

2022 Regular Session

HOUSE BILL NO. 20

BY REPRESENTATIVE ILLG

RETIREMENT/DISTRICT ATTY: Provides relative to the District Attorneys' Retirement System board of trustees and the reemployment of system retirees

1 AN ACT

2 To amend and reenact R.S. 11:1631(F)(2) and 1651(B)(introductory paragraph) and (3) and
3 (D), relative to the District Attorneys' Retirement System; to provide for
4 reemployment of retirees; to provide for benefits of reemployed retirees; to provide
5 for membership on the board of trustees and their per diem; and to provide for
6 related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 11:1631(F)(2) and 1651(B)(introductory paragraph) and (3) and (D)
12 are hereby amended and reenacted to read as follows:

13 §1631. Retirement benefits; application; eligibility requirements

14 * * *

15 F.

16 * * *

17 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, if
18 ~~any district attorney or assistant district attorney~~ the benefit of a retiree shall not be
19 suspended during reemployment by any district attorney in this state, and he shall not

1 be considered a member, earn additional service credit, or be required to pay
2 contributions, if he meets all of the following requirements:

3 (a) He has retired in accordance with R.S. 11:1633(A)(1)(b) or (c). ~~and is~~
4 ~~reemployed by any district attorney in this state~~

5 (b) More than sixty days has passed since the effective date of his retirement.

6 (c) He is ~~and~~ paid a salary of less than one of the following as applicable:

7 (i) If he is younger than the age set for working retirement by 26 U.S.C.
8 401(a)(36), one half of his final annual salary at the time of his retirement or the
9 annual salary provided for in 16:11(A)(1), whichever is less.

10 (ii) If he is not younger than the age set for working retirement by 26 U.S.C.
11 401(a)(36), the annual salary provided for in R.S. 16:11(A)(1), his benefit shall not
12 ~~be suspended, and he shall not be considered a member, nor shall he earn additional~~
13 ~~credit or be required to pay contributions.~~

14 * * *

15 §1651. Board of trustees; membership; vacancies; compensation

16 * * *

17 B. The board shall consist of ~~nine~~ ten trustees as follows:

18 * * *

19 (3) ~~One~~ Two retired ~~member~~ members of the system, ~~who shall have one of~~
20 ~~whom~~ served as ~~either~~ a district attorney ~~or~~ and one of whom served as an assistant
21 district attorney. ~~and who~~ Both shall be elected by the retired members of the
22 District Attorneys' Retirement System according to rules and regulations as the
23 ~~Board of Trustees~~ board shall adopt to govern such elections; ~~and~~ and shall serve as a
24 member for a term of five years.

25 * * *

26 D. The trustees shall receive for attendance at meetings of the board a per
27 diem of ~~fifty~~ seventy-five dollars per day plus the normal expense allowance allowed

1 state employees by the division of administration, provided funds are available for
2 this purpose.

3 * * *

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)]

HB 20 Original 2022 Regular Session Illg

Abstract: Provides for reemployment of retired members of the District Attorneys' Retirement System (DARS). Provides for membership on the system's board of trustees and their per diem.

Retirement Benefits

Present law provides that the retirement benefit of a retired member of DARS who is reemployed by a district attorney is suspended during employment. Provides that he becomes an active contributing member of the system and accrues a supplemental retirement benefit.

Present law provides an exception from the required suspension of benefits for a district attorney or assistant district attorney who is reemployed by a district attorney, who receives a salary less than that provided by present law, and who retired in accordance with one of the following:

- (1) He attained the age of 55 with 24 years of service credit.
- (2) He completed 30 years service credit.

Proposed law modifies this exception as follows:

- (1) Makes it applicable to any retired member of the system.
- (2) Requires passage of at least 60 days since the date of retirement.
- (3) Makes the present law income limit applicable to those who are at least the age set by present federal law for a working retirement (currently 59 and 1/2). For persons younger than that age, provides that the maximum income to qualify for the exemption is one-half of his final annual salary at the time of his retirement or the annual salary provided for by present law, whichever is less.

Board of Trustees

Present law provides for nine members to serve on the DARS board of trustees.

Proposed law increases membership to 10 board members.

Present law provides that either a retired district attorney or assistant district attorney is elected by system retirees to serve on the board.

Proposed law provides both a retired district attorney and assistant district attorney are elected to serve on the board.

Per Diem

Present law provides for per diem for board members of \$50 per day.

Proposed law increases per diem to \$75 per day.

(Amends R.S. 11:1631(F)(2) and 1651(B)(intro. para.) and (3) and (D))