall cease
10 when the child is no longer a minor child as defined by this Chapter. No surviving
11 minor child shall receive more than one survivor's benefit at any one time. If two
12 benefits are applicable, only the larger shall be paid.

13 D.(1) A surviving spouse without a minor or handicapped child, or mentally
14 disabled child, or children shall be paid per month, for the remainder of his life, the
15 benefit payable in accordance with R.S. 11:1150(B)(2) based on years of service that
16 the member had earned to the date of his death using the applicable accrual rate; or
17 six hundred dollars per month, whichever is greater, provided the surviving spouse
18 had been married to the deceased member for at least one year prior to death, and
19 provided the deceased member was an active member at the time of death and had
20 ten or more years of service credit, at least two years of which were earned
21 immediately prior to death or provided the deceased member had twenty or more
22 years of service credit regardless of when earned or whether the deceased member
23 was in active service at the time of death.

24 (2) Benefits shall cease upon remarriage and shall resume upon a subsequent
25 divorce or death of the new spouse; however, if the member was eligible to retire on
26 the date of his death, benefits shall not cease upon remarriage.

27 E. The accumulated contributions of a deceased member shall be paid in a
28 lump sum refund to the natural person or persons that he designated as his
29 beneficiary, or to his succession if there is no designated beneficiary, but only if no

1 benefits under Subsection A, B, C, D, F, or G of this Section are payable. Payment
2 of accumulated contributions shall be made only upon receipt of the deceased
3 member's death certificate. Said payment to the named beneficiary or the estate
4 cancels all liability of the system to the deceased member, his named beneficiary, or
5 his estate.

6 F. In the event of death of a member leaving a surviving spouse and
7 dependent children, the total of the benefits payable under Subsections B and C of
8 this Section shall not be less each month than what would have been payable under
9 Subsection D of this Section for as long as both spouse and children are eligible to
10 receive benefits under Subsections B and C of this Section.

11 G. If a member dies, even after retirement, eligible minor children shall
12 receive the benefits under Subsection C of this Section.

13 H. The benefits payable under Subsection C of this Section shall be paid to
14 the person having legal custody of the property of the child, unless a trust created
15 under Louisiana law has been created by the deceased member for the benefit of the
16 child, the terms of the instrument creating the trust so provide and the system has
17 been provided with a certified copy of the trust document, then the survivor benefit
18 shall be paid to the trust under the terms of the trust for addition to the trust property.
19 In the event that the trust is contested by any party, the system shall withhold all
20 survivor benefit payments or deposit them in the registry of the court if a concursus
21 proceeding is filed, until there is a final binding legal agreement or judgment
22 regarding the proper payment of the survivor benefits.

23 I. Each survivor benefit recipient shall be required to establish proof
24 annually or at such other times as the board of trustees may deem necessary that they
25 are still legally entitled to the survivor benefits provided in this Section. The board
26 of trustees shall have the right to suspend or cancel any survivor benefit wherein the
27 recipient fails to provide proper certification of eligibility.

28 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 §1307. Persons eligible to retire on basis of service and age; retirement salaries

2 A. Upon application to the board as provided in R.S. 11:1306, members of
3 this system shall be retired by the board at ~~salaries~~ benefits fixed as follows:

4 (1) Any member of the system, whose initial date of employment occurred
5 on or before December 31, 2010, and who has attained age fifty and who has credit
6 for at least ten years of service shall be paid a monthly ~~salary~~ benefit equal to the
7 sum of three and one-third percent multiplied by the member's monthly average
8 salary, and further multiplied by the number of years of service credited to the
9 member's account, but the total annual benefit shall not exceed one hundred percent
10 of the member's final average annual salary.

11 (2)(a) Any member of the system whose initial date of employment was
12 prior to September 8, 1978, regardless of age, who has credit for at least twenty years
13 of service shall be paid a monthly ~~salary~~ benefit equal to the sum of three and one-
14 third percent multiplied by the member's monthly average salary, and further
15 multiplied by the number of years of service credited to the member's account, but
16 the total annual benefit shall not exceed one hundred percent of the member's final
17 average annual salary.

18 (b) Any member of the system whose initial date of employment occurred
19 on or after September 8, 1978, but on or before December 31, 2010, regardless of
20 age, who has credit for at least twenty-five years of service, regardless of age, shall
21 be paid a monthly ~~salary~~ benefit equal to the sum of three and one-third percent
22 multiplied by the member's monthly average salary, and further multiplied by the
23 number of years of service credited to the member's account, but the total annual
24 benefit shall not exceed one hundred percent of the member's final average annual
25 salary.

26 (3) Notwithstanding any other provision of law to the contrary, any member
27 of the system who participated in the Deferred Retirement Option Plan on or before
28 June 30, 2003, and who continued in employment after participation in the Deferred
29 Retirement Option Plan without a break in service and who remained in such

1 continuous employment on July 1, 2003, shall be paid a monthly salary equal to the
 2 greater of the monthly benefit computed under R.S. 11:1307.1 or the sum of the
 3 member's original benefit plus twenty percent of the member's original average
 4 monthly salary, but the total annual benefit, including any additional benefit accrued
 5 after termination of participation in the Deferred Retirement Option Plan, shall not
 6 exceed one hundred percent of the member's final average annual salary.

7 * * *

8 §1310. Average salary; method of determining

9 A.(1) With respect to persons employed prior to September 8, 1978, the term
 10 "average salary" as used in this Chapter for the purpose of determining pension
 11 payments and retirement is the average salary including any additional pay or salary
 12 provided by the legislature over and above that set by the Civil Service Commission,
 13 received for the year ending on the last day of the month immediately preceding the
 14 date of retirement or date of death or for any one-year period, whichever is the
 15 greatest. For the purposes of computation, "average salary" shall not include
 16 overtime, ~~expenses~~ expenses, or clothing allowances.

17 (2)(a) With respect to persons becoming employed on and after September
 18 8, 1978, but on or before December 31, 2010, the term "average salary" as used in
 19 this Chapter for the purpose of determining pension payments and retirement is the
 20 average salary including any additional pay or salary provided by the legislature over
 21 and above that set by the Civil Service Commission, received for the thirty-six month
 22 period ending on the last day of the month immediately preceding the date of
 23 retirement or date of death or for any thirty-six consecutive months, whichever is the
 24 greatest. For the purposes of computation, "average salary" shall not include
 25 overtime, ~~expenses~~ expenses, or clothing allowances.

26 (b) The earnings to be considered for the thirteenth through the twenty-fourth
 27 month shall not exceed one hundred and twenty-five percent of the earnings of the
 28 first through the twelfth month. The earnings to be considered for the final twelve
 29 months shall not exceed one hundred and twenty-five percent of the earnings of the

1 the salary being received by the employee at the time of the decedent's death or
2 injury, provided the surviving spouse was married to the decedent at the time of the
3 event which resulted in the officer's death.

4 * * *

5 §1317. Pension of children of deceased employee and children of deceased retired
6 employees; certain members hired on or before December 31, 2010

7 A.(1) This Section shall apply to any employee whose initial date of
8 employment occurred on or before December 31, 2010. If there is no surviving
9 spouse to receive the pension due a spouse of any police employee or retired
10 employee under R.S. 11:1320 or 1322, or if the spouse has remarried and forfeited
11 his or her benefit under R.S. 11:1321, the minor children of the deceased employee
12 or deceased retired employee, if any, shall receive a monthly pension equal to the
13 greater of:

14 * * *

15 §1318. Pension of physically handicapped or mentally disabled children of deceased
16 employee hired on or before December 31, 2010

17 A. The surviving totally physically handicapped or mentally disabled child
18 or children of a deceased member whose initial date of employment occurred on or
19 before December 31, 2010, whether under or over the age of eighteen years, shall be
20 entitled to the same benefits, payable in the same manner as provided by this Chapter
21 for surviving spouses.

22 * * *

23 §1319. Pension of parents of deceased employee hired on or before December 31,
24 2010

25 If For any employee whose initial date of employment occurred on or before
26 December 31, 2010, if there is no surviving spouse and no minor children, a monthly
27 pension of twenty-five percent of the average salary of the deceased employee shall
28 be paid to the parent or parents of the deceased employee, if they, or either of them,
29 derived their main support from the employee.

1 §1320. Death of employee not in performance of duty; certain members hired on or
2 before December 31, 2010; payments

3 A. This Section shall apply to any sworn commissioned law enforcement
4 officer of the office of state police of the Department of Public Safety and
5 Corrections whose initial date of employment occurred on or before December 31,
6 2010. On and after January 1, 1973, the surviving spouse of any such sworn,
7 commissioned law enforcement officer of the office of state police whose death
8 occurs other than in the line of duty, but who at the time of death was a member of
9 the system and had less than twenty years of service credit with the department, shall
10 be pensioned at twenty-five percent of his average salary if the officer, at the time
11 of death, had under five years of service credit, thirty percent of his average salary
12 if he had five years but under ten years of service credit, forty percent of his average
13 salary if he had ten years but under fifteen years of service credit, and fifty percent
14 of his average salary if he had fifteen years but under twenty years of service credit.
15 On and after September 9, 1977, if the employee had twenty years of service or
16 more, the surviving spouse shall receive a pension equal to the retirement benefit the
17 employee would have received had the employee elected to retire at the time of his
18 death.

19 * * *

20 §1321. Surviving spouse remarrying; forfeiture of pension; employees hired on or
21 before December 31, 2010

22 A.(1) This Section shall apply to any employee whose initial date of
23 employment occurred on or before December 31, 2010. If the surviving spouse of
24 a deceased employee remarries while receiving the surviving spouse's pension under
25 the provisions of this Chapter, such spouse thereupon forfeits all rights to the
26 spouse's pension.

27 * * *

1 (2) Benefits shall cease upon remarriage and shall resume upon a subsequent
2 divorce or death of a new spouse; however, if the member was eligible to retire on
3 the date of his death, benefits shall not cease upon remarriage.

4 (3) When all surviving children cease to be eligible for benefits under
5 Subsection C of this Section, the surviving spouse shall cease to receive benefits
6 provided by this Subsection and thereafter, if eligible, shall receive benefits in
7 accordance with the provisions of Subsection D of this Section.

8 C. In addition to the amount payable in accordance with Subsection B of this
9 Section, for the benefit of the surviving minor or handicapped child, or mentally
10 disabled child, or children, there shall be paid for each such child, subject to a
11 maximum of two children, per month fifty percent of the benefit to which a spouse
12 would be entitled under Subsection B of this Section. Benefits shall be payable to
13 such children even if no spouse eligible for survivor benefits is present, provided the
14 member had at least five years of service credit. Benefits for a child shall cease
15 when the child is no longer a minor child as defined by this Chapter. No surviving
16 minor child shall receive more than one survivor's benefit at any one time. If two
17 benefits are applicable, only the larger shall be paid.

18 D.(1) A surviving spouse without a minor or handicapped child, or mentally
19 disabled child, or children shall be paid per month, for the remainder of his life, the
20 benefit payable in accordance with R.S. 11:1323.1(A)(2)(a) based on years of service
21 that the member had earned to the date of his death using the applicable accrual rate;
22 or six hundred dollars per month, whichever is greater, provided the surviving spouse
23 had been married to the deceased member for at least one year prior to death, and
24 provided the deceased member was an active member at the time of death and had
25 ten or more years of service credit, at least two years of which were earned
26 immediately prior to death or provided the deceased member had twenty or more
27 years of service credit regardless of when earned or whether the deceased member
28 was in active service at the time of death.

1 (2) Benefits shall cease upon remarriage and shall resume upon a subsequent
2 divorce or death of the new spouse; however, if the member was eligible to retire on
3 the date of his death, benefits shall not cease upon remarriage.

4 E. The accumulated contributions of a deceased member shall be paid in a
5 lump sum refund to the natural person or persons that he designated as his
6 beneficiary, or to his succession if there is no designated beneficiary, but only if no
7 benefits under Subsection A, B, C, D, F, or G of this Section are payable. Payment
8 of accumulated contributions shall be made only upon receipt of the deceased
9 member's death certificate. Said payment to the named beneficiary or the estate
10 cancels all liability of the system to the deceased member, his named beneficiary, or
11 his estate.

12 F. In the event of death of a member leaving a surviving spouse and
13 dependent children, the total of the benefits payable under Subsections B and C of
14 this Section shall not be less each month than what would have been payable under
15 Subsection D of this Section for as long as both spouse and children are eligible to
16 receive benefits under Subsections B and C of this Section.

17 G. If a member dies, even after retirement, eligible minor children shall
18 receive the benefits under Subsection C of this Section.

19 H. The benefits payable under Subsection C of this Section shall be paid to
20 the person having legal custody of the property of the child, unless a trust created
21 under Louisiana law has been created by the deceased member for the benefit of the
22 child, the terms of the instrument creating the trust so provide and the system has
23 been provided with a certified copy of the trust document, then the survivor benefit
24 shall be paid to the trust under the terms of the trust for addition to the trust property.
25 In the event that the trust is contested by any party, the system shall withhold all
26 survivor benefit payments or deposit them in the registry of the court if a concursus
27 proceeding is filed, until there is a final binding legal agreement or judgment
28 regarding the proper payment of the survivor benefits.

1 I. Each survivor benefit recipient shall be required to establish proof
2 annually or at such other times as the board of trustees may deem necessary that they
3 are still legally entitled to the survivor benefits provided in this Section. The board
4 of trustees shall have the right to suspend or cancel any survivor benefit wherein the
5 recipient fails to provide proper certification of eligibility.

6 §1323.1. Mode of payment where option elected; employees hired on or after
7 January 1, 2011

8 A. Upon application for retirement any member may elect to receive his
9 benefit in a retirement allowance payable throughout his life, or he may elect at that
10 time to receive the actuarial equivalent of his retirement allowance in a reduced
11 retirement allowance payable throughout life, with the provision that:

12 (1) Option 1. If he dies before he has received in annuity payments the value
13 of the member's annuity as it was at the time of his retirement, the balance shall be
14 paid to his legal representatives or to the person he nominates by written designation
15 duly acknowledged and filed with the board; or

16 (2)(a) Option 2-A. Upon his death his reduced retirement allowance shall
17 be continued throughout the life of and paid to the person he nominated by written
18 designation duly acknowledged and filed with the board of trustees at the time of his
19 retirement; or

20 (b) Option 2-B. Upon his death his reduced retirement allowance shall be
21 continued throughout the life of and paid to the person he nominated by written
22 designation and, upon the death of that designated person, his reduced benefit shall
23 be continued throughout the life of the deceased member's mentally handicapped
24 child or children, but such benefits shall be paid to the guardian of such child or
25 children. The written designation provided for in this Subparagraph shall be duly
26 acknowledged and filed with the board of trustees at the time of the member's
27 retirement.

1 (1) "Average compensation" means the average annual earned compensation
2 of a member for the sixty highest months of successive employment, or for the
3 highest sixty successive joined months of employment where interruption of service
4 occurred; however, average compensation for part-time employees who do not use
5 sixty months of full-time employment for average compensation purposes shall be
6 based on the base pay the part-time employee would have received had he been
7 employed on a full-time basis. The earnings to be considered for the thirteenth
8 through the twenty-fourth month shall not exceed one hundred fifteen percent of the
9 earnings of the first through the twelfth month. The earnings to be considered for the
10 twenty-fifth through the thirty-sixth month shall not exceed one hundred fifteen
11 percent of the earnings of the thirteenth through the twenty-fourth month. The
12 earnings to be considered for the thirty-seventh through the forty-eighth month shall
13 not exceed one hundred fifteen percent of the earnings of the twenty-fifth through
14 the thirty-sixth month. The earnings for the final twelve months shall not exceed one
15 hundred fifteen percent of the earnings of the thirty-seventh through the forty-eighth
16 month. The limitations on the computation of average compensation contained in
17 this Item shall not apply to any twelve-month period during which compensation
18 increased by more than fifteen percent over the previous twelve-month period solely
19 because of an increase in compensation by a uniform systemwide increase adopted
20 by the state Department of Civil Service and approved by the governor or because
21 of a pay adjustment enacted by the legislature.

22 (2) "Member" or "members" shall include persons who would be eligible
23 for system membership pursuant to R.S. 11:1305 but whose initial date of
24 employment began on or after January 1, 2011.

25 (3) "Plan" means the New State Police Retirement Plan created by this
26 Subpart.

27 (4) "System" means the State Police Pension and Retirement System.

1 §1345.3. Eligibility for membership

2 Each person who would be eligible for system membership pursuant to R.S.
3 11:1305 but whose initial date of employment began on or after January 1, 2011,
4 shall become a member of the New State Police Retirement Plan of the system as a
5 condition of employment.

6 §1345.4. Eligibility for retirement

7 Any member shall be eligible for retirement if he has:

8 A. Twenty-five years or more of service, at any age.

9 B. Twelve years or more of service, at age fifty-five or thereafter.

10 C. Twenty years of service credit at any age, exclusive of military service
11 and unused annual and sick leave, but any person retiring under this Paragraph shall
12 have his benefit, inclusive of military service credit and allowable unused annual and
13 sick leave, actuarially reduced from the earliest age that he would normally become
14 eligible for a regular retirement benefit under Subsection A or B of this Section if he
15 had continued in service to that age. Any employee who elects to retire under the
16 provisions of this Paragraph shall not be eligible to participate in the Back-Deferred
17 Retirement Option Program provided by R.S. 11:1312.1.

18 §1345.5. Retirement benefit

19 A member shall receive a retirement equal to three and one-third percent of
20 average compensation for every year of creditable service in the plan, not to exceed
21 one hundred percent of the member's average compensation.

22 §1345.6. Back-Deferred Retirement Option Plan

23 A member, except as specified in R.S. 11:1354(C), shall have the option of
24 participating in the Back-Deferred Retirement Option Plan in accordance with the
25 provisions of R.S. 11:1312.1.

26 §1345.7. Disability retirement

27 A. Upon approval of a member's retirement based upon a total and
28 permanent disability resulting solely from injuries sustained in the performance of
29 his official duties, a member shall receive a disability benefit equal to seventy-five

1 percent of his average compensation regardless of years of service. This benefit is
2 payable only if the injury or injuries were sustained while on active duty status.

3 B. If a member's disability occurs for reasons other than in the performance
4 of his duties and the member has earned at least ten years of service credit in this
5 Plan, then the member shall be entitled to disability benefits under the provisions of
6 R.S. 11:1313(B)(2).

7 C. The disability retirement procedures contained in R.S. 11:216 through 225
8 which are not in conflict with this Section shall apply to members.
9 §1345.8. Survivor's benefit for members killed in the line of duty

10 A. If a member's death occurs in the line of duty or is a direct result of an
11 injury sustained while in the line of duty, survivor benefits shall be payable to
12 qualified survivors as provided for in this Section, except that a survivor shall be
13 eligible for benefits under this Section without regard to the amount of time that the
14 surviving spouse was married to the deceased member and without regard to the
15 amount of time that the deceased was a member of this plan. This benefit is payable
16 only if the injury or injuries were sustained while on active duty status.

17 B. If the member has a surviving spouse, minor, or handicapped or mentally
18 incapacitated child or children, the amount of the total benefit shall equal eighty
19 percent of the member's average compensation. The benefit shall be shared equally
20 by the surviving spouse and children. When a child who is not handicapped or
21 mentally incapacitated no longer meets the definition of minor child under R.S.
22 11:1301, his benefit shall cease, and the remaining beneficiaries shall have their
23 shares adjusted accordingly.

24 §1345.9. Survivor's benefit for death other than in the line of duty

25 The surviving spouse or children of any active member whose death occurs
26 other than in the performance of his duties shall have the same pension rights as
27 provided in R.S. 11:1320.

1 Section 2. R.S. 24:36(M) is hereby enacted to read as follows:

2 §36. Additional benefits payable to legislators; certain legislative personnel;
3 governor; lieutenant governor; political subdivision service credit; credit for
4 service previously rendered; additional contributions; computation of
5 benefits payable; membership

6 * * *

7 M. Beginning January 1, 2011, the provisions of this Section shall not be
8 applicable to any person whose first employment making him eligible for
9 membership in any public retirement system, plan, or fund, began on or after such
10 date.

11 Section 3. The cost of this Act, if any, shall be funded through additional employee
12 contributions as provided in this Act and with additional employer contributions in
13 compliance with Article X, Section 29(E)(5)(b) of the Constitution of Louisiana.

14 Section 4. This Act shall become effective on January 1, 2011.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Robideaux

HB No. 1337

Abstract: For members hired on or after Jan. 1, 2011, changes the benefit structure and employee contribution rates for the four state retirement systems: the La. State Employees' Retirement System (LASERS), the Teachers' Retirement System of La. (TRSL), the State Police Pension and Retirement System (LSPRS), and the La. School Employees' Retirement System (LSERS).

Proposed law generally makes changes to the benefit structure of the four state retirement systems, which are the La. State Employees' Retirement System (LASERS), the Teachers' Retirement System of La. (TRSL), the La. School Employees' Retirement System (LSERS), and the State Police Pension and Retirement System (LSPRS), for members hired on or after Jan. 1, 2011, in the following respects:

- (1) Employee contribution rates.
- (2) Final average compensation.
- (3) Benefit accrual rates.
- (4) Retirement eligibility.
- (5) Disability benefits.

(6) Survivor benefits.

Present law, relative to LASERS, provides generally for several plans that provide enhanced benefits (i.e. retirement benefits, disability benefits, survivor benefits, etc.) to certain individuals:

- (1) Wildlife agents of the enforcement division of the Dept. of Wildlife and Fisheries.
- (2) Wardens, correctional officers, security personnel, and probation and parole officers employed by the Dept. of Public Safety and Corrections (DPS&C).
- (3) Full-time law enforcement personnel, supervisors, and administrators who are employed with the Dept. of Revenue, office of alcohol and tobacco control, who are Peace Officers Standard and Training (P.O.S.T.)-certified, who have the power to arrest, and who hold a commission from such office.
- (4) Peace officers, as defined by R.S. 40:2402(3)(a), employed by the DPS&C, office of state police, other than state troopers.
- (5) Judges.
- (6) The governor, lieutenant governor, and certain legislators.
- (7) The clerk of the House and secretary of the Senate, and the sergeant at arms of the House and Senate.

Proposed law closes all such subplans and eliminates such enhanced benefit provision within LASERS relative to such persons listed above, who are hired on or after Jan. 1, 2011. Provides for consolidation of all hazardous duty personnel in LASERS into the newly created Hazardous Duty Services Plan within LASERS, regardless of whether such persons receive enhanced benefits under present law. Further provides that the individuals referenced in (5), (6), and (7) above, who are hired on or after Jan. 1, 2011, will receive the same benefits as rank-and-file members.

Proposed law generally creates the Hazardous Duty Services Plan within LASERS for certain law enforcement personnel hired on or after Jan. 1, 2011, who are members of LASERS, and provides that members of existing hazardous duty plans may retain membership in those plans. Provides that with respect to any matters not addressed within the provisions of the Hazardous Duty Services Plan, the generally applicable LASERS provisions shall apply. The law enforcement personnel eligible for the Hazardous Duty Services Plan include the following persons hired on or after Jan. 1, 2011:

- (1) Wildlife agents of the enforcement division of the Dept. of Wildlife and Fisheries.
- (2) Wardens, correctional officers, security personnel, and probation and parole officers employed by DPS&C.
- (3) Employees of the bridge police section of the Crescent City Connection Division of the DOTD.
- (4) Full-time law enforcement personnel, supervisors, and administrators who are employed with the Dept. of Revenue, office of alcohol and tobacco control, who are P.O.S.T.-certified, who have the power to arrest, and who hold a commission from such office.
- (5) Peace officers, as defined by R.S. 40:2402(1)(a), employed by DPS&C, office of state police, other than state troopers.

- (6) Arson investigators employed by the office of state fire marshal who are P.O.S.T.-certified, who have the power to arrest, and who hold a commission from such office.
- (7) Park rangers employed by the Dept. of Culture, Recreation and Tourism, office of state parks, who are P.O.S.T.-certified, who have the power to arrest, and who hold a commission from such office.
- (8) Campus police officers employed by the various colleges and universities, who are P.O.S.T.-certified, who have the power to arrest, and who hold a commission from such office.
- (9) Hospital security officers employed by LSU Health Sciences Center, who are P.O.S.T.-certified, who have the power to arrest, and who hold a commission from such office.
- (10) Investigators of the Dept. of Justice who are in a position required to be P.O.S.T.-certified.
- (11) All personnel employed in a position required to be P.O.S.T.-certified, who have the power to arrest, and who hold a commission from such office, who are otherwise members of LASERS and are not members of any other retirement system.

Proposed law establishes within LSPRS a plan similar to the LASERS Hazardous Duty Services Plan, called the New State Police Retirement Plan, for members of LSPRS hired on or after Jan. 1, 2011.

EMPLOYEE CONTRIBUTIONS

Present law establishes the employee contribution rates in the following amounts for members of the four state retirement systems:

- (1) LASERS: Rank-and-file state employees - 7.5% if hired on or before June 30, 2006; 8% if hired on or after July 1, 2006.
- (2) LASERS: Judges, court officers, the governor, lieutenant governor, and certain legislators - 11.5%.
- (3) LASERS: Certain correctional employees employed by the DPS&C; peace officers employed by the DPS&C, office of state police, other than state troopers; and personnel employed by the Dept. of Revenue, office of alcohol and tobacco control, as provided in R.S. 11:444(A)(2)(c) - 9%.
- (4) LASERS: Clerk of the House and secretary of the Senate - 9.5%.
- (5) LASERS: Wildlife agents - 9.5%.
- (6) LASERS: Bridge police of the Crescent City Connection Division of the DOTD - 8.5%.
- (7) TRSL: 8% for regular members, 9.1% for School Lunch Plan A members, and 5% for School Lunch Plan B members.
- (8) LSERS: 7.5%.
- (9) LSPRS: 8.5%.

Proposed law requires rank-and-file members of state retirement systems hired on or after Jan. 1, 2011, to pay 8% in employee contributions. Further requires hazardous duty members in the Hazardous Duty Services Plan in LASERS and the New State Police Retirement Plan to pay 9.5% in employee contributions.

AVERAGE COMPENSATION

I. LASERS

Present law provides that, for purposes of retirement benefit computation, average compensation of a LASERS rank-and-file members hired on or before June 30, 2006, shall be based on the 36 highest successive months of employment or on the highest 36 successive joined months of employment where interruption of service occurred. The earnings to be considered for the first, second, and last 12-month period shall not increase by more than 25% (anti-spiking provisions).

Present law provides the same 36-month average compensation provisions apply to certain persons, regardless of hire date, who receive an additional benefit pursuant to present law (certain peace officers, wildlife agents, public safety services employees, judicial administrators, judges, certain legislators, the governor, lieutenant governor, the clerk and sergeant at arms of the House of Representatives, the secretary and the sergeant at arms of the Senate).

Present law provides that, for any rank-and-file member hired on or after July 1, 2006, average compensation shall be calculated over a 60-month period, and the anti-spiking provisions prohibit an increase in earnings over 15% each year of such period.

Proposed law retains present law but provides that persons hired on or after Jan. 1, 2011, who would receive an additional benefit pursuant to present law (certain peace officers, wildlife agents, public safety services employees, judicial administrators, judges, certain legislators, the governor, lieutenant governor, the clerk and sergeant at arms of the House of Representatives, the secretary and the sergeant at arms of the Senate), shall have their average compensation calculated over a 60-month period and shall be subject to the 15% anti-spiking if hired on or after Jan. 1, 2011.

II. TRSL

Present law provides that average compensation for a teacher shall mean the three highest consecutive years of employment or the three highest joined successive years where break in service occurred. Furthermore, anti-spiking provisions prohibit an increase in earnings over 10% each year of such period.

Proposed law retains present law but provides that average compensation for any teacher hired on or after Jan. 1, 2011, shall be calculated over the highest five years, and the anti-spiking provisions relative to such persons prohibit an increase in earnings over 15% each year of such period.

III. LSERS

Present law provides that average compensation for a school employee hired on or before June 30, 2006, shall mean the three highest consecutive years of employment or the three highest joined successive years where break in service occurred. Provides that average compensation for any school employee hired on or after July 1, 2006, shall be calculated over five years. Furthermore, anti-spiking provisions prohibit an increase in earnings over 10% each year of such period.

Proposed law retains present law with regard to the 5-year FAC, but provides that for members hired on or after Jan. 1, 2011, the anti-spiking provisions relative to such persons prohibit an increase in earnings over 15% each year of such period.

IV. LSPRS

Present law provides that average compensation for a member of the system hired before Sept. 8, 1978, shall be based on the highest one-year period.

Present law provides that average compensation for a member of the system hired on or after Sept. 8, 1978, shall be based on the highest three-year period. Furthermore, anti-spiking provisions prohibit an increase in earnings over 25% during any year of such period.

Proposed law retains present law but, pursuant to the New State Police Retirement Plan created under proposed law, provides that for any member of the system hired on or after Jan. 1, 2011, average compensation shall be calculated over the highest five years. Furthermore, anti-spiking provisions prohibit an increase in earnings over 15% during any year in such period.

RETIREMENT ELIGIBILITY

I. LASERS

Present law provides for retirement eligibility for members of LASERS. Rank-and-file members hired on or before June 30, 2006, may retire: (1) at age 60 with 10 years of service credit; (2) at age 55 with 25 years of service credit; (3) at any age with 30 years of service credit; and (4) at any age with 20 years of service credit, but subject to an actuarial reduction of benefits. Provides that rank-and-file members hired on or after July 1, 2006, may only retire at age 60 with 10 years of service credit.

Proposed law allows rank-and-file members hired on or after Jan. 1, 2011, to retire: (1) at age 60 with five years of service credit; and (2) at any age with 20 years of service credit, but subject to an actuarial reduction of benefits.

Present law also provides various eligibility provisions for several hazardous duty subplans within LASERS, including plans for:

- (1) Wildlife agents of the enforcement division of the Dept. of Wildlife and Fisheries:
 - (a) 10 years of service at age 55 if hired before July 1, 2003.
 - (b) 20 years of service at any age if hired before July 1, 2003.
 - (c) 10 years of service at age 60 if hired on or after July 1, 2003.
 - (d) 25 years of service at any age if hired on or after July 1, 2003.
- (2) Wardens, correctional officers, security personnel, and probation and parole officers employed by DPS&C:
 - (a) 10 years of service at age 60.
 - (b) 25 years of service at any age.
- (3) Full-time law enforcement personnel, supervisors, and administrators who are employed with the Dept. of Revenue, office of alcohol and tobacco control, who are Peace Officers Standard and Training (P.O.S.T.)-certified, who have the power to arrest, and who hold a commission from such office:
 - (a) 10 years of service at age 60.
 - (b) 25 years of service at any age.

- (c) 20 years of service at any age, but subject to an actuarial reduction of benefits.
- (4) Peace officers, employed by DPS&C, office of state police, other than state troopers:
 - (a) 10 years of service at age 60.
 - (b) 25 years of service at age 55.
 - (c) 30 years of service at any age.
 - (d) 20 years of service at any age, but subject to an actuarial reduction of benefits.
- (5) Bridge police in the Crescent City Connection Division of the DOTD:
 - (a) 10 years of service at age 60.
 - (b) 25 years of service at any age.
 - (c) 20 years of service at any age, but subject to an actuarial reduction of benefits.

Proposed law retains present law for hazardous duty personnel hired on or before Dec. 31, 2010. However, pursuant to the Hazardous Duty Services Plan created by proposed law, any hazardous duty personnel hired on or after Jan. 1, 2011, shall only be eligible to retire with:

- (a) 12 years of service at age 55.
- (b) 25 years of service at any age.
- (c) 20 years of service at any age, but subject to an actuarial reduction of benefits.

Present law provides a subplan within LASERS for judges and court officers containing special retirement eligibility requirements and benefit provisions:

- (a) 10 years as a judge / court officer at age 65.
- (b) 18 years as a judge / court officer at any age.
- (c) 20 years of service at age 50 (with 12 years served as judge / court officer).
- (d) 12 years at age 55 (with 12 years served as judge / court officer).
- (e) Age 70 with no service requirements.

Proposed law retains present law for judges and court officers hired on or before Dec. 31, 2010. However, any judges or court officers hired on or after Jan. 1, 2011, shall only be eligible to retire: (1) at age 60 with five years of service credit; and (2) at any age with 20 years of service credit, but subject to an actuarial reduction of benefits.

II. TRSL

Present law provides for retirement eligibility for members of TRSL. Members hired before July 1, 1999, may retire: (1) at the age of 60 with five years of service credit; or (2) at any age with 20 years of service credit. Members hired on or after July 1, 1999, may retire: (1) at the age of 60 with five years of service credit; (2) at the age of 55 with 25 years of service credit; (3) at any age with 30 years of service credit; and (4) at any age with 20 years of service credit, but subject to an actuarial reduction in benefits.

Proposed law retains present law but provides that present law's retirement eligibility requirements apply only to members hired on or before Dec. 31, 2010. Provides that members hired on or after Jan. 1, 2011, may retire: (1) at age 60 with five years of service credit; and (2) at any age with 20 years of service credit, but subject to an actuarial reduction of benefits.

III. LSERS

Present law provides for retirement eligibility for members of LSERS. Members may retire: (1) at the age of 60 with 10 years of service credit; (2) at the age of 55 with 25 years of service credit; (3) at any age with 30 years of service credit; and (4) at any age with 20 years of service credit, but subject to an actuarial reduction in benefits.

Proposed law retains present law but provides that present law's retirement eligibility requirements apply only to members hired on or before Dec. 31, 2010. Provides that members hired on or after Jan. 1, 2011, may retire: (1) at age 60 with five years of service credit; and (2) at any age with 20 years of service credit, but subject to an actuarial reduction of benefits.

IV. LSPRS

Present law provides that a member of LSPRS may retire if he has:

- (1) 10 years of service at age 50.
- (2) 20 years of service at any age if hired before Sept. 8, 1978.
- (3) 25 years of service at any age if hired on or after Sept. 8, 1978.

Proposed law retains present law but provides that, in accordance with the New State Police Retirement Plan established under proposed law, a member of LSPRS hired on or after Jan. 1, 2011, shall only be able to retire if he has:

- (1) 12 years of service at age 55.
- (2) 25 years of service at any age.
- (3) 20 years of service at any age, but subject to an actuarial reduction of benefits.

V. GOVERNOR, LIEUTENANT GOVERNOR, LEGISLATORS, HOUSE CLERK, SERGEANT AT ARMS, SENATE SECRETARY, AND STATE TREASURER.

Present law provides the following retirement eligibility provisions for the governor, legislators, the clerk or sergeant at arms of the House of Representatives, the secretary or sergeant at arms of the Senate, and the state treasurer, in any actuarially funded retirement system: 20 years of service (at least 12 served in the designated position) at age 50 (or the age requirement of the system of which he is a member).

Present law also permits the governor, lieutenant governor, or member of the legislature to retire with:

- (1) 16 years in such position at any age.
- (2) 12 years in such position at age 55.

Proposed law provides that such members, hired or elected on or after Jan. 1, 2011, may retire: (1) at age 60 with five years of service credit; and (2) at any age with 20 years of service credit, but subject to an actuarial reduction of benefits.

BENEFIT ACCRUAL RATE

Present law generally provides for a benefit calculation formula for each state system typically consisting of: (years of service) x (accrual rate) x (average compensation)], where the accrual rate is a percentage of pay, typically equal to 2.5%, 3%, 3-1/3%, or 3.5%, depending on the member's job classification and the retirement system he is in.

I. LASERS

Present law provides for an accrual rate of 2.5% for rank-and-file members, and 3% to 3-1/3% for certain hazardous duty personnel. Also provides for a 2.5% accrual rate with an extra 1% accrual for every year of service as a judge or court officer.

Present law provides for a 3-1/3% accrual rate for the following groups:

- (1) Wildlife agents of the enforcement division of the Dept. of Wildlife and Fisheries.
- (2) Wardens, correctional officers, security personnel, and probation and parole officers employed by DPS&C.
- (3) Full-time law enforcement personnel, supervisors, and administrators who are employed with the Dept. of Revenue, office of alcohol and tobacco control, who are P.O.S.T.-certified, who have the power to arrest, and who hold a commission from such office.
- (4) Peace officers, as defined by R.S. 40:2402(1)(a), employed by DPS&C, office of state police, other than state troopers.

Proposed law provides, pursuant to the Hazardous Duty Services Plan created by proposed law, that all hazardous duty personnel in such plan hired on or after Jan. 1, 2011, shall receive a 3-1/3% accrual rate. Furthermore, proposed law eliminates the extra 1% accrual for years of service as a judge or court officer, for such persons hired on or after Jan. 1, 2011.

II. LSERS

Present law, relative to members of LSERS, provides for accrual rates of 2.5%, 3%, or 3-1/3%, depending on the member's retirement date.

Proposed law retains present law, but provides that members hired on or after Jan. 1, 2011, shall only receive an accrual rate of 2.5%.

III. LSPRS

Present law, relative to members of LSPRS, provides for accrual rates of 3-1/3%.

Proposed law's New State Police Retirement Plan retains present law.

IV. GOVERNOR, LIEUTENANT GOVERNOR, LEGISLATORS, HOUSE CLERK, SERGEANT AT ARMS, SENATE SECRETARY

Present law provides for an extra 1% accrual rate in any actuarially funded retirement system for every year of service as a the governor, a legislator, the clerk or sergeant at arms of the House of Representatives, and the secretary or sergeant at arms of the Senate.

Proposed law retains present law but eliminates the extra 1% accrual for years of service for such persons hired on or after Jan. 1, 2011.

DISABILITY RETIREMENT

I. LASERS - injuries not sustained in the line of duty

Present law provides a variety of disability retirement provisions for the following groups of employees for injuries sustained not in the line of duty:

- (1) Rank-and-file members hired on or before June 30, 2006, or peace officers, enforcement personnel in the Dept. of Revenue, office of alcohol and tobacco control, judges, the governor, lieutenant governor, the clerk and sergeant at arms of the House of Representatives, the secretary and the sergeant at arms of the Senate, regardless of hire date. Must have 10 years of service credit in order to receive a disability benefit. Such members shall receive a disability benefit that is the same as provided under the regular retirement provisions applicable to them.
- (2) Rank-and-file members hired on or after July 1, 2006. Must have 10 years of service credit in order to receive a disability benefit. Such members shall receive a disability benefit calculated based on a 2.5% accrual rate.
- (3) Wildlife agents. Must have 10 years of service credit. Shall receive disability benefits equal to 75% of their regular retirement benefit.

Proposed law retains present law for rank-and-file members. Furthermore, provides that judges, the governor, lieutenant governor, the clerk and sergeant at arms of the House of Representatives, the secretary and the sergeant at arms of the Senate hired on or after Jan. 1, 2011, shall be treated as rank-and-file and shall receive the same disability as rank-and-file members in (2) above for injuries not sustained in the line of duty.

Proposed law provides that disability benefits for all hazardous duty personnel hired on or after Jan. 1, 2011, pursuant to the Hazardous Duty Services Plan established in proposed law, must have 10 years of service credit in order to receive a disability benefit. Such members shall receive a disability benefit based on a 3-1/3% accrual rate for injuries not sustained in the line of duty.

II. LASERS - injuries sustained in the line of duty

Present law provides a variety of disability retirement provisions for the following groups of hazardous duty personnel for injuries sustained in the line of duty:

- (1) Wildlife agents - 60% of FAC (Final Average Compensation) with 10 years of service credit.
- (2) Corrections officers - 40% of FAC if less than 10 years of service credit. If he has 10 or more years of service, his disability retirement benefit shall be the greater of 40% of FAC or the amount that he would have received under regular retirement.
- (3) Peace officers - same as not in the line of duty above.
- (4) Enforcement personnel in the Dept. of Revenue, office of alcohol and tobacco control - same as not in the line of duty above.

Proposed law provides that hazardous duty personnel hired on or after Jan. 1, 2011, subject to the Hazardous Duty Services Plan established by proposed law shall receive a disability benefit equal to 75% of FAC for injuries sustained in the line of duty.

III. TRSL

Present law provides that members who have five years of service credit shall receive a disability benefit equal to 2.5% x years of service x FAC, which shall not be less than the lesser of: (1) 40% of the minimum beginning teacher salary; or (2) 75% of FAC.

Present law also provides a multitude of benefits to the surviving spouse and children upon the disability retiree's death.

Proposed law provides that a member hired on or after Jan. 1, 2011, must have 10 years of service credit in order to receive a disability benefit. Such members shall receive a disability benefit that is the same as provided under the regular retirement provisions applicable to them. Upon the death of the disability retiree, the normal retirement benefit payment options selected by the retiree shall apply.

III. LSERS

Present law provides that members hired on or before June 30, 2006, must have five years of service credit in order to receive a disability benefit, which benefit shall equal 2.5% x years of service x FAC, but shall not be less than 33-1/3% of FAC. Members hired on or after July 1, 2006, must have 10 years of service credit in order to receive a disability benefit, which benefit shall equal 3% x years of service x FAC. Upon the disability retiree's death, the surviving spouse shall receive 75% of the retiree's disability benefit.

Proposed law provides that a member hired on or after Jan. 1, 2011, must have 10 years of service credit in order to receive a disability benefit. Such members shall receive a disability benefit that is the same as provided under the regular retirement provisions applicable to them (2.5% x years of service x FAC for members hired on or after Jan. 1, 2011). Upon the death of the disability retiree, the normal retirement benefit payment options selected by the retiree shall apply.

IV. LSPRS

Present law provides that a member must have five years of service credit in order to receive a disability benefit for injuries not sustained in the line of duty. Such members shall receive a disability benefit equal to 50% of FAC + 1.5% of FAC for every year of service in excess of 10 years.

Proposed law provides that in accordance with the New State Police Retirement Plan established by proposed law, members hired on or after Jan. 1, 2011, must have 10 years of service credit in order to receive a disability benefit. Such members shall receive a disability benefit that is the same as provided under the regular retirement provisions applicable to them (3-1/3% x years of service x FAC) for injuries not sustained in the line of duty.

Present law provides that a member may receive a disability benefit for injuries sustained in the line of duty regardless of years of service credit. Such members shall receive a disability benefit equal to 50% of FAC + 1.5% of FAC for every year of service in excess of 10 years.

Proposed law provides that in accordance with the New State Police Retirement Plan established by proposed law, members hired on or after Jan. 1, 2011, shall receive a disability benefit equal to 75% of FAC for injuries sustained in the line of duty.

SURVIVOR BENEFITS

I. LASERS - death not sustained in the line of duty

Present law provides for benefits payable to surviving spouses and children upon the death of a member not yet retired who dies other than in the line of duty.

Present law provides for different survivor benefit amounts for surviving spouses and children typically expressed as a percentage of FAC. Provides that a spouse with children shall receive 25% of FAC for the spouse and 50% of FAC for the children. A spouse with no children shall receive 50% of FAC. Children with no surviving spouse shall receive 75% of FAC divided equally among them.

Proposed law retains present law for members hired on or before Dec. 31, 2010, but for members hired on or after Jan. 1, 2011, provides that a spouse with children shall receive 50% of what the member's normal retirement benefit would have been. Additionally, any children shall each receive 50% of what the spouse would be entitled to under proposed law. A spouse with no children shall receive an actuarially reduced benefit.

II. LASERS - death sustained in the line of duty

Present law provides for numerous survivor benefits payable to surviving spouses and children of the wildlife agents and correctional officers who die while in the line of duty.

Proposed law provides, pursuant to the Hazardous Duty Services Plan established by proposed law, that for hazardous duty personnel hired on or after Jan. 1, 2011, the surviving spouse and children of a member in hazardous duty services who dies in the line of duty shall receive 80% of FAC, which benefit shall be shared equally between the spouse and children.

III. TRSL

Present law provides that upon the death of member not yet retired, a spouse with children shall receive 50% of what the member's normal retirement benefit would have been. Additionally, any children shall each receive 50% of what the spouse would be entitled to under present law. A spouse with no children shall receive an actuarially reduced benefit.

Proposed law retains present law.

IV. LSERS

Present law provides that upon the death of member not yet retired, a surviving spouse with children shall receive 75% of FAC, 1/3 of which shall go to the spouse and 2/3 to go to the children. Children with no surviving spouse shall receive 75% of FAC. A spouse with no child shall receive 50% of FAC.

Proposed law retains present law for members hired on or before Dec. 31, 2010, but for members hired on or after Jan. 1, 2011, provides that a spouse with children shall receive 50% of what the member's normal retirement benefit would have been. Additionally, any children shall each receive 50% of what the spouse would be entitled to under proposed law. A spouse with no children shall receive an actuarially reduced benefit.

V. LSPRS - survivor benefits for death not sustained in the line of duty

Present law provides for benefits payable to surviving spouses and children upon the death of a member not yet retired who dies other than in the line of duty. Provides that a surviving spouse shall receive a survivor benefit equal to 25% of FAC if the member had less than five years of service credit; 30% of FAC if he had more than five but less than 10 years of service credit; 40% if he had at least 10 but less than 15 years of service credit; and 50% if he had at least 15 but less than 20 years. If the member had 20 or more years of service, the surviving spouse shall receive a benefit equal to what the member's regular retirement benefit would have been. Surviving children, without a surviving spouse, shall receive the greater of 60% of FAC or the regular retirement that the member would have received. Provides that in lieu of a surviving spouse or children, the member's parents shall receive 25% of FAC.

Proposed law retains present law for members hired on or before Dec. 31, 2010, but for members hired on or after Jan. 1, 2011, provides that a spouse with children shall receive 50% of what the member's normal retirement benefit would have been. Additionally, any children shall each receive 50% of what the spouse would be entitled to under proposed law. A spouse with no children shall receive an actuarially reduced benefit.

VI. LSPRS - survivor benefits for death sustained in the line of duty

Present law provides that for a death sustained in the line of duty a member's surviving spouse shall receive 75% of the salary being received by the member. Surviving children, without a surviving spouse, shall receive 75% of FAC.

Proposed law provides, pursuant to the New State Police Retirement Plan established by proposed law, that for members hired on or after Jan. 1, 2011, the surviving spouse and children of a member in hazardous duty services who dies in the line of duty shall receive 80% of FAC, which benefit shall be shared equally between the spouse and children.

Proposed law requires that any cost of proposed law be funded with additional employee and employer contributions in compliance with Art. X, §29(E)(5)(b) of the constitution of La.

Effective Jan. 1, 2011.

(Amends R.S. 11:62(4), (5)(a) and (c) and (10), 203, 211, 212, 214, 231, 403(5), 441(A) and (F), 444(A), 461(B), 471(A), 478(A), 551, 553 (intro. para.), 581, 601(B), 602, 701(5)(a), (b), and (c)(i), 761(A)(3), 768(B)(2), 778(C) and (D), 779, 1002(6)(b), 1141(A), 1144(B)(2)(a) and (3), 1147(C)(2)(b), 1151(A), 1307(A), 1310(A), 1313(B)(intro. para.), 1316(A), 1317(A)(1)(intro. para.), 1318(A), 1319, 1320(A), 1321(A)(1), 1322(A)(intro. para.); Adds R.S. 11:62(5)(g), 471.1, 611-619, 761(A)(4), 779.1, 1002(6)(c), 1144(B)(4), 1147(C)(2)(a)(iii), 1151.1, 1313(C), 1323, 1323.1, 1345.1-1345.9 and R.S. 24:36(M))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Retirement to the original bill.

1. Eliminated requirement that members to whom proposed law applies shall pay employee contributions in the amount of one-half of the system's normal cost, and instead required non-hazardous duty members to pay 8% and hazardous duty members to pay 9.5% in employee contributions.
2. For non-hazardous duty members to whom proposed law applied, changed retirement eligibility provisions from 10 years of service at age 60 to five years of service at age 60, and added a provision allowing such person to retire early with 20 years of service at any age subject to an actuarial reduction of benefits.
3. For hazardous duty members to whom proposed law applies, changed the 10 years at age 60 retirement eligibility provision to 12 years of service at age 55.
4. Relative to LASERS disability provisions, made technical corrections clarifying that disability must be total and permanent.
5. Relative to LASERS provisions requiring survivor benefits to cease upon remarriage of the beneficiary, required the beneficiary to notify LASERS within 30 days of remarriage.
6. Relative to the payment of survivor benefits to trusts of beneficiaries under proposed law, provided that if the trust terminates prior to the death of the beneficiary, the benefits shall be paid to the person having legal custody of the beneficiary.
7. Relative to LASERS Hazardous Duty Services Plan members under proposed law choosing early retirement, provided that for a person who is in state service at the time of retirement, his benefit shall be reduced from the earliest age that he would normally become eligible for regular retirement, as though he had

continued working to that age. For a person out of state service at the time of retirement, the years of service he has accrued at the time of retirement shall be used to determine the earliest age that he would normally become eligible for regular retirement.