

Regular Session, 2012

SENATE BILL NO. 28

BY SENATOR CORTEZ

STATE POLICE RET FUND. Relative to benefits for members of the State Police Retirement System. (6/30/12)

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AN ACT

To amend and reenact R.S. 11:1305(A)(1), (C)(1) and (2), 1307(A)(1) and (2)(b), (B), and (D)(1), 1345.3, 1345.4(introductory paragraph), (A), (B), and (C), and 1345.5, relative to the State Police Pension and Retirement System; to provide relative to membership, contributions, eligibility for and calculation of benefits; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S.11:1305(A)(1), (C)(1) and (2), 1307(A)(1) and (2)(b), (B), and (D)(1), 1345.3, 1345.4(introductory paragraph), (A), (B) and (C), and 1345.5 are hereby amended and reenacted to read as follows:

§1305. Membership in pension and retirement system; credit for unclassified service prohibited; exceptions

A. Membership in the State Police Pension and Retirement System shall consist of the following:

(1) Sworn, commissioned law enforcement officers of the office of state police of the Department of Public Safety and Corrections who have satisfactorily

1 completed the State Police Training Academy Course of Instruction, ~~as provided by~~
 2 **pursuant to** Act No. 320 of the 1975 Louisiana Legislature and Act No. 94 of the
 3 1936 Louisiana Legislature, except those employed under the provisions of R.S.
 4 40:1388 and 1389, who were in the employ of the former division of state police on
 5 the date of establishment of this system or who are subsequently employed or who
 6 were employed and left on deposit the amount paid into the system, and sworn
 7 commissioned law enforcement officers of the office of state police who were
 8 transferred to other offices of the Department of Public Safety and Corrections
 9 pursuant to the Executive Reorganization Act prior to January 1, 1979.

10 * * *

11 C.(1) Notwithstanding any provision of law to the contrary, and particularly
 12 R.S. 11:1307 or any other provision of this Section, any state police employee who
 13 is a sworn, commissioned law enforcement officer of the office of state police, who
 14 serves in an active capacity in an unclassified position in the Department of Public
 15 Safety and Corrections, and who has previously contributed to this system, shall be
 16 eligible to continue contributing and accruing **creditable** service ~~credit~~ in this
 17 system.

18 (2) Any employee described in Paragraph (1) of this Subsection shall be
 19 entitled to have his **or her** salary earned in such unclassified capacity included in the
 20 calculation of retirement benefits which accrue to the employee under this system.

21 * * *

22 §1307. Persons eligible to retire on basis of service and age; retirement benefits

23 A. Upon application to the board as provided in R.S. 11:1306, members of
 24 this system shall be retired by the board at benefits fixed as follows:

25 (1) Any member of the system, whose first employment making him **or her**
 26 eligible for membership in one of the state systems occurred on or before December
 27 31, 2010, and who has attained age fifty and who has credit for at least ten years of
 28 service shall be paid a monthly benefit equal to the sum of three and one-third
 29 percent multiplied by the member's monthly average salary, and further multiplied

1 by the number of years of service credited to the member's account, but the total
2 annual benefit shall not exceed one hundred percent of the member's final average
3 annual salary.

4 (2) * * *

5 (b) Any member of the system whose initial date of employment occurred on
6 or after September 8, 1978, and whose first employment making him **or her** eligible
7 for membership in one of the state systems occurred on or before December 31,
8 2010, who has credit for at least twenty-five years of service, regardless of age, shall
9 be paid a monthly benefit equal to the sum of three and one-third percent multiplied
10 by the member's monthly average salary, and further multiplied by the number of
11 years of service credited to the member's account, but the total annual benefit shall
12 not exceed one hundred percent of the member's final average annual salary.

13 * * *

14 B. Any member of the system who is a commissioned member of the office
15 of state police who has at least twenty years of active service and who retires under
16 the provisions of this Section shall be entitled to purchase his **or her** firearm at fair
17 market value, upon retirement, subject to the approval of the deputy secretary of
18 public safety services of the department.

19 * * *

20 D.(1) Regardless of the compensation actually paid to a member, retirement
21 benefits from the State Police Pension and Retirement System shall be as provided
22 in this Chapter, except that his **or her** retirement benefits shall not exceed the
23 amount he would receive, assuming for computation purposes his **or her** earnings
24 were equal to the highest step of the pay range for the highest classified position in
25 the office of state police. The member's contributions shall be based upon the above
26 salary assumed for computation purposes.

27 * * *

28 §1345.3. Eligibility for membership

29 Each person who would be eligible for system membership pursuant to R.S.

1 11:1305 but whose first employment making him or her eligible for membership in
2 one of the state systems occurred on or after January 1, 2011, shall become a
3 member of the New State Police Retirement Plan of the system as a condition of
4 employment.

5 * * *

6 §1345.4. Eligibility for retirement

7 Any member shall be eligible for retirement if he or she has:

- 8 A. Twenty-five years or more of service credit, at any age.
- 9 B. Twelve years or more of service credit, at age fifty-five or thereafter.
- 10 C. Twenty years of service credit at any age, exclusive of military service

11 and unused annual and sick leave, but any person retiring under this Subsection shall
12 have his or her benefit, inclusive of military service credit and allowable unused
13 annual and sick leave, actuarially reduced from the earliest age that he would
14 normally become eligible for a regular retirement benefit under Subsection A or B
15 of this Section if he had continued in service to that age. Any employee who elects
16 to retire under the provisions of this Subsection shall not be eligible to participate in
17 the Back-Deferred Retirement Option Program provided by R.S. 11:1312.1 or the
18 Initial Benefit Option provided by R.S. 11:1307(E).

19 * * *

20 §1345.5. Retirement benefit

21 A member shall receive a retirement equal to three and one-third percent of
22 average compensation for ~~every~~ each year of creditable service in the plan, not to
23 exceed one hundred percent of the member's average compensation.

24 * * *

25 Section 2. This Act shall become effective on June 30, 2012; if vetoed by the
26 governor and subsequently approved by the legislature, this Act shall become effective on
27 June 30, 2012, or on the day following such approval by the legislature, whichever is later.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Lauren Bailey.

DIGEST

Proposed law relative to the State Police Pension and Retirement System provides for changes in present law regarding membership, contributions, and eligibility for and calculation of benefits.

Effective June 30, 2012.

(Amends R.S.11:1305(A)(1), (C)(1) and (2), 1307(A)(1) and (2)(b), (B), and (D)(1), 1345.3, 1345.4(intro. para.), (A), (B), and (C), and 1345.5)