

Regular Session, 2012

HOUSE BILL NO. 58

BY REPRESENTATIVE PEARSON

RETIREMENT/DISTRICT ATTY: Relative to the District Attorneys' Retirement System

1 AN ACT

2 To amend and reenact R.S. 11:62(12), 1581(5), 1614, 1631(F)(1), 1635, and  
3 1651(B)(introductory paragraph) and (2)(a), to enact R.S. 11:1588, 1632(C), (D), and  
4 (E), 1633(C), 1636(B)(7), and (C), 1638(C), 1645, and 1676, and to repeal R.S.  
5 11:231(A)(3), relative to the District Attorneys' Retirement System of Louisiana; to  
6 provide relative to employee contribution rates; to provide for the system's federal  
7 tax qualification status; to provide relative to calculation of average final  
8 compensation; to provide relative to the composition of the board of trustees; and to  
9 provide for related matters.

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

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 11:62(12), 1581(5), 1614, 1631(F)(1), 1635, and  
15 1651(B)(introductory paragraph) and (2)(a) are hereby amended and reenacted and R.S.  
16 11:1588, 1632(C), (D), and (E), 1633(C), 1636(B)(7), and (C), 1638(C), 1645, and 1676 are  
17 hereby enacted to read as follows:

18 §62. Employee contribution rates established  
19 Employee contributions to state and statewide public retirement systems shall  
20 be paid at the following rates, except as otherwise provided by law:

- 21 \* \* \*
- 22 (12) District Attorneys' Retirement System - ~~7%~~ 8%.
- 23 \* \* \*

## 1 §1581. Definitions

2 The following words and phrases, as used in this Chapter, unless a different  
3 meaning is plainly required by the context, shall have the following meanings:

4 \* \* \*

5 (5)(a) "Average final compensation" shall mean the average monthly  
6 compensation earned by an employee during any period of ~~thirty-six~~ sixty successive  
7 months of service as an employee during which the said earned compensation was  
8 the highest. The average monthly compensation shall include compensation not paid  
9 by the state, but only to the extent that non-state compensation for the thirteenth  
10 through the twenty-fourth month does not exceed one hundred ten percent of the  
11 total of non-state compensation for the first through twelfth month, and that non-state  
12 compensation for the ~~final twelve months does not exceed one hundred ten percent~~  
13 ~~of the total of non-state compensation for the thirteenth through the twenty-fourth~~  
14 ~~month~~ twenty-fifth through the thirty-sixth month does not exceed one hundred ten  
15 percent of the total of non-state compensation for the thirteenth through the  
16 twenty-fourth month, and that non-state compensation for the thirty-seventh through  
17 the forty-eighth month does not exceed one hundred ten percent of the total of  
18 non-state compensation for the twenty-fifth through thirty-sixth month, and that  
19 non-state compensation for the forty-ninth through the sixtieth month does not  
20 exceed one hundred ten percent of the total of non-state compensation for the  
21 thirty-seventh through forty-eighth month. Fees earned in connection with official  
22 duties shall not be included in average final compensation. In the event of  
23 interruption of employment, the ~~thirty-six-month~~ sixty-month period shall be  
24 computed by joining employment periods immediately preceding and succeeding the  
25 interruption.

26 (b) Compensation of a member in excess of two hundred thousand dollars,  
27 as adjusted for increases in the cost-of-living under 26 U.S.C. 401(a)(17)(B) for  
28 years beginning after January 1, 2002, shall not be taken into account. This  
29 limitation may be adjusted by rules promulgated by the board of trustees in

1 accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et.  
2 seq. For purposes of compliance with the requirements for qualification under 26  
3 U.S.C. 401(a), the board of trustees may promulgate rules further defining  
4 "compensation" and "section 415 compensation" in accordance with the  
5 Administrative Procedure Act.

6 \* \* \*

7 §1588 Amendment of provisions of retirement system

8 A. The provisions of this retirement system established by this Chapter may  
9 be amended by action of the legislature in the same manner as any other statute may  
10 be amended by the legislature. In addition, action by the board of trustees with  
11 respect to the payment of cost-of living adjustments, with respect to the payment of  
12 employee contributions, with respect to actuarial assumptions, and with respect to  
13 other actions authorized in this Section shall be considered amendments to the  
14 provisions of the retirement system.

15 B. No amendment to this retirement system shall operate to deprive any  
16 member of a benefit to which he is already entitled. In the case of any merger or  
17 consolidation with, or transfer of assets or liabilities to, any other retirement system,  
18 each member in the retirement system would, if the retirement system is then  
19 terminated, receive a benefit immediately after the merger, consolidation, or transfer  
20 which is equal to or greater than the benefit he would have been entitled to receive  
21 immediately before the merger, consolidation, or transfer if the retirement system  
22 had then terminated.

23 C. Upon the termination or partial termination of the retirement system, the  
24 board of trustees shall reevaluate and redetermine the benefit of each member, and  
25 the entire benefit of each member may be paid or commence to be paid and  
26 distributed to such member, or in the case of his death before such distribution, to the  
27 beneficiary or beneficiaries designated by such member. However, if the member  
28 is still employed and the system is partially terminated, payment shall not be made  
29 until retirement or termination and shall be held until payment is otherwise due under



1 F.(1) Except as provided in Paragraph (2) of this Subsection, if any member  
 2 who has retired from this system is reemployed as an employee by any district  
 3 attorney in the state, his retirement benefit shall be suspended during said  
 4 employment, and he shall not be paid any benefits for the period covered by such  
 5 employment. He shall, upon such reemployment, again become an active  
 6 contributing member of the system, with the option of establishing service credit for  
 7 any period of full-time employment as district attorney or assistant district attorney  
 8 since returning to such employment following retirement by payment into the system  
 9 the employer and employee amount plus interest that would have been withheld and  
 10 paid into the system for that period based upon his total salary for such period. He  
 11 shall accrue a supplemental retirement benefit based on his service rendered after  
 12 reemployment. If the member continues employment after retirement for a period  
 13 of less than ~~thirty-six~~ sixty months, his supplemental monthly retirement benefit  
 14 shall equal the benefit accrued under R.S. 11:1632 or 1633, whichever is applicable,  
 15 based on the lesser of his average final compensation at his original retirement date  
 16 or his average compensation during the period of his subsequent reemployment. If  
 17 the member continues in employment after retirement for a period of ~~thirty-six~~ sixty  
 18 months or more, his supplemental monthly retirement benefit shall equal the benefit  
 19 accrued under R.S. 11:1632 or 1633, whichever is applicable, based on his average  
 20 final compensation during his period of reemployment. Upon retirement subsequent  
 21 to reemployment, his benefit shall be equal to the benefits he was receiving  
 22 immediately prior to reemployment plus the supplemental benefit earned during his  
 23 reemployment.

\* \* \*

§1632. Retirement eligibility; benefits at three percent

\* \* \*

27 C.(1) The retirement benefit of any member that is not attributable to  
 28 employee contributions, when expressed as an annual benefit, may not exceed two  
 29 hundred thousand dollars per year, as adjusted for increases in the cost of living

1 pursuant to 26 U.S.C. 415(d). For purposes of determining whether a member's  
2 benefit exceeds this limitation, if the normal form of benefit is other than a single life  
3 annuity, such form shall be adjusted actuarially to the equivalent of a single life  
4 annuity. This single life annuity shall not exceed the maximum dollar limitation  
5 outlined in this Paragraph. No adjustment is required for qualified joint and survivor  
6 annuity benefits, pre-retirement disability benefits, or pre-retirement death benefits.

7 (2)(a) If benefit distribution begins before age sixty-two, the actual  
8 retirement benefit shall not exceed the adjusted dollar limitation. The adjusted dollar  
9 limitation shall be the equivalent, determined in a manner consistent with reduction  
10 of benefits for early retirement under the federal Social Security Act, of two hundred  
11 thousand dollars beginning at age sixty-two.

12 (b) If benefit distribution begins after age sixty-five, the dollar limitation  
13 shall be increased to the equivalent of two hundred thousand dollars beginning age  
14 sixty-five, as adjusted for increases in the cost of living pursuant to 26 U.S.C. 415.

15 (c) The interest rate used for adjusting the maximum limitations above shall  
16 be:

17 (i) For benefits commencing before age sixty-two and for forms of benefit  
18 other than straight life annuity, the greater of five percent or the rate used to  
19 determine actuarial equivalence for other purposes of this retirement system.

20 (ii) For benefits commencing after age sixty-five, the lesser of five percent  
21 or the rate used to determine actuarial equivalence for other purposes under this  
22 retirement system.

23 (3) If retirement benefits are payable under this system to a member who has  
24 less than ten years of participation in the system, the dollar limitation referred to in  
25 Paragraph (1) of this Subsection shall be multiplied by a fraction, not in excess of  
26 one, the numerator of which is the member's number of years of participation in the  
27 system and the denominator of which is ten.

1           (4) The two hundred thousand dollar limitation provided in this Subsection  
2           shall be adjusted annually to the maximum dollar limits allowable as determined by  
3           the Commissioner of the Internal Revenue Service under 26 U.S.C. 415(d).

4           (5) If a member is a also a member in another defined benefit pension plan  
5           maintained by the state or its political subdivisions, his benefit, considered in the  
6           aggregate after taking into account the benefits provided by all such retirement plans,  
7           shall not exceed the limits provided in this Subsection.

8           (6) That portion of the benefit that is attributable to member contributions  
9           shall be determined in accordance with Treasury Regulations § 1.415-3(d)(1).

10          (7) Notwithstanding the provisions of this Subsection, the benefits payable  
11          with respect to a participant under any defined benefit plan shall be deemed not to  
12          exceed the limitations of Subsection E of this Section.

13          (a) The retirement benefits payable with respect to such participant under  
14          such plan and under all other defined benefit plans of the employer do not exceed ten  
15          thousand dollars for the plan year, or for any prior plan year, and

16          (b) The employer has not at any time maintained a defined contribution plan  
17          in which the participant participated.

18          D.(1) For purposes of R.S. 11:1623, 1633, and 1634, average compensation  
19          shall include any amounts properly considered as regular rate of pay of the member,  
20          as defined in R.S. 11:231, and unreduced by amounts excluded from income for  
21          federal income tax purposes by reason of 26 U.S.C. 125, 132(f), 402(e)(3),  
22          402(h)(1)(B), 403(b), 414(h), or 457 or any other provision of federal law of similar  
23          effect.

24          (2) For years beginning on or after January 1, 2002, the annual compensation  
25          limitation shall not exceed two hundred thousand dollars, as adjusted for  
26          cost-of-living increases under 26 U.S.C. 401(a)(17)(B). If compensation for an  
27          earlier period is taken into account in determining an employee's benefits accruing  
28          in the current plan year, the compensation for the earlier period shall be subject to  
29          the compensation limit for the current year

1           E.(1) The provisions of this Section shall apply if any member is covered or  
2           has ever been covered by another plan maintained by the employer, including a  
3           qualified plan, a welfare benefit fund as defined in 26 U.S.C. 419(e), an individual  
4           medical account as defined in 26 U.S.C. 415(1)(2) that provides an annual addition  
5           as described in Paragraph (4) of this Subsection.

6           (2) If a member is or has ever been covered under more than one defined  
7           benefit plan maintained by the employer, the sum of the member's annual benefits  
8           from all such plans shall not exceed the maximum permissible amount set forth in  
9           Subsection C of this Section.

10           (3) If the employer maintains or at any time maintained one or more  
11           qualified defined contribution plans covering any member in this system, a welfare  
12           benefit fund as defined in 26 U.S.C. 419(e) or an individual medical account as  
13           defined in 26 U.S.C. 415(1)(2), the member's annual additions for any year shall not  
14           exceed the maximum permissible amount, which is forty thousand dollars adjusted  
15           for increases in the cost-of-living pursuant to 26 U.S.C. 415(d).

16           (4) "Annual additions" of a member for the year shall mean the sum of the  
17           following amounts credited to a member's account for the year:

18           (a) Employer contributions.

19           (b) Employee contributions.

20           (c) Forfeitures.

21           (d) Amounts allocated to an individual medical account as defined in 26  
22           U.S.C. 415(1)(2) that is a part of a pension or annuity plan maintained by the  
23           employer are treated as annual additions to a defined contribution plan.  
24           Additionally, amounts derived from contributions paid or accrued in taxable years  
25           ending after December 31, 1985, which are attributable to post-retirement medical  
26           benefits allocated to the separated account of a key employee as defined in 26 U.S.C.  
27           419A(d)(d) or under a welfare benefit fund as defined in 26 U.S.C. 419(e)  
28           maintained by the employer are treated as annual additions to a defined contribution  
29           plan.



1           (e) The employee contribution shall be deemed to be a defined contribution  
2           plan. If a member has made employee contributions pursuant to the provisions of  
3           this retirement system, the amount of such contributions shall be treated as an annual  
4           addition to a qualified defined contribution plan for purposes of this Section.

5           (5) The amount of annual additions that may be credited to the member's  
6           account for any limitation year shall not exceed the maximum permissible amount.  
7           Contributions and benefits under any other plan of the employer, to the extent that  
8           an adjustment is required to satisfy the requirements of this Section in the aggregate,  
9           shall be limited or reduced to the extent necessary to satisfy such requirements  
10           without reducing accrued benefits; however, only after such other plans have been  
11           modified shall the benefits and contributions under this plan be reduced. As soon as  
12           it is administratively feasible after the end of the limitation year, the maximum  
13           permissible amount for the limitation year shall be determined on the basis of the  
14           member's actual compensation for the limitation year. If there is an excess amount,  
15           the excess shall be disposed of as follows:

16           (a) Any non-deductible voluntary employee contribution to the extent it  
17           would reduce the excess amount shall be returned to the member.

18           (b) If after the application of Subparagraph (a) of this Paragraph, an excess  
19           amount still exists, then any non-deductible mandatory contribution to the extent it  
20           would reduce the excess amount shall be returned to the member.

21           (c) If after the application of Subparagraph (b) of this Paragraph, an excess  
22           amount still exists and the member is covered by the plan at the end of the limitation  
23           year, the excess amount in the member's account shall be used to reduce employer  
24           contributions, including any allocation of forfeitures, for such member in the next  
25           limitation year if necessary.

26           (d) If after the application of Subparagraph (c) of this Paragraph, an excess  
27           amount still exists and the member is not covered by the plan at the end of the  
28           limitation year, the excess amount shall be held unallocated in a suspense account.  
29           The suspense account shall be applied to reduce the future employer contributions





1           (2) "Distributee" means a member or former member. In addition, the  
2           member's or former member's surviving spouse, or the member's spouse or former  
3           member's spouse with whom a benefit or return of employee contributions is to be  
4           divided pursuant to R.S. 11:291(B) are distributees with reference to an interest of  
5           the member or former spouse.

6           (3) "Eligible retirement plan" means an individual retirement account  
7           described in 26 U.S.C. 408(a), an individual retirement annuity described in 26  
8           U.S.C. 408(b), an annuity plan described in 26 U.S.C. 403(a), or a qualified trust  
9           described in 26 U.S.C. 401(a), that accepts the distributee's eligible rollover  
10          distribution. However, in the case of an eligible rollover distribution to the surviving  
11          spouse, an eligible retirement plan is an individual retirement account or individual  
12          retirement annuity. "Eligible retirement plan" shall also mean an annuity contract  
13          described in 26 U.S.C. 403(b) and an eligible plan under 26 U.S.C. 457(b) that is  
14          maintained by the state or any political subdivision or instrumentality thereof  
15          agreeing to account separately for amounts transferred into such plan from this fund.  
16          A distribution to a surviving spouse or to a spouse or former spouse who is the  
17          alternate payee under a qualified domestic relations order shall not make the  
18          retirement plan ineligible.

19          (4) "Eligible rollover distribution" means any distribution of all or any  
20          portion of the balance to the credit of the distribution, except that an eligible rollover  
21          distribution does not include any distribution that is one of a series of substantially  
22          equal periodic payments, not less frequently than annually, made for the life or life  
23          expectancy of the distributee or the joint lives or joint life expectancies of the  
24          distributee and the distributee's designated beneficiary, or for a specified period of  
25          ten years or more; any distribution to the extent such distribution is required under  
26          26 U.S.C. 401(a)(9); and the portion of any distribution that is not includable in gross  
27          income, determined without regard to the exclusion for net unrealized appreciation  
28          with respect to employer securities. A portion of a distribution shall not fail to be an  
29          eligible rollover distribution merely because the portion consists of after-tax

1 employee contributions which are not includable in gross income; however, such  
 2 portion may be paid only to an individual retirement account or annuity described  
 3 in 26 U.S.C. 408(a) or (b), or to a qualified defined contribution plan described in 26  
 4 U.S.C. 401(a) or 403(a) that agrees to account separately for amounts so transferred,  
 5 including accounting separately for the portion of such distribution which is  
 6 includable in gross income and the portion of such distribution which is not  
 7 includable. The fund shall accept participant rollover contributions, direct rollovers  
 8 of distributions made after December 31, 2011, or both, from the following types of  
 9 plans: individual retirement accounts or annuities or plans qualified under 26 U.S.C.  
 10 401(a) or 403(a), or governmental deferred compensation arrangements subject to  
 11 26 U.S.C. 457(b) or tax sheltered annuities or other arrangements under 26 U.S.C.  
 12 403(b), beginning on the effective date specified; but only for the purposes of  
 13 repaying prior distributions or purchasing service credits permitted under 26 U.S.C.  
 14 415(k)(3) and 415(n).

15 §1636. Survivors' benefits

16 \* \* \*

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

20 \* \* \*

21 (7) Upon the death of an active contributing member who is eligible to retire,  
 22 the spouse eligible for benefits payable under Paragraph (1) of this subsection may  
 23 elect to receive such benefits in the same manner as described in R.S. 11:1644 as if  
 24 the member had retired and elected Option Two Back-DROP benefits on the day  
 25 following the member's death.

26 C.(1) If a survivor benefit is payable to a specified person or persons or if a  
 27 benefit is payable at death under an option elected pursuant to R.S. 11:1637, the  
 28 member shall be considered to have designated such person as a designated  
 29 beneficiary hereunder. If there is more than one such person, then the oldest such

1 person shall be considered to have been so designated, or, if none, the oldest person  
2 entitled to receive a survivor benefit shall be considered to have been so designated.

3 The designation of a designated beneficiary hereunder shall not prevent payment to  
4 multiple beneficiaries but shall only establish the permitted period of payments.

5 (2) Distributions from the retirement system shall be made in accordance  
6 with the requirements set forth in 26 U.S.C. 401(a)(9), including the minimum  
7 distribution incidental benefit rules applicable thereunder.

8 (3) A member's benefits shall be made or shall commence to be paid on or  
9 before the required beginning date.

10 (4) The required beginning date shall be April first of the calendar year  
11 following the later of the calendar year in which the member attains seventy and  
12 one-half years of age, or the calendar year in which the employee retires.

13 \* \* \*

14 §1638. Cost-of-living increase of benefits

15 \* \* \*

16 C. No increase in benefits pursuant to Subsection A shall apply if the result  
17 would be to exceed the limitations of R.S. 11:1632(C).

18 \* \* \*

19 §1645. Excess benefit arrangement

20 A. A separate, nonqualified, unfunded excess benefit arrangement is hereby  
21 created outside the trust fund of the retirement system. This excess benefit  
22 arrangement shall be administered as a governmental excess benefit arrangement  
23 under 26 U.S.C. 415(m). The purpose of the excess benefit arrangement is to pay  
24 to retirees of the retirement system benefits otherwise payable by the retirement  
25 system that exceed the limitations on benefits imposed by 26 U.S.C. 415(b)(1)(A).

26 B. The board of trustees shall be responsible for the administration of the  
27 arrangement provided for in this Section. Except as otherwise provided by this  
28 Section, the board has the same rights, duties, and responsibilities concerning the  
29 excess benefit arrangement as it has to the trust fund and may adopt rules and

1 regulations necessary to administer this arrangement in accordance with the  
2 Administrative Procedure Act and in compliance with 26 U.S.C. 415(m).

3 C. Benefits under this Section are exempt from execution to the same extent  
4 as provided by R.S. 11:1583, subject to the exceptions in R.S. 11:291 and 292, and  
5 the benefits are completely unassignable. Contributions to this arrangement are not  
6 held in trust and may not be commingled with other funds of the retirement system.

7 D. A retiree is entitled to a monthly benefit under this Section in an amount  
8 equal to the amount by which the benefit otherwise payable by the retirement system  
9 has been reduced by the limitation on benefits imposed by 26 U.S.C. 415(b)(1)(A).  
10 The benefit payable by this arrangement is payable at the time and in the form that  
11 the benefit payable under the trust fund is paid.

12 E. The benefit payable under this Section shall be paid from contributions  
13 that otherwise would be made to the trust fund under this Title. In lieu of deposit in  
14 the trust account, an amount determined by the retirement system to be necessary to  
15 pay benefits under this Section shall be paid monthly to the credit of a separately  
16 dedicated account maintained only for the excess benefit arrangement. The account  
17 may included amounts needed to pay reasonable and necessary expenses of  
18 administering this arrangement. The monthly amounts to be paid to the credit of the  
19 account shall be transferred to the account prior to the date of a monthly  
20 disbursement under this Section.

21 F. The board reserves the right to amend, terminate or reestablish the  
22 arrangement at any time. Such amendment or termination may be retroactive to the  
23 extent that the board deems such action necessary to maintain the tax qualified status  
24 of the pension plan or the status of this arrangement as an excess benefit arrangement  
25 or to avoid jeopardizing the funded status of the pension plan. In addition, the  
26 arrangement may be amended or terminated to eliminate all benefits with respect to  
27 any member or other person who has not become eligible to participate in an excess  
28 benefit plan arrangement as of the date of such amendment or termination.

1 §1651. Board of trustees; membership; vacancies; compensation

2 \* \* \*

3 B. The board shall consist of ~~eight~~ nine trustees as follows:

4 \* \* \*

5 (2)(a) ~~Five~~ Six active and contributing members of the system, who shall  
6 have at least ten years of creditable service, one of whom shall be an assistant district  
7 attorney, and who shall be elected by the members of the District Attorneys'  
8 Retirement System according to such rules and regulations as the board of trustees  
9 shall adopt to govern such elections, shall serve as members for terms of five years  
10 each.

11 \* \* \*

12 §1676. Reversion of funds prohibited

13 A. At no time shall it be possible for the plan assets to be used for, or  
14 diverted to, any person or purpose other than for the exclusive benefit of the  
15 members and their beneficiaries, except that contributions made by the employer  
16 may be returned to the employer if the contribution was made due to a mistake of  
17 fact and the contribution is returned within one year of the mistaken payment of the  
18 contribution.

19 B. The amount of any contribution returned shall not exceed the difference  
20 between the amount actually contributed and the amount which would have been  
21 contributed had there been no mistake of fact and shall not include the earnings  
22 attributable to such contribution. The amount of the contribution returned shall be  
23 reduced by any losses attributable to the contribution, and no member shall have his  
24 benefit hereunder reduced by the return of the contribution to less than such benefit  
25 would have been had the returned contribution never been made.

26 C. Notwithstanding the above, if the retirement system is terminated and all  
27 obligations under the retirement system are fully funded and provided for, then any  
28 excess funds held by the system shall be returned to the employer.



1 Section 2. R.S. 11:231(A)(3) is hereby repealed in its entirety.

2 Section 3. The amendments to R.S. 11:1581(5) contained in this Act shall be  
3 implemented as follows: For those members retiring before January 1, 2013, the provisions  
4 of R.S.11:1581(5) shall apply as they existed before the effective date of this Act. For those  
5 members retiring on or after January 1, 2013, and on or before December 31, 2014, the  
6 period used to calculate the average final compensation shall be thirty-six months plus the  
7 number of whole months since January 1, 2013, until the date of retirement.  
8 Notwithstanding any other provision of this Section to the contrary, the monthly average  
9 final compensation expressed in dollars used to compute a member's benefit after the  
10 effective date of this Act shall not be less than the dollar amount of the average monthly  
11 earnings during the member's highest thirty-six consecutive months or joined months of  
12 service earned for employment before the effective date of this Act as determined under R.S.  
13 11:1581(5) as it provided prior to amendment by this Act.

14 Section 4. This Act shall become effective on July 1, 2012; if vetoed by the governor  
15 and subsequently approved by the legislature, this Act shall become effective on July 1,  
16 2012, or on the day following such approval by the legislature, whichever is later.

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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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Pearson

HB No. 58

**Abstract:** Relative to the District Attorneys' Retirement System (DARS): provides relative federal tax qualification status of the system; increases employee contributions; adds a member to the board of trustees; changes basis of FAC calculation from 36 to 60 months.

Present law provides for an employee contribution rate of 7%. Proposed law increases the rate to 8%

Present law provides that average final compensation is calculated using the highest paid 36 successive months of service. Proposed law increases the period to sixty months.

Present law provides for an eight member board of trustees to govern the system. Proposed law adds a member, who shall be an assistant district attorney, to the board.

Proposed law provides for compliance by the system with applicable federal tax qualification requirements of the Internal Revenue Code and federal regulations.

Effective July 1, 2012.

(Amends R.S. 11:62(12), 1581(5), 1614, 1631(F)(1), 1635, and 1651(B)(intro. para.) and (2)(a); Adds R.S. 11:1588, 1632(C), (D), and (E), 1633(C), 1636(B)(7), and (C), 1638(C), 1645, and 1676; Repeals R.S. 11:231(A)(3))