

2024 Regular Session

HOUSE BILL NO. 9

BY REPRESENTATIVE ILLG

RETIREMENT/DISTRICT ATTY: Provides for survivor benefits of members of the District Attorneys' Retirement System

1 AN ACT

2 To amend and reenact R.S. 11:1636(B)(1) and (2), relative to the District Attorneys'  
3 Retirement System; to provide technical changes; and to provide for related matters.

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

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 11:1636(B)(1) and (2) are hereby amended and reenacted to read as  
9 follows:

10 §1636. Survivors' benefits

11 \* \* \*

12 B. Upon the death of any active contributing member with five or more years  
13 of creditable service, or any member with twenty-three years of service who has not  
14 retired, the following benefits shall be paid:

15 (1) Surviving spouse with or without minor children. The member shall be  
16 deemed to have been eligible to retire and to have exercised option 2 benefits on  
17 behalf of the surviving spouse who shall be paid such benefits just as though the  
18 member had retired and elected option 2 benefits on the day following death.  
19 Benefits shall be based on the retirement benefit accrual rate and reduction factors  
20 applicable to the member's retirement benefit with salary and creditable service

1 through the date of death; however, the reduction of benefits resulting from the  
 2 application of R.S. ~~11:1632(B) or 1633(5)~~ 11:1632(B) or 1633(B) and the option  
 3 factors used shall be based on the presumption that the member continued in service  
 4 to the date he would have first become eligible for retirement under R.S. ~~11:1633(5)~~  
 5 ~~or 1632(B)~~ 11:1632(B) or 1633(A).

6 (2) Surviving minor children, no surviving spouse. The aggregate amount  
 7 payable to all surviving minor children shall be eighty percent of the member's  
 8 benefits accrued through his date of death. Such accrued benefits shall be based on  
 9 salary and creditable service through the date of death; however, any reduction in  
 10 benefits resulting from the application of R.S. ~~11:1632(B) or 1633(5)~~ 11:1632(B) or  
 11 1633(B) shall not be in excess of the reduction resulting from the presumption that  
 12 the member continued in service to the date he would have first become eligible for  
 13 retirement under R.S. ~~11:1633(5) or 1632(B)~~ 11:1632(B) or 1633(A). Benefits  
 14 payable to minor children shall be paid in equal shares with shares reallocated as  
 15 each child's benefit ceases.

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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)]

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HB 9 Reengrossed

2024 Regular Session

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**Abstract:** Provides for technical changes to the District Attorneys' Retirement System (DARS).

Present law provides if a member of DARS dies prior to retiring, the surviving spouse and/or children will receive a benefit paid as though the member had retired.

Proposed law retains present law and makes technical changes.

(Amends R.S. 11:1636(B)(1) and (2))