

Regular Session, 2008

SENATE BILL NO. 315

BY SENATOR NEVERS

RETIREMENT BENEFITS. Provides for enhanced benefits for peace officers employed as arson investigators in the fire marshal's office. (7/1/08)

1 AN ACT

2 To amend and reenact R.S. 11:62(5)(b), 444(A)(2)(b)(introductory paragraph) and (i)(bb),
3 and 545(D), relative to the Louisiana State Employees' Retirement System; to
4 provide relative to the benefits of peace officers; to include arson investigators in the
5 office of state fire marshal in the benefit provisions for peace officers; to provide for
6 employee contributions, calculation of benefits, and funding; to provide for an
7 effective date; and to provide for related matters.

8 Notice of intention to introduce this Act has been published.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 11:62(5)(b), 444(A)(2)(b)(introductory paragraph) and (i)(bb), and
11 545(D) are hereby amended and reenacted to read as follows:

12 §62. Employee contribution rates established

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

15 * * *

16 (5) Louisiana State Employees' Retirement System:

17 * * *

1 (b) Public safety service employees referred to as "member" or "members"
 2 in R.S. 11:601(B); peace officers employed by the Department of Public Safety and
 3 Corrections, office of state police, other than state troopers, **or employed as arson**
 4 **investigators by the state fire marshal's office** as provided in R.S.
 5 11:444(A)(2)(b); and personnel employed by the Department of Revenue, office of
 6 alcohol and tobacco control, as provided in R.S. 11:444(A)(2)(c) - 9%.

7 * * *

8 §444. Computation of retirement benefit

9 A.

10 * * *

11 (2)

12 * * *

13 (b) ~~Peace officers~~ **Any peace officer**, as defined by R.S. 40:2402(1)(a),
 14 employed by the Department of Public Safety and Corrections, office of state police,
 15 other than state troopers, **or employed as an arson investigator by the office of**
 16 **state fire marshal** shall receive a maximum retirement allowance in accordance
 17 with the following:

18 (i)

19 * * *

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

27 * * *

28 §545. Department of Public Safety Peace Officers Fund

29

- (2) Any person first employed as a peace officer after 6/30/06 shall receive a benefit equal to 3-1/3% of average compensation, as determined under present law, for every year of creditable service as a peace officer, not to exceed 100% of the member's average compensation.

Proposed law retains present law. Provides that peace officers employed as arson investigators by the office of state fire marshal shall receive a benefit calculated in accordance with present law.

Present law provides relative to the Deferred Retirement Option Plan (DROP) of LASERS. Provides that any person employed as a peace officer on or before 6/30/06 who was participating in DROP on 6/30/07, or who had continued in employment as of such date after completion of DROP participation shall have his base benefit recalculated to reflect the increase in benefits provided pursuant to present law. Provides that the balance in such a member's DROP account and any subsequent contributions to such account shall be increased to reflect such benefit increase.

Proposed law retains present law. Specifies that such recalculation applies only to peace officers to whom it applied on the effective date of such present law.

Present law provides any peace officer to whom present law applies who continues in employment after participation in the DROP shall receive a supplemental benefit pursuant to present law for such continued employment calculated using the accrual rate of 3-1/3%.

Proposed law retains present law.

Present law provides for a special fund in the state treasury known as the Department of Public Safety Peace Officers Fund (fund). Provides for allocation and credit of monies to and deposit of monies in such fund. Provides that monies in the fund shall be invested in the same manner as the state general fund monies. Provides that interest earned on the investment of monies in the fund, after being credited to the Bond Security and Redemption Fund pursuant to present constitution, shall be credited to the fund. Provides that all unexpended and unencumbered monies and earnings remaining in the fund at the end of the fiscal year shall remain in the fund and shall be available for allocation in the next fiscal year in the same manner and for the same purposes as provided in present law.

Proposed law retains present law.

Present law provides that the monies in the fund shall be used for funding retirement benefits for peace officers, as defined in present law, employed by the DPS&C, office of state police, other than state troopers. Provides that any monies in the fund not used for retirement benefits as provided in present law may be used to support the operations of the DPS&C, Capitol Complex Police Force.

Proposed law retains present law. Provides that the monies shall also be used for funding retirement benefits for peace officers employed as arson investigators by the office of state fire marshal.

Present law provides that on October first of each fiscal year, beginning with the 2007-2008 Fiscal Year, the treasurer shall allocate and distribute to LASERS from the fund the amount of any amortization payment calculated by LASERS' actuary and contained in LASERS' valuation for the previous fiscal year approved by the Public Retirement Systems' Actuarial Committee to be paid from the fund. Provides, however, in no case shall the allocation and distribution to LASERS provided in present law exceed the balance in the fund. Provides that any unpaid portion of an amortization payment for a particular fiscal year shall be treated as an underpayment pursuant to present law and shall be included in the calculation of the actuarially required contribution for all employers of LASERS for the following fiscal year.

Proposed law retains present law.

Proposed law provides that the actuarial cost of the provisions of proposed law, if any, shall be funded as provided in proposed law and in compliance with present constitutional provisions.

Effective on July 1, 2008.

(Amends R.S. 11:62(5)(b), 444(A)(2)(b)(intro. para.) and (i)(bb), and 545(D))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Makes technical corrections.