Regular Session, 2010

ACT No. 273

HOUSE BILL NO. 749

BY REPRESENTATIVES POPE, CORTEZ, DOERGE, DOWNS, HENDERSON, HOFFMANN, AND MONTOUCET

1   AN ACT

2   To amend and reenact R.S. 11:1503(7) and 1530(K)(2) and to repeal R.S. 11:231(A)(5),

3   relative to the Clerks' of Court Retirement and Relief Fund; to provide for average

4   compensation; to provide for calculation of additional benefits following

5   participation in the Deferred Retirement Option Plan; to provide for transitional

6   provisions; to provide an effective date; and to provide for 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. 11:1503(7) and 1530(K)(2) are hereby amended and reenacted to

12 read as follows:

13   §1503. Definitions

14   As used in this Chapter, the following words and phrases shall have the

15   meanings ascribed to them unless the context clearly indicates otherwise:

16   *   *   *

17   (7)(a) "Monthly average final compensation", for a member whose first

18   employment making him eligible for membership in the system began on or before

19   June 30, 2006, means the average of a member's monthly salary during the highest

20   compensated thirty-six consecutive months or successive joined months if service

21   was interrupted. However, the salary to be considered for the middle twelve months

22   may not exceed one hundred ten percent of the salary for the twelve months most

23   distant in time from the date of retirement, and the salary to be considered for the

1   ~~most recent twelve months may not exceed one hundred twenty-one percent of the~~

2   ~~salary for the twelve months most distant in time from the date of retirement.~~

3   ~~(b) "Monthly average final compensation", for a member whose first~~

4   ~~employment making him eligible for membership in the system began on or after~~

5   ~~July 1, 2006,~~ means the average of a member's monthly salary during the highest

6   compensated sixty consecutive months or successive joined months if service was

7   interrupted. However, the salary to be considered for the thirteenth through the

8   twenty-fourth month may not exceed one hundred ten percent of the salary for the

9   first through the twelfth month. The salary to be considered for the twenty-fifth

10   through the thirty-sixth month may not exceed one hundred ten percent of the salary

11   for the thirteenth through the twenty-fourth month. The salary to be considered for

12   the thirty-seventh through the forty-eighth month may not exceed one hundred ten

13   percent of the salary for the twenty-fifth through the thirty-sixth month. The salary

14   to be considered for the forty-ninth through the sixtieth month may not exceed one

15   hundred ten percent of the salary for the thirty-seventh through the forty-eighth

16   month.

17   *   *   *

18   §1530. Deferred Retirement Option Plan

19   *   *   *

20   K.

21   *   *   *

22   (2)   Upon termination of employment, and in addition to the payment

23   provided for in Paragraph (1) of this Subsection, the monthly benefit payments that

24   were being paid into the Deferred Retirement Option Plan Fund shall begin to be

25   paid to the retiree and he shall receive an additional benefit based on his additional

26   service rendered since termination of participation in the fund, using the normal

27   method of computation of benefits, subject to the following:

28   (a) If his period of additional service is less than ~~thirty-six~~ <u>sixty</u> months, the

29   <u>monthly</u> average <u>final</u> compensation figure used to calculate the additional benefit

30   shall be that used to calculate his original benefit.

1   (b) If his period of additional service is ~~thirty-six~~ sixty months or more, the

2   monthly average final compensation figure used to calculate the additional benefit

3   shall be based on his compensation during the period of additional service.

4   (c) In no event shall the additional benefit exceed an amount which, when

5   combined with the original service retirement benefit, equals one hundred percent

6   of the monthly average final compensation figure used to compute the additional

7   benefit.

8   *   *   *

9   Section 2. R.S. 11:231(A)(5) is hereby repealed in its entirety.

10   Section 3. This Act shall be implemented according to the provisions of this Section.

11   (A) For transitional purposes, the provisions of R.S. 11:1503(7) shall be phased in

12   as follows:

13   (1) For members retiring before January 1, 2011, the provisions of R.S. 11:1503(7)

14   shall apply as they existed before the effective date of this Act.

15   (2) For those members retiring on or after January 1, 2011, and on or before

16   December 31, 2012, the period used to calculate monthly average final compensation shall

17   be thirty-six months plus the number of whole months since January 1, 2011.

18   (B) For transitional purposes, the provisions of R.S. 11:1503(K)(2)(a) and (b) shall

19   be phased in as follows:

20   (1) For members entering the Deferred Retirement Option Plan before January 1,

21   2013, the period of additional service required and utilized to calculate a revised monthly

22   average final compensation for the benefit after Deferred Retirement Option Plan

23   participation shall be equal to thirty-six months plus the number of whole months from

24   January 1, 2011, to the date of Deferred Retirement Option Plan entry.

25   (2) For members entering the plan on or after January 1, 2013, the provisions of R.S.

26   11:1530(K)(2)(a) and (b) shall apply as provided in this Act.

27   (C) Notwithstanding any other provision of this Section to the contrary, the monthly

28   average final compensation expressed in dollars used to compute a member's benefit after

29   the effective date of this Act shall not be less than the dollar amount of the average monthly

1 earnings during the member's highest thirty-six consecutive months or joined months of

2 service earned for employment before the effective date of this Act.

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

_____
SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____
PRESIDENT OF THE SENATE

_____
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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