

Regular Session, 2013

HOUSE BILL NO. 22

BY REPRESENTATIVE DANAHAAY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

RETIREMENT/SHERIFFS FUND: Provides relative to the calculation of final average compensation in the Sheriffs' Pension and Relief Fund

1 AN ACT

2 To amend and reenact R.S. 11:2178(B)(1)(b)(ii) and (3)(b)(ii) and (C)(1)(c)(ii), (iii), and
3 (iv)(aa) and (4)(b) and to repeal R.S. 11:231(C)(1)(d), relative to the Sheriffs'
4 Pension and Relief Fund; to provide relative to the calculation of final average
5 compensation; and to provide for related matters.

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 11:2178(B)(1)(b)(ii) and (3)(b)(ii) and (C)(1)(c)(ii), (iii), and (iv)(aa)
11 and (4)(b) are hereby amended and reenacted to read as follows:

12 §2178. Disability benefits; retirement benefits; death benefits

13 * * *

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

16 The disability benefit shall be as follows:

17 (1)

18 * * *

19 (b)

20 * * *

1 (ii) For the purpose of this Subsection, for any member whose first
2 employment making him eligible for membership in the system began on or after
3 July 1, 2006, final average compensation is defined as the member's average salary
4 for the sixty highest successive months of employment, or the highest sixty
5 successive joined months of employment where interruption of service occurred. If
6 the member has been employed for a period of less than sixty months, final average
7 compensation shall be based on the average monthly salary received for the time
8 employed. The earnings to be considered for the thirteenth through the twenty-
9 fourth month shall not exceed one hundred twenty-five percent of the earnings of the
10 first through the twelfth month. The earnings to be considered for the twenty-fifth
11 through the thirty-sixth month shall not exceed one hundred twenty-five percent of
12 the earnings of the thirteenth through the twenty-fourth month. The earnings for the
13 thirty-seventh through the forty-eighth month shall not exceed one hundred twenty-
14 five percent of the earnings of the twenty-fifth through the thirty-sixth month. The
15 earnings for the final twelve months shall not exceed one hundred twenty-five
16 percent of the earnings of the thirty-seventh through the forty-eighth month.

* * *

18 (3)

* * *

20 (b)

* * *

22 (ii) For the purpose of this Subsection, for any member whose first
23 employment making him eligible for membership in the system began on or after
24 July 1, 2006, final average compensation is defined as the member's average salary
25 for the sixty highest successive months of employment, or the highest sixty
26 successive joined months of employment where interruption of service occurred. If
27 the member has been employed for a period of less than sixty months, final average
28 compensation shall be based on the average monthly salary received for the time
29 employed. The earnings to be considered for the thirteenth through the twenty-

1 fourth month shall not exceed one hundred twenty-five percent of the earnings of the
 2 first through the twelfth month. The earnings to be considered for the twenty-fifth
 3 through the thirty-sixth month shall not exceed one hundred twenty-five percent of
 4 the earnings of the thirteenth through the twenty-fourth month. The earnings for the
 5 thirty-seventh through the forty-eighth month shall not exceed one hundred twenty-
 6 five percent of the earnings of the twenty-fifth through the thirty-sixth month. The
 7 earnings for the final twelve months shall not exceed one hundred twenty-five
 8 percent of the earnings of the thirty-seventh through the forty-eighth month.

9 * * *

10 C.(1)

11 * * *

12 (c)

13 * * *

14 (ii) A member whose first employment making him eligible for membership
 15 in the system began on or after July 1, 2006, but prior to January 1, 2012, shall be
 16 paid a monthly sum equal to three and one-third percent of the member's average
 17 monthly salary for the sixty highest successive months of employment, or the highest
 18 sixty successive joined months of employment where interruption of service
 19 occurred, multiplied by the number of years of creditable service in the fund. The
 20 earnings to be considered for the thirteenth through the twenty-fourth month shall
 21 not exceed one hundred twenty-five percent of the earnings of the first through the
 22 twelfth month. The earnings to be considered for the twenty-fifth through the thirty-
 23 sixth month shall not exceed one hundred twenty-five percent of the earnings of the
 24 thirteenth through the twenty-fourth month. The earnings for the thirty-seventh
 25 through the forty-eighth month shall not exceed one hundred twenty-five percent of
 26 the earnings of the twenty-fifth through the thirty-sixth month. The earnings for the
 27 final twelve months shall not exceed one hundred twenty-five percent of the earnings
 28 of the thirty-seventh through the forty-eighth month.

1 (iii) A member whose first employment making him eligible for membership
2 in the system began on or after January 1, 2012, shall be paid a monthly sum equal
3 to three percent of the member's average monthly salary for the sixty highest
4 successive months of employment, or the highest sixty successive joined months of
5 employment where interruption of service occurred, multiplied by the number of
6 years of creditable service in the fund. The earnings to be considered for the
7 thirteenth through the twenty-fourth month shall not exceed one hundred twenty-five
8 percent of the earnings of the first through the twelfth month. The earnings to be
9 considered for the twenty-fifth through the thirty-sixth month shall not exceed one
10 hundred twenty-five percent of the earnings of the thirteenth through the twenty-
11 fourth month. The earnings for the thirty-seventh through the forty-eighth month
12 shall not exceed one hundred twenty-five percent of the earnings of the twenty-fifth
13 through the thirty-sixth month. The earnings for the final twelve months shall not
14 exceed one hundred twenty-five percent of the earnings of the thirty-seventh through
15 the forty-eighth month.

16 (iv)(aa) Notwithstanding the provisions of Item (iii) of this Subparagraph,
17 a member whose first employment making him eligible for membership in the
18 system began on or after January 1, 2012, who retires with thirty or more years of
19 creditable service or any member who in the performance of his official duties as a
20 commissioned law enforcement officer suffers a violent act or accident during the
21 pursuit, apprehension, or arrest of a criminal suspect and as a result becomes totally
22 and permanently disabled or dies, shall be paid a monthly sum equal to three and
23 one-third percent of the member's average monthly salary for the sixty highest
24 successive months of employment, or the highest sixty successive joined months of
25 employment where interruption of service occurred, multiplied by the number of
26 years of creditable service in the fund. The earnings to be considered for the
27 thirteenth through the twenty-fourth month shall not exceed one hundred twenty-five
28 percent of the earnings of the first through the twelfth month. The earnings to be
29 considered for the twenty-fifth through the thirty-sixth month shall not exceed one

1 hundred twenty-five percent of the earnings of the thirteenth through the twenty-
 2 fourth month. The earnings for the thirty-seventh through the forty-eighth month
 3 shall not exceed one hundred twenty-five percent of the earnings of the twenty-fifth
 4 through the thirty-sixth month. The earnings for the final twelve months shall not
 5 exceed one hundred twenty-five percent of the earnings of the thirty-seventh through
 6 the forty-eighth month.

7 * * *

8 (4)

9 * * *

10 (b) For those members whose first employment making them eligible for
 11 membership in the system began on or after July 1, 2006, the retirement pension
 12 under this Subsection shall in no case exceed the average monthly salary for the sixty
 13 highest successive months of employment, or the highest sixty successive joined
 14 months of employment where interruption of service occurred. The earnings to be
 15 considered for the thirteenth through the twenty-fourth month shall not exceed one
 16 hundred twenty-five percent of the earnings of the first through the twelfth month.
 17 The earnings to be considered for the twenty-fifth through the thirty-sixth month
 18 shall not exceed one hundred twenty-five percent of the earnings of the thirteenth
 19 through the twenty-fourth month. The earnings for the thirty-seventh through the
 20 forty-eighth month shall not exceed one hundred twenty-five percent of the earnings
 21 of the twenty-fifth through the thirty-sixth month. The earnings for the final twelve
 22 months shall not exceed one hundred twenty-five percent of the earnings of the
 23 thirty-seventh through the forty-eighth month.

24 * * *

25 Section 2. R.S. 11:231(C)(1)(d) is hereby repealed in its entirety.

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)]

Danahay

HB No. 22

Abstract: Provides anti-spiking caps in the final average compensation calculation for all members enrolled on or after July 1, 2006, in the Sheriffs' Pension and Relief Fund.

Present law establishes the Sheriffs' Pension and Relief Fund and the benefit structure therefor. As part of the benefit structure, present law provides final average compensation calculations for all members. Proposed law retains present law.

Present law provides that all members enrolled prior to July 1, 2006, have a three-year final average compensation calculation. Further provides that in all such calculations, the salary for the second year cannot exceed the salary for the first year by more than 125% and that the salary for the last year cannot exceed the salary for the second year by more than 125%. Proposed law retains present law.

Present law provides that all members enrolled on or after July 1, 2006, have a five-year final average compensation calculation. Proposed law retains present law.

Proposed law provides that for the five-year final average compensation calculation, the salary of the second year cannot exceed the salary of the first year by more than 125%; the salary of the third year cannot exceed the salary of the second year by more than 125%; the salary of the fourth year cannot exceed the salary of the third year by more than 125%; and the salary of the fifth year cannot exceed the salary of the fourth year by more than 125%.

(Amends R.S. 11:2178(B)(1)(b)(ii) and (3)(b)(ii) and (C)(1)(c)(ii), (iii), and (iv)(aa) and (4)(b); Repeals R.S. 11:231(C)(1)(d))