

Regular Session, 2013

HOUSE BILL NO. 61

BY REPRESENTATIVE BADON

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

RETIREMENT/STATE-STWIDE: Provides relative to the calculation of benefits for members of state and statewide retirement systems

AN ACT

To amend and reenact R.S. 11:403(5), 612(1), 701(5)(a), 1002(6), 1310(A), 1345.2, 1402(6), 1432(A), 1503(7), 1581(5), 1732(15), 1902(14), 2031(5), 2165.2(A)(1), 2178.1(C)(introductory paragraph), 2213(4), and 2252(4) and to enact R.S. 11:403(9.1), 612(1.1), 701(5)(f) and (9.1), 1002(11.1), 1307.2, 1310(B), 1402(3.1), 1503(3.1), 1581(8.1), 1732(11.2), 1902(10.1), 2031(8.1), 2178.2, 2213(9.1), and 2252(8.1), relative to the establishment of new benefit calculations for certain members of state and statewide retirement systems; to provide definitions; to provide relative to calculations; to provide for applicability; and to provide for related matters.

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

13 Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:403(5), 612(1), 701(5)(a), 1002(6), 1310(A), 1345.2, 1402(6), 1432(A), 1503(7), 1581(5), 1732(15), 1902(14), 2031(5), 2165.2(A)(1), 2178.1(C)(introductory paragraph), 2213(4), and 2252(4) are hereby amended and reenacted and R.S. 11:403(9.1), 612(1.1), 701(5)(f) and (9.1), 1002(11.1), 1307.2, 1310(B), 1402(3.1), 1503(3.1), 1581(8.1), 1732(11.2), 1902(10.1), 2031(8.1), 2178.2, 2213(9.1), and 2252(8.1) are hereby enacted to read as follows:

1 §403. Definitions

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

4 * * *

5 (5)(a)(i) Except as provided in Subparagraph (c) of this Paragraph, "~~Average~~
6 average compensation", for a member whose first employment making him eligible
7 for membership in the system began on or before June 30, 2006, and for any person
8 who receives an additional benefit pursuant to R.S. 11:444(A)(2)(b) or (c), 557, 582,
9 or 602 or R.S. 24:36 whose first employment making him eligible for membership
10 in one of the state systems occurred on or before December 31, 2010, means the
11 average annual earned compensation of a state employee for the thirty-six highest
12 months of successive employment, or for the highest thirty-six successive joined
13 months of employment where interruption of service occurred; however, average
14 compensation for part-time employees who do not use thirty-six months of full-time
15 employment for average compensation purposes shall be based on the base pay the
16 part-time employee would have received had he been employed on a full-time basis.

17 (ii) The earnings to be considered for the thirteenth through the
18 twenty-fourth month shall not exceed one hundred twenty-five percent of the
19 earnings of the first through the twelfth month. The earnings to be considered for the
20 final twelve months shall not exceed one hundred twenty-five percent of the earnings
21 of the thirteenth through the twenty-fourth month. Nothing in this Subparagraph,
22 however, shall change the method of determining the amount of earned
23 compensation received.

24 (b)(i) Except as provided in Subparagraph (c) of this Paragraph, "~~Average~~
25 average compensation", for a member whose first employment making him eligible
26 for membership in the system began on or after July 1, 2006, and subject to the
27 limitations provided in this Subparagraph, means the average annual earned
28 compensation of a state employee for the sixty highest months of successive
29 employment or for the highest sixty successive joined months of employment where

1 interruption of service occurred; however, average compensation for part-time
2 employees who do not use sixty months of full-time employment for average
3 compensation purposes shall be based on the base pay the part-time employee would
4 have received had he been employed on a full-time basis. This Item shall also be
5 applicable to any judge, court officer, governor, lieutenant governor, clerk or
6 sergeant-at-arms of the House of Representatives, secretary or sergeant-at-arms of
7 the Senate, or state treasurer whose first employment making him eligible for
8 membership in one of the state systems occurred on or after January 1, 2011.

9 (ii) The earnings to be considered for persons to whom Item (i) of this
10 Subparagraph applies for the thirteenth through the twenty-fourth month shall not
11 exceed one hundred fifteen percent of the earnings of the first through the twelfth
12 month. The earnings to be considered for the twenty-fifth through the thirty-sixth
13 month shall not exceed one hundred fifteen percent of the earnings of the thirteenth
14 through the twenty-fourth month. The earnings to be considered for the thirty-
15 seventh through the forty-eighth month shall not exceed one hundred fifteen percent
16 of the earnings of the twenty-fifth through the thirty-sixth month. The earnings for
17 the final twelve months shall not exceed one hundred fifteen percent of the earnings
18 of the thirty-seventh through the forty-eighth month. The limitations on the
19 computation of average compensation contained in this Item shall not apply to any
20 twelve-month period during which compensation increased by more than fifteen
21 percent over the previous twelve-month period solely because of an increase in
22 compensation by a uniform systemwide increase adopted by the state Department of
23 Civil Service and approved by the governor or because of a pay adjustment enacted
24 by the legislature. This Item shall also be applicable to any judge, court officer,
25 member of the Louisiana Legislature, governor, lieutenant governor, clerk or
26 sergeant-at-arms of the House of Representatives, secretary or sergeant-at-arms of
27 the Senate, or state treasurer whose first employment making him eligible for
28 membership in one of the state systems occurred on or after January 1, 2011.

1 (iii) The provisions of this Subparagraph shall not apply to any person who
2 receives an additional benefit pursuant to R.S. 11:444(A)(2)(b) or (c), 557, 582, or
3 602 or R.S. 24:36 whose first employment making him eligible for membership in
4 one of the state systems occurred on or after January 1, 2011.

5 (c)(i) For members who require a divided benefit, "average compensation"
6 shall mean the average annual earned compensation of a state employee for the
7 thirty-six or sixty highest months of successive employment, as applicable, or for the
8 highest thirty-six or sixty successive joined months of employment where
9 interruption of service occurred, as applicable, within a period of service for a
10 calculation required pursuant to Paragraph (9.1) of this Section. If the period of
11 service in a calculation is less than the number of months otherwise required for the
12 member's average compensation as provided in this Paragraph, then the period of the
13 average compensation for that particular calculation shall be the number of months
14 worked. The provisions of Items (a)(ii) and (b)(ii) of this Paragraph, as applicable,
15 shall also apply to any calculation made pursuant to the provisions of this
16 Subparagraph. For the purposes of survivor and disability benefits, "average
17 compensation" shall mean the sum of all average compensation calculations pursuant
18 to Paragraph (9.1) of this Section, each calculation weighted in proportion to the
19 relation between the number of years of service in the calculation and the total years
20 of creditable service.

21 (ii) The provisions of this Subparagraph shall not apply to members of the
22 Optional Retirement Plan provided for in Subpart F of Part IV of Chapter 1 of
23 Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950.

24 * * *

25 (9.1)(a) "Divided benefit" means the benefit earned by a member whose
26 actual earnings in a calendar month are thirty percent or more above his average
27 monthly earnings for the immediately preceding twelve months. Such divided
28 benefit shall be calculated as the sum of benefits calculated as follows:

1 (i) The member's average compensation and creditable service as they
2 existed prior to the first day of the calendar month in which such an increase occurs
3 shall remain fixed and the benefit attributable to such service calculated. The benefit
4 for such service shall be calculated based on the length of such service, the accrual
5 rate of the member during such service, and the average compensation during the
6 period of such service.

7 (ii) A benefit shall also be calculated for service accrued on and after the first
8 day of the calendar month in which such an increase occurs and before any other
9 division as required by Item (iii) of this Subparagraph. The benefit for such service
10 shall be calculated based on the length of such service, the accrual rate of the
11 member during such service, and the average compensation during the period of such
12 service.

13 (iii) Each time a member's actual earnings in a calendar month are thirty
14 percent or more above his average monthly earnings for the immediately preceding
15 twelve months, a division shall be created in the member's benefit such that a benefit
16 is calculated for all new service on and after such salary increase and before any
17 future such salary increase. The benefit for such service shall be calculated based
18 on the length of such service, the accrual rate of the member during such service, and
19 the average compensation during the period of such service.

20 (b) If any period to be calculated is less than otherwise required for the
21 member's average compensation pursuant to Subparagraph (5)(a) or (b) of this
22 Section, as applicable, the average compensation shall be calculated as provided in
23 Subparagraph (5)(c) of this Section.

24 (c) Total years of service within the system accrued by a member shall be
25 aggregated for purposes of retirement eligibility.

26 (d) The divided benefit calculation, if applicable, shall apply to all benefits
27 earned in this Chapter, including but not limited to normal retirement, disability, and
28 survivor benefits.

1 (e) The provisions of this Paragraph shall not apply to members of the
2 Optional Retirement Plan in Subpart F of Part IV of Chapter 1 of Subtitle II of Title
3 11 of the Louisiana Revised Statutes of 1950.

4 * * *

5 §612. Application; definitions

6 Terms not specifically defined in this Section shall have the meanings
7 provided in R.S. 11:403 unless a different meaning is clearly required by the context.

8 For purposes of this Subpart:

9 (1)(a) Except as provided in Subparagraph (b) of this Paragraph, "Average
10 average compensation" means the average annual earned compensation of a member
11 for the sixty highest months of successive employment, or for the highest sixty
12 successive joined months of employment where interruption of service occurred;
13 however, average compensation for part-time employees who do not use sixty
14 months of full-time employment for average compensation purposes shall be based
15 on the base pay the part-time employee would have received had he been employed
16 on a full-time basis. The earnings to be considered for the thirteenth through the
17 twenty-fourth month shall not exceed one hundred fifteen percent of the earnings of
18 the first through the twelfth month. The earnings to be considered for the twenty-
19 fifth through the thirty-sixth month shall not exceed one hundred fifteen percent of
20 the earnings of the thirteenth through the twenty-fourth month. The earnings to be
21 considered for the thirty-seventh through the forty-eighth month shall not exceed one
22 hundred fifteen percent of the earnings of the twenty-fifth through the thirty-sixth
23 month. The earnings for the final twelve months shall not exceed one hundred
24 fifteen percent of the earnings of the thirty-seventh through the forty-eighth month.
25 The limitations on the computation of average compensation contained in this
26 Paragraph shall not apply to any twelve-month period during which compensation
27 increased by more than fifteen percent over the previous twelve-month period solely
28 because of an increase in compensation by a uniform systemwide increase adopted

1 by the state Department of Civil Service and approved by the governor or because
2 of a pay adjustment enacted by the legislature.

3 (b) For members who require a divided benefit calculation, "average
4 compensation" shall mean the average annual earned compensation of a member
5 during the sixty highest months of successive employment or for the highest sixty
6 successive joined months of employment where interruption of service occurred, as
7 applicable, within a period of service for a calculation required pursuant to Paragraph
8 (1.1) of this Section. If the period of service in a calculation is less than sixty
9 months, then the period of the average compensation for that particular calculation
10 shall be the number of months worked. The anti-spiking provisions of Subparagraph
11 (a) of this Paragraph shall also apply to any calculations made pursuant to the
12 provisions of this Subparagraph. For the purposes of survivor and disability benefits,
13 "average compensation" shall mean the sum of all average compensation calculations
14 pursuant to Paragraph (1.1) of this Section, each calculation weighted in proportion
15 to the relation between the number of years of service in the calculation and the total
16 years of creditable service.

17 (1.1)(a) "Divided benefit" means the benefit earned by a member whose
18 actual earnings in a calendar month are thirty percent or more above his average
19 monthly earnings for the immediately preceding twelve months. Such divided
20 benefit shall be calculated as the sum of benefits calculated as follows:

21 (i) The member's average compensation and creditable service as they
22 existed prior to the first day of the calendar month in which such an increase occurs
23 shall remain fixed and the benefit attributable to such service calculated. The benefit
24 for such service shall be calculated based on the length of such service, the accrual
25 rate of the member during such service, and the average compensation during the
26 period of such service.

27 (ii) A benefit shall also be calculated for service accrued on and after the first
28 day of the calendar month in which such an increase occurs and before any other
29 division as required by Item (iii) of this Subparagraph. The benefit for such service

1 shall be calculated based on the length of such service, the accrual rate of the
 2 member during such service, and the average compensation during the period of such
 3 service.

4 (iii) Each time a member's actual earnings in a calendar month are thirty
 5 percent or more above his average monthly earnings for the immediately preceding
 6 twelve months, a division shall be created in the member's benefit such that a benefit
 7 is calculated for all new service on and after such salary increase and before any
 8 future such salary increase. The benefit for such service shall be calculated based
 9 on the length of such service, the accrual rate of the member during such service, and
 10 the average compensation during the period of such service.

11 (b) If any period to be calculated is less than otherwise required for the
 12 member's average compensation pursuant to Paragraph (1) of this Section, the
 13 average compensation shall be calculated as provided in R.S. 11:403(5)(c).

14 (c) Total years of service within the system accrued by a member shall be
 15 aggregated for purposes of retirement eligibility.

16 (d) The divided benefit calculation, if applicable, shall apply to all benefits
 17 earned in this Chapter, including but not limited to normal retirement, disability, and
 18 survivor benefits.

19 * * *

20 §701. Definitions

21 As used in this Chapter, the following words and phrases have the meanings
 22 ascribed to them in this Section unless a different meaning is plainly required by the
 23 context:

24 * * *

25 (5)(a) Except as provided in Subparagraph (f) of this Paragraph, "Average
 26 average compensation" subject to the other provisions of this Paragraph, for any
 27 teacher whose first employment making him eligible for membership in one of the
 28 state systems occurred on or before December 31, 2010, means the average earnable
 29 compensation of a teacher for the three highest successive years of employment, or

1 the highest three successive joined years of employment where interruption of
2 service occurred. For any teacher whose first employment making him eligible for
3 membership in one of the state systems occurred on or after January 1, 2011,
4 "average compensation" means his average earnable compensation for the five
5 highest successive years of employment, or the highest five successive joined years
6 where interruption of service occurred. The computation of such average
7 compensation shall be in accordance with the following guidelines:

8 * * *

9 (f)(i) For members who require a divided benefit calculation, "average
10 compensation" shall mean the average earnable compensation of a teacher for the
11 thirty-six or sixty highest months of successive employment, as applicable, or for the
12 highest thirty-six or sixty successive joined months of employment where
13 interruption of service occurred, as applicable, within a period of service for a
14 calculation required pursuant to Paragraph (9.1) of this Section. If the period of
15 service in a calculation is less than the number of months otherwise required for the
16 member's average compensation as provided in this Paragraph, then the period of the
17 average compensation for that particular calculation shall be the number of months
18 worked. The provisions of Items (a)(i) through (v) of this Paragraph shall also apply
19 to any calculations made pursuant to the provisions of this Subparagraph. For the
20 purposes of survivor and disability benefits, "average compensation" shall mean the
21 sum of all average compensation calculations pursuant to Paragraph (9.1) of this
22 Section, each calculation weighted in proportion to the relation between the number
23 of years of service in the calculation and the total years of creditable service.

24 (ii) The provisions of this Subparagraph shall not apply to members of the
25 Optional Retirement Plan provided for in Subpart A of Part VIII of Chapter 2 of
26 Subpart II of Title 11 of the Louisiana Revised Statutes of 1950.

27 * * *

28 (9.1)(a) "Divided benefit" means the benefit earned by a member whose
29 actual earnings in a calendar month are thirty percent or more above his average

1 monthly earnings for the immediately preceding twelve months. Such divided
2 benefit shall be calculated as the sum of benefits calculated as follows:

3 (i) The member's average compensation and creditable service as they
4 existed prior to the first day of the calendar month in which such an increase occurs
5 shall remain fixed and the benefit attributable to such service calculated. The benefit
6 for such service shall be calculated based on the length of such service, the accrual
7 rate of the member during such service, and the average compensation during the
8 period of such service.

9 (ii) A benefit shall also be calculated for service accrued on and after the first
10 day of the calendar month in which such an increase occurs and before any other
11 division as required by Item (iii) of this Subparagraph. The benefit for such service
12 shall be calculated based on the length of such service, the accrual rate of the
13 member during such service, and the average compensation during the period of such
14 service.

15 (iii) Each time a member's actual earnings in a calendar month are thirty
16 percent or more above his average monthly earnings for the immediately preceding
17 twelve months, a division shall be created in the member's benefit such that a benefit
18 is calculated for all new service on and after such salary increase and before any
19 future such salary increase. The benefit for such service shall be calculated based
20 on the length of such service, the accrual rate of the member during such service, and
21 the average compensation during the period of such service.

22 (b) If any period to be calculated is less than otherwise required for the
23 member's average compensation pursuant to Subparagraph (5)(a) of this Section, the
24 average compensation shall be calculated as provided in Subparagraph (5)(f) of this
25 Section.

26 (c) Total years of service within the system accrued by a member shall be
27 aggregated for purposes of retirement eligibility.

(d) The divided benefit calculation, if applicable, shall apply to all benefits earned in this Chapter, including but not limited to normal retirement, disability, and survivor benefits.

(e) The provisions of this Paragraph shall not be applicable to members of the Optional Retirement Plan provided for in Subpart A of Part VIII of Chapter 2 of Subpart II of Title 11 of the Louisiana Revised Statutes of 1950.

* * *

§1002. Definitions

As used in this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section unless a different meaning is plainly required by the context:

* * *

(6)(a) Except as provided in Subparagraph (d) of this Paragraph, "Average
average compensation", for a member whose first employment making him eligible
for membership in the system began on or before June 30, 2006, shall be based on
the thirty-six highest successive months of employment, or on the highest thirty-six
successive joined months of employment where interruption of service occurred;
however, the average compensation amount to be considered for the first through the
twelfth month shall not exceed the compensation for the immediately preceding
twelve months by more than ten percent. The amount for the thirteenth through the
twenty-fourth month shall not exceed the lesser of the maximum allowable
compensation amount or the actual compensation amount for the first through the
twelfth month by more than ten percent. The amount for the twenty-fifth through the
thirty-sixth month shall not exceed the lesser of the maximum allowable
compensation amount or the actual compensation amount for the thirteenth through
the twenty-fourth month by more than ten percent. The limitations on the
computation of average compensation in this Paragraph shall not apply to any of the
twelve-month periods where compensation increased by more than one hundred ten
percent over the previous twelve-month period solely because of an increase in

1 compensation by legislative act or by a city/parish ~~system-wide~~ systemwide salary
2 increase.

3 (b) Except as provided in Subparagraph (d) of this Paragraph, "Average
4 average compensation", for a member whose first employment making him eligible
5 for membership in the system began on or after July 1, 2006, whose first
6 employment making him eligible for membership in one of the state systems
7 occurred on or before June 30, 2010, shall be based on the sixty highest successive
8 months of employment, or on the highest sixty successive joined months of
9 employment where interruption of service occurred; however, the average
10 compensation amount for the thirteenth through the twenty-fourth month shall not
11 exceed the actual compensation amount for the first through the twelfth month by
12 more than ten percent. The amount for the twenty-fifth through the thirty-sixth
13 month shall not exceed the lesser of the maximum allowable compensation amount
14 or the actual compensation amount for the thirteenth through the twenty-fourth
15 month by more than ten percent. The amount for the thirty-seventh through the
16 forty-eighth month shall not exceed the lesser of the maximum allowable
17 compensation amount or the actual compensation amount for the twenty-fifth
18 through the thirty-sixth month by more than ten percent. The amount for the forty-
19 ninth through the sixtieth month shall not exceed the lesser of the maximum
20 allowable compensation amount or the actual compensation amount for the thirty-
21 seventh through the forty-eighth month by more than ten percent. The limitations
22 on the computation of average compensation contained in this Paragraph shall not
23 apply to any twelve-month period during which compensation increased by more
24 than one hundred ten percent over the previous twelve-month period solely because
25 of an increase in compensation by legislative act or by a city/parish system-wide
26 salary increase.

27 (c) Except as provided in Subparagraph (d) of this Paragraph, "Average
28 average compensation", for a member whose first employment making him eligible
29 for membership in one of the state systems occurred on or after July 1, 2010, shall

1 be based on the sixty highest successive months of employment, or on the highest
2 sixty successive joined months of employment where interruption of service
3 occurred; however, the average compensation amount for the thirteenth through the
4 twenty-fourth month shall not exceed the actual compensation amount for the first
5 through the twelfth month by more than fifteen percent. The amount for the
6 twenty-fifth through the thirty-sixth month shall not exceed the lesser of the
7 maximum allowable compensation amount or the actual compensation amount for
8 the thirteenth through the twenty-fourth month by more than fifteen percent. The
9 amount for the thirty-seventh through the forty-eighth month shall not exceed the
10 lesser of the maximum allowable compensation amount or the actual compensation
11 amount for the twenty-fifth through the thirty-sixth month by more than fifteen
12 percent. The amount for the forty-ninth through the sixtieth month shall not exceed
13 the lesser of the maximum allowable compensation amount or the actual
14 compensation amount for the thirty-seventh through the forty-eighth month by more
15 than fifteen percent. The limitations on the computation of average compensation
16 contained in this Subparagraph shall not apply to any twelve-month period during
17 which compensation increased by more than one hundred fifteen percent over the
18 previous twelve-month period solely because of an increase in compensation by
19 legislative act or by a city/parish ~~system-wide~~ systemwide salary increase.

20 (d) For members who require a divided benefit calculation, "Average
21 average compensation" shall mean average compensation of a member for the
22 thirty-six or sixty highest months of successive employment, as applicable, or for the
23 highest thirty-six or sixty successive joined months of employment where
24 interruption of service occurred, as applicable, within a period of service for a
25 calculation required pursuant to Paragraph (11.1) of this Section. If the period of
26 service in a calculation is less than the number of months otherwise required for the
27 member's average compensation as provided in this Paragraph, then the period of the
28 average compensation for that particular calculation shall be the number of months
29 worked. The provisions of Subparagraphs (a)(ii) and (b)(ii) of this Paragraph, as

1 applicable, shall also apply any calculations made pursuant to the provisions of this
2 Subparagraph. For the purposes of survivor and disability benefits, "average
3 compensation" shall mean the sum of all average compensation calculations pursuant
4 to Paragraph (11.1) of this Section, each calculation weighted in proportion to the
5 relation between the number of years of service in the calculation and the total years
6 of creditable service.

7 (e) Notwithstanding any other provision of law to the contrary, "average
8 compensation" shall not include any amount in excess of the limitation provided ~~in~~
9 ~~R.S. 11:1141.3~~ by the Internal Revenue Code and as adopted by the board of
10 trustees.

11 * * *

12 (11.1)(a) "Divided benefit" means the benefit earned by a member whose
13 actual earnings in a calendar month are thirty percent or more above his average
14 monthly earnings for the immediately preceding twelve months. Such divided
15 benefit shall be calculated as the sum of benefits calculated as follows:

16 (i) The member's average compensation and creditable service as they
17 existed prior to the first day of the calendar month in which such an increase occurs
18 shall remain fixed and the benefit attributable to such service calculated. The benefit
19 for such service shall be calculated based on the length of such service, the accrual
20 rate of the member during such service, and the average compensation during the
21 period of such service.

22 (ii) A benefit shall also be calculated for service accrued on and after the first
23 day of the calendar month in which such an increase occurs and before any other
24 division as required by Item (iii) of this Subparagraph. The benefit for such service
25 shall be calculated based on the length of such service, the accrual rate of the
26 member during such service, and the average compensation during the period of such
27 service.

28 (iii) Each time a member's actual earnings in a calendar month are thirty
29 percent or more above his average monthly earnings for the immediately preceding

1 twelve months, a division shall be created in the member's benefit such that a benefit
2 is calculated for all new service on and after such salary increase and before any
3 future such salary increase. The benefit for such service shall be calculated based
4 on the length of such service, the accrual rate of the member during such service, and
5 the average compensation during the period of such service.

6 (b) If any period to be calculated is less than otherwise required for the
7 member's average compensation pursuant to Subparagraphs (6)(a) through (c) of this
8 Section, as applicable, the average compensation shall be calculated as provided in
9 Subparagraph (6)(d) of this Section.

10 (c) Total years of service within the system accrued by a member shall be
11 aggregated for purposes of retirement eligibility.

12 (d) The divided benefit calculation, if applicable, shall apply to all benefits
13 earned in this Chapter, including but not limited to normal retirement, disability, and
14 survivor benefits.

15 * * *

16 §1307.2. Divided benefit

17 A. "Divided benefit" means the benefit earned by a member whose actual
18 earnings in a calendar month are thirty percent or more above his average monthly
19 earnings for the immediately preceding twelve months. Such divided benefit shall
20 be calculated as the sum of benefits calculated as follows:

21 (1) The member's average salary and creditable service as they existed prior
22 to the first day of the calendar month in which such an increase occurs shall remain
23 fixed and the benefit attributable to such service calculated. The benefit for such
24 service shall be calculated based on the length of such service, the accrual rate of the
25 member during such service, and the average salary during the period of such
26 service.

27 (2) A benefit shall also be calculated for service accrued on and after the first
28 day of the calendar month in which such an increase occurs and before any other
29 division as required by Paragraph (3) of this Subsection. The benefit for such service

1 shall be calculated based on the length of such service, the accrual rate of the
2 member during such service, and the average salary during the period of such
3 service.

4 (3) Each time a member's actual earnings in a calendar month are thirty
5 percent or more above his average monthly earnings for the immediately preceding
6 twelve months, a division shall be created in the member's benefit such that a benefit
7 is calculated for all new service on and after such salary increase and before any
8 future such salary increase. The benefit for such service shall be calculated based
9 on the length of such service, the accrual rate of the member during such service, and
10 the average salary during the period of such service.

11 B. If any period to be calculated is less than otherwise required for the
12 member's average salary pursuant to R.S. 11:1310(A), the average salary shall be
13 calculated as provided in R.S. 11:1310(B).

14 C. Total years of service within the system accrued by a member shall be
15 aggregated for purposes of retirement eligibility.

16 D. The divided benefit calculation, if applicable, shall apply to all benefits
17 earned in this Chapter, including but not limited to normal retirement, disability, and
18 survivor benefits.

19 * * *

20 §1310. Average salary; method of determining

21 A.(1) Except as provided in Subsection B of this Section, ~~With~~ with respect
22 to persons employed prior to September 8, 1978, the term "average salary" as used
23 in this Chapter for the purpose of determining pension payments and retirement is
24 the average salary including any additional pay or salary provided by the legislature
25 over and above that set by the Civil Service Commission, received for the year
26 ending on the last day of the month immediately preceding the date of retirement or
27 date of death or for any one-year period, whichever is the greatest. For the purposes
28 of computation, "average salary" shall not include overtime, expenses, or clothing
29 allowances.

1 (2)(a) Except as provided in Subsection B of this Section, ~~With~~ with respect
2 to persons becoming employed on and after September 8, 1978, and whose first
3 employment making them eligible for membership in one of the state systems
4 occurred on or before December 31, 2010, the term "average salary" as used in this
5 Chapter for the purpose of determining pension payments and retirement is the
6 average salary including any additional pay or salary provided by the legislature over
7 and above that set by the Civil Service Commission, received for the thirty-six month
8 period ending on the last day of the month immediately preceding the date of
9 retirement or date of death or for any thirty-six consecutive months, whichever is the
10 greatest. For the purposes of computation, "average salary" shall not include
11 overtime, expenses, or clothing allowances.

12 (b) The earnings to be considered for the thirteenth through the twenty-fourth
13 month shall not exceed one hundred twenty-five percent of the earnings of the first
14 through the twelfth month. The earnings to be considered for the final twelve
15 months shall not exceed one hundred twenty-five percent of the earnings of the
16 thirteenth through the twenty-fourth month. Nothing in this Subparagraph, however,
17 shall change the method of determining the amount of earned compensation
18 received.

19 B.(1)(a) If a member employed prior to September 8, 1978, requires a
20 divided benefit, "average salary" as used in this Chapter for the purpose of
21 determining pension payments and retirement is the average salary including any
22 additional pay or salary provided by the legislature over and above that set by the
23 Civil Service Commission, received for a year ending on the last day of the month
24 immediately preceding the date the divided benefit calculation period ends or for any
25 one-year period within that divided benefit calculation period, whichever is the
26 greatest. For the purposes of computation, "average salary" shall not include
27 overtime, expenses, or clothing allowances. For the purposes of survivor and
28 disability benefits, "average salary" shall mean the sum of all average salary
29 calculations pursuant to R.S. 11:1307.2, each calculation weighted in proportion to

1 the relation between the number of years of service in the calculation and the total
2 years of creditable service.

3 (b) If the period of service in a calculation is less than the number of months
4 otherwise required for the member's average salary as provided in this Paragraph,
5 then the period of the average salary for that particular calculation shall be the
6 number of months worked.

7 (2)(a) If a member employed on and after September 8, 1978, and whose
8 first employment making them eligible for membership in one of the state systems
9 occurred on or before December 31, 2010, requires a divided benefit, the term
10 "average salary" as used in this Chapter for the purpose of determining pension
11 payments and retirement is the average salary including any additional pay or salary
12 provided by the legislature over and above that set by the Civil Service Commission,
13 received for a thirty-six-month period ending on the last day of the month
14 immediately preceding the date of a divided benefit calculation or date of death or
15 for any thirty-six consecutive months within a divided benefit calculation, whichever
16 is the greatest. For the purposes of computation, "average salary" shall not include
17 overtime, expenses, or clothing allowances. The provisions of Subparagraph
18 (A)(2)(b) of this Section shall apply to any calculation made pursuant to the
19 provisions of this Paragraph. For the purposes of survivor and disability benefits,
20 "average salary" shall mean the sum of all average salary calculations pursuant to
21 R.S. 11:1307.2, each calculation weighted in proportion to the relation between the
22 number of years of service in the calculation and the total years of creditable service.

23 (b) If the period of service in a calculation is less than the number of months
24 otherwise required for the member's average salary as provided in this Paragraph,
25 then the period of the average salary for that particular calculation shall be the
26 number of months worked.

27 * * *

1 §1345.2. Application; definitions

2 Terms not specifically defined in this Section shall have the meanings
3 provided in R.S. 11:1301 unless a different meaning is clearly required by the
4 context. For purposes of this Part:

5 (1)(a) Except as provided in Subparagraph (b) of this Paragraph, "Average
6 average compensation" means the average annual earned compensation of a member
7 for the sixty highest months of successive employment, or for the highest sixty
8 successive joined months of employment where interruption of service occurred;
9 however, average compensation for part-time employees who do not use sixty
10 months of full-time employment for average compensation purposes shall be based
11 on the base pay the part-time employee would have received had he been employed
12 on a full-time basis. The earnings to be considered for the thirteenth through the
13 twenty-fourth month shall not exceed one hundred fifteen percent of the earnings of
14 the first through the twelfth month. The earnings to be considered for the twenty-
15 fifth through the thirty-sixth month shall not exceed one hundred fifteen percent of
16 the earnings of the thirteenth through the twenty-fourth month. The earnings to be
17 considered for the thirty-seventh through the forty-eighth month shall not exceed one
18 hundred fifteen percent of the earnings of the twenty-fifth through the thirty-sixth
19 month. The earnings for the final twelve months shall not exceed one hundred
20 fifteen percent of the earnings of the thirty-seventh through the forty-eighth month.
21 The limitations on the computation of average compensation contained in this
22 Paragraph shall not apply to any twelve-month period during which compensation
23 increased by more than fifteen percent over the previous twelve-month period solely
24 because of an increase in compensation by a uniform systemwide increase adopted
25 by the state Department of Civil Service and approved by the governor or because
26 of a pay adjustment enacted by the legislature.

27 (b)(i) For full-time members who require a divided benefit calculation,
28 "average compensation" means the average annual earned compensation of a
29 member for the sixty highest months of successive employment, or for the highest

1 sixty successive joined months of employment where interruption of service
2 occurred, within a period of service for a divided benefit calculation. If the period
3 of service in a calculation is less than the number of months otherwise required for
4 the member's average compensation as provided in this Subparagraph, then the
5 period of the average compensation for that particular calculation shall be the
6 number of months worked. For the purposes of survivor and disability benefits,
7 "average compensation" shall mean the sum of all average compensation calculations
8 pursuant to Paragraph (2) of this Section, each calculation weighted in proportion to
9 the relation between the number of years of service in the calculation and the total
10 years of creditable service.

11 (ii) For part-time employees who do not use sixty months of full-time
12 employment for average compensation purposes who require a divided benefit
13 calculation, the term "average compensation" shall mean the base pay the part-time
14 employee would have received had he been employed on a full-time basis during the
15 sixty highest months of successive employment, or for the highest sixty successive
16 joined months of employment where interruption of service occurred, within a period
17 of service for a divided benefit calculation. If the period of service in a calculation
18 is less than the number of months otherwise required for the member's average
19 compensation as provided in this Subparagraph, then the period of the average
20 compensation for that particular calculation shall be the number of months worked.
21 For the purposes of survivor and disability benefits, "average compensation" shall
22 mean the sum of all average compensation calculations pursuant to Paragraph (2) of
23 this Section, each calculation weighted in proportion to the relation between the
24 number of years of service in the calculation and the total years of creditable service.

25 (iii) For both full-time and part-time employees, the earnings to be
26 considered for the thirteenth through the twenty-fourth month shall not exceed one
27 hundred fifteen percent of the earnings of the first through the twelfth month. The
28 earnings to be considered for the twenty-fifth through the thirty-sixth month shall not
29 exceed one hundred fifteen percent of the earnings of the thirteenth through the

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

6 (2)(a) "Divided benefit" means the benefit earned by a member whose actual
7 earnings in a calendar month are thirty percent or more above his average monthly
8 earnings for the immediately preceding twelve months. Such divided benefit shall
9 be calculated as the sum of benefits calculated as follows:

10 (i) The member's average compensation and creditable service as they
11 existed prior to the first day of the calendar month in which such an increase occurs
12 shall remain fixed and the benefit attributable to such service calculated. The benefit
13 for such service shall be calculated based on the length of such service, the accrual
14 rate of the member during such service, and the average compensation during the
15 period of such service.

16 (ii) A benefit shall also be calculated for service accrued on and after the first
17 day of the calendar month in which such an increase occurs and before any other
18 division as required by Item (iii) of this Subparagraph. The benefit for such service
19 shall be calculated based on the length of such service, the accrual rate of the
20 member during such service, and the average compensation during the period of such
21 service.

22 (iii) Each time a member's actual earnings in a calendar month are thirty
23 percent or more above his average monthly earnings for the immediately preceding
24 twelve months, a division shall be created in the member's benefit such that a benefit
25 is calculated for all new service on and after such salary increase and before any
26 future such salary increase. The benefit for such service shall be calculated based
27 on the length of such service, the accrual rate of the member during such service, and
28 the average compensation during the period of such service.

(b) If the period of service in a calculation is less than the number of months otherwise required for the member's average compensation as provided in Paragraph (1) of this Section, then the period of the average compensation for that particular calculation shall be the number of months worked.

(c) Total years of service within the system accrued by a member shall be aggregated for purposes of retirement eligibility.

(d) The divided benefit calculation, if applicable, shall apply to all benefits earned in this Chapter, including but not limited to normal retirement, disability, and survivor benefits.

(3) "Member" or "members" shall include persons who would be eligible for system membership pursuant to R.S. 11:1305 but whose first employment making them eligible for membership in one of the state systems occurred on or after January 1, 2011.

~~(3)~~ (4) "Plan" means the New State Police Retirement Plan created by this Subpart.

~~(4)~~ (5) "System" means the Louisiana State Police Retirement System.

* * *

§1402. Definitions

As used in this Chapter, the following words and phrases shall have the meanings ascribed to them unless the context clearly indicates otherwise:

* * *

(3.1)(a) "Divided benefit" means the benefit earned by a member whose actual earnings in a calendar month are thirty percent or more above his average monthly earnings for the immediately preceding twelve months. Such divided benefit shall be calculated as the sum of benefits calculated as follows:

(i) The member's monthly average final compensation and creditable service as they existed prior to the first day of the calendar month in which such an increase occurs shall remain fixed and the benefit attributable to such service calculated. The benefit for such service shall be calculated based on the length of such service, the

1 accrual rate of the member during such service, and the monthly average final
2 compensation during the period of such service.

3 (ii) A benefit shall also be calculated for service accrued on and after the first
4 day of the calendar month in which such an increase occurs and before any other
5 division as required by Item (iii) of this Subparagraph. The benefit for such service
6 shall be calculated based on the length of such service, the accrual rate of the
7 member during such service, and the monthly average final compensation during the
8 period of such service.

9 (iii) Each time a member's actual earnings in a calendar month are thirty
10 percent or more above his average monthly earnings for the immediately preceding
11 twelve months, a division shall be created in the member's benefit such that a benefit
12 is calculated for all new service on and after such salary increase and before any
13 future such salary increase. The benefit for such service shall be calculated based
14 on the length of such service, the accrual rate of the member during such service, and
15 the monthly average final compensation during the period of such service.

16 (b) If any period to be calculated is less than otherwise required for the
17 member's monthly average final compensation pursuant to Subparagraph (6)(a) or
18 (b) of this Section, as applicable, the monthly average final compensation shall be
19 calculated as provided in Subparagraph (6)(c) of this Section.

20 (c) Total years of service within the system accrued by a member shall be
21 aggregated for purposes of retirement eligibility.

22 (d) The divided benefit calculation, if applicable, shall apply to all benefits
23 earned in this Chapter, including but not limited to normal retirement, disability, and
24 survivor benefits.

25 * * *

26 (6)(a) Except as provided in Subparagraph (c) of this Paragraph, "Monthly
27 monthly average final compensation", for a member whose first employment making
28 him eligible for membership in the system began on or before September 30, 2006,

1 means the average of a member's monthly salary during the highest compensated
2 thirty-six consecutive months or successive joined months if service was interrupted.

3 (b) Except as provided in Subparagraph (c) of this Paragraph, "Monthly
4 monthly average final compensation", for a member whose first employment making
5 him eligible for membership in the system began on or after October 1, 2006, means
6 the average of a member's monthly salary during the highest compensated sixty
7 consecutive months or successive joined months if service was interrupted.

8 (c) For members who require a divided benefit calculation, "monthly average
9 final compensation" shall mean the member's average monthly salary during the
10 highest compensated thirty-six or sixty highest months, as applicable, of consecutive
11 months or successive joined months, as applicable, within a period of service for a
12 calculation required pursuant to Paragraph (3.1) of this Section. If the period of
13 service in one or more of the calculations is less than the number of months
14 otherwise required for the member's monthly average final compensation as provided
15 in this Paragraph, then the period of the monthly average final compensation for that
16 particular calculation shall be the number of months worked. The provisions of R.S.
17 11:231 shall apply to any calculation required pursuant to the provisions of this
18 Subparagraph. For the purposes of survivor and disability benefits, "monthly
19 average final compensation" shall mean the sum of all average compensation
20 calculations pursuant to Paragraph (3.1) of this Section, each calculation weighted
21 in proportion to the relation between the number of years of service in the calculation
22 and the total years of creditable service.

23 (d) Compensation of a member in excess of one hundred fifty thousand
24 dollars, as adjusted for increases in the cost of living under Section 401(a)(17)(B) of
25 the Internal Revenue Code shall not be taken into account for years beginning on or
26 after January 1, 1994, and ending before January 1, 2002. Compensation of a
27 member in excess of two hundred thousand dollars as adjusted for increases in the
28 cost of living under Section 401(a)(17)(B) of the Internal Revenue Code shall not be
29 taken into account for years beginning on or after January 1, 2002. However, in

determining monthly average final compensation for a member retiring on or after January 1, 2002, compensation which is permitted to be taken into account on or after January 1, 2002, but which occurred in a prior year that was included in the averaging period shall be taken into account. This limitation may be adjusted from time to time by rules promulgated by the board in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

~~(d)~~ (e) For purposes of compliance with federal tax-qualification requirements, the board may promulgate rules further defining "compensation" and "Section 415 compensation", in accordance with the provisions of the Administrative Procedure Act.

* * *

§1432. Computation of disability retirement benefit

A. The board of trustees shall award disability benefits to eligible members who have been officially certified as disabled by the State Medical Disability Board. The disability benefit shall be the lesser of (1) or (2) as set forth below:

(1) A sum equal to the greater of forty-five percent of ~~final average~~ monthly average final compensation or the member's accrued retirement benefit at the time of termination of employment due to disability; or

(2) The retirement benefit which would be payable assuming accrued creditable service plus additional accrued service, if any, to the earliest normal retirement age based on ~~final average~~ monthly average final compensation at the time of termination of employment due to disability.

* * *

§1503. Definitions

As used in this Chapter, the following words and phrases shall have the meanings ascribed to them unless the context clearly indicates otherwise:

* * *

(3.1)(a) "Divided benefit" means the benefit earned by a member whose actual earnings in a calendar month are thirty percent or more above his average

1 monthly earnings for the immediately preceding twelve months. Such divided
2 benefit shall be calculated as the sum of benefits calculated as follows:

3 (i) The member's monthly average final compensation and creditable service
4 as they existed prior to the first day of the calendar month in which such an increase
5 occurs shall remain fixed and the benefit attributable to such service calculated. The
6 benefit for such service shall be calculated based on the length of such service, the
7 accrual rate of the member during such service, and the monthly average final
8 compensation during the period of such service.

9 (ii) A benefit shall also be calculated for service accrued on and after the first
10 day of the calendar month in which such an increase occurs and before any other
11 division as required by Item (iii) of this Subparagraph. The benefit for such service
12 shall be calculated based on the length of such service, the accrual rate of the
13 member during such service, and the monthly average final compensation during the
14 period of such service.

15 (iii) Each time a member's actual earnings in a calendar month are thirty
16 percent or more above his average monthly earnings for the immediately preceding
17 twelve months, a division shall be created in the member's benefit such that a benefit
18 is calculated for all new service on and after such salary increase and before any
19 future such salary increase. The benefit for such service shall be calculated based
20 on the length of such service, the accrual rate of the member during such service, and
21 the monthly average final compensation during the period of such service.

22 (b) If any period to be calculated is less than otherwise required for the
23 member's monthly average final compensation pursuant to Subparagraph (7)(a) of
24 this Section, the monthly average final compensation shall be calculated as provided
25 in Subparagraph (7)(b) of this Section.

26 (c) Total years of service within the system accrued by a member shall be
27 aggregated for purposes of retirement eligibility.

(d) The divided benefit calculation, if applicable, shall apply to all benefits earned in this Chapter, including but not limited to normal retirement, disability, and survivor benefits.

4 * *

(7)(a) Except as provided in Subparagraph (b) of this Paragraph, "Monthly
monthly average final compensation" means the average of a member's monthly
salary during the highest compensated sixty consecutive months or successive joined
months if service was interrupted. However, the salary to be considered for the
thirteenth through the twenty-fourth month may not exceed one hundred ten percent
of the salary for the first through the twelfth month. The salary to be considered for
the twenty-fifth through the thirty-sixth month may not exceed one hundred ten
percent of the salary for the thirteenth through the twenty-fourth month. The salary
to be considered for the thirty-seventh through the forty-eighth month may not
exceed one hundred ten percent of the salary for the twenty-fifth through the thirty-
sixth month. The salary to be considered for the forty-ninth through the sixtieth
month may not exceed one hundred ten percent of the salary for the thirty-seventh
through the forty-eighth month.

(b) For members who require a divided benefit calculation, "monthly average final compensation" shall mean the average of a member's monthly salary during the highest compensated sixty consecutive months or successive joined months if service was interrupted, within a period of service for a calculation required pursuant to Paragraph (3.1) of this Section. If the period of service in a calculation is less than sixty months, then the period of the monthly average final compensation for that particular calculation shall be the number of months worked. The anti-spiking provisions provided in Subparagraph (a) of this Paragraph shall be applicable to any calculation performed pursuant to the provisions of this Subparagraph. For the purposes of survivor and disability benefits, "monthly average final compensation" shall mean the sum of all monthly average final compensation calculations pursuant to Paragraph (3.1) of this Section, each

1 calculation weighted in proportion to the relation between the number of years of
2 service in the calculation and the total years of creditable service.

3 * * *

4 §1581. Definitions

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

7 * * *

(5)(a) Except as provided in Subparagraph (b) of this Paragraph, "Average
average final compensation" shall mean the average monthly compensation earned
by an employee during any period of sixty successive months of service as an
employee during which the said earned compensation was the highest. The average
monthly compensation shall include compensation not paid by the state, but only to
the extent that nonstate compensation for the thirteenth through the twenty-fourth
month does not exceed one hundred ten percent of the total of nonstate compensation
for the first through twelfth month, and that nonstate compensation for the twenty-
fifth through the thirty-sixth month does not exceed one hundred ten percent of the
total of nonstate compensation for the thirteenth through the twenty-fourth month,
and that nonstate compensation for the thirty-seventh through the forty-eighth month
does not exceed one hundred ten percent of the total of nonstate compensation for
the twenty-fifth through thirty-sixth month, and that nonstate compensation for the
forty-ninth through the sixtieth month does not exceed one hundred ten percent of
the total of nonstate compensation for the thirty-seventh through forty-eighth month.
Fees earned in connection with official duties shall not be included in average final
compensation. In the event of interruption of employment, the sixty-month period
shall be computed by joining employment periods immediately preceding and
succeeding the interruption.

(b) For members who require a divided benefit calculation, "average final compensation" shall mean the average monthly compensation earned by an employee during any period of sixty successive months of service as an employee

1 during which the said earned compensation was the highest, within a period of
2 service for a calculation required pursuant to Paragraph (8.1) of this Section. In the
3 event of interruption of employment, the sixty-month period shall be computed by
4 joining employment periods immediately preceding and succeeding the interruption.
5 If the period of service in a calculation is less than sixty months, then the period of
6 the average final compensation for that particular calculation shall be the number of
7 months worked. The provisions of Subparagraph (a) of this Paragraph relative to the
8 types of pay that may be included in the calculation of average final compensation
9 and the anti-spiking provisions shall also apply any calculations made pursuant to
10 the provisions of this Subparagraph. For the purposes of survivor and disability
11 benefits, "average final compensation" shall mean the sum of all average
12 compensation calculations pursuant to Paragraph (8.1) of this Section, each
13 calculation weighted in proportion to the relation between the number of years of
14 service in the calculation and the total years of creditable service.

15 (c) Compensation of a member in excess of two hundred thousand dollars,
16 as adjusted for increases in the cost-of-living under 26 U.S.C. 401(a)(17)(B) for
17 years beginning after January 1, 2002, shall not be taken into account. This
18 limitation may be adjusted by rules promulgated by the board of trustees in
19 accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et
20 seq. For purposes of compliance with the requirements for qualification under 26
21 U.S.C. 401(a), the board of trustees may promulgate rules further defining
22 "compensation" and "section 415 compensation" in accordance with the
23 Administrative Procedure Act.

24 * * *

25 (8.1)(a) "Divided benefit" means the benefit earned by a member whose
26 actual earnings in a calendar month are thirty percent or more above his average
27 monthly earnings for the immediately preceding twelve months. Such divided
28 benefit shall be calculated as the sum of benefits calculated as follows:

(i) The member's average final compensation and creditable service as they existed prior to the first day of the calendar month in which such an increase occurs shall remain fixed and the benefit attributable to such service calculated. The benefit for such service shall be calculated based on the length of such service, the accrual rate of the member during such service, and the average final compensation during the period of such service.

(ii) A benefit shall also be calculated for service accrued on and after the first day of the calendar month in which such an increase occurs and before any other division as required by Item (iii) of this Subparagraph. The benefit for such service shall be calculated based on the length of such service, the accrual rate of the member during such service, and the average final compensation during the period of such service.

(iii) Each time a member's actual earnings in a calendar month are thirty percent or more above his average monthly earnings for the immediately preceding twelve months, a division shall be created in the member's benefit such that a benefit is calculated for all new service on and after such salary increase and before any future such salary increase. The benefit for such service shall be calculated based on the length of such service, the accrual rate of the member during such service, and the average final compensation during the period of such service.

(b) If any period to be calculated is less than otherwise required for the member's average final compensation pursuant to Subparagraph (5)(a) of this Section, the average final compensation shall be calculated as provided in Subparagraph (5)(b) of this Section.

(c) Total years of service within the system accrued by a member shall be aggregated for purposes of retirement eligibility.

(d) The divided benefit calculation, if applicable, shall apply to all benefits earned in this Chapter, including but not limited to normal retirement, disability, and survivor benefits.

* * *

§1732. Definitions

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

* * *

(11.2)(a) "Divided benefit" means the benefit earned by a member whose actual earnings in a calendar month are thirty percent or more above his average monthly earnings for the immediately preceding twelve months. Such divided benefit shall be calculated as the sum of benefits calculated as follows:

(i) The member's final compensation and creditable service as they existed prior to the first day of the calendar month in which such an increase occurs shall remain fixed and the benefit attributable to such service calculated. The benefit for such service shall be calculated based on the length of such service, the accrual rate of the member during such service, and the final compensation during the period of such service.

(ii) A benefit shall also be calculated for service accrued on and after the first day of the calendar month in which such an increase occurs and before any other division required by Item (iii) of this Subparagraph. The benefit for such service shall be calculated based on the length of such service, the accrual rate of the member during such service, and the final compensation during the period of such service.

(iii) Each time a member's actual earnings in a calendar month are thirty percent or more above his average monthly earnings for the immediately preceding twelve months, a division shall be created in the member's benefit such that a benefit is calculated for all new service on and after such salary increase and before any future such salary increase. The benefit for such service shall be calculated based on the length of such service, the accrual rate of the member during such service, and the final compensation during the period of such service.

(b) If any period to be calculated is less than sixty months, the final compensation shall be calculated as provided in Subparagraph (15)(b) of this Section.

(c) Total years of service within the system accrued by a member shall be aggregated for purposes of retirement eligibility.

(d) The divided benefit calculation, if applicable, shall apply to all benefits earned pursuant to this Chapter, including but not limited to normal retirement, disability, and survivor benefits.

* * *

(15)(a) For employees who do not require a divided benefit calculation,
"Final final compensation" means the average monthly earnings during the highest sixty consecutive months or joined months if service was interrupted. The earnings to be considered for the thirteenth through the twenty-fourth months shall not exceed one hundred fifteen percent of the earnings for the first through the twelfth months. The earnings to be considered for the twenty-fifth through the thirty-sixth months shall not exceed one hundred fifteen percent of the earnings for the thirteenth through the twenty-fourth months. The earnings to be considered for the thirty-seventh through the forty-eighth months shall not exceed one hundred fifteen percent of the earnings for the twenty-fifth through the thirty-sixth months. The earnings to be considered for the final twelve months shall not exceed one hundred fifteen percent of the earnings of the thirty-seventh through the forty-eighth months.

(b) For members who require a divided benefit calculation, "final compensation" shall mean the average monthly earnings during the highest sixty consecutive months or joined months if service was interrupted, within a period of service for a calculation required pursuant to Paragraph (11.2) of this Section. If the period of service in a calculation is less than sixty months, then the final compensation for that particular calculation shall be the average monthly earnings during the number of months worked in that period. For the purposes of survivor and disability benefits, "final compensation" shall mean the sum of all final

compensation calculations pursuant to Paragraph (11.2) of this Section, each calculation weighted in proportion to the relation between the number of years of service in the calculation and the total years of creditable service.

* * *

§1902. Definitions

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

* * *

(10.1)(a) "Divided benefit" means the benefit earned by a member whose actual earnings in a calendar month are thirty percent or more above his average monthly earnings for the immediately preceding twelve months. Such divided benefit shall be calculated as follows:

(i) The member's final compensation and creditable service as they existed prior to the first day of the calendar month in which such an increase occurs shall remain fixed and the benefit attributable to such service calculated. The benefit for such service shall be calculated based on the length of such service, the accrual rate of the member during such service, and the final compensation during the period of such service.

(ii) A benefit shall also be calculated for service accrued on and after the first day of the calendar month in which such an increase occurs and before any other division as required by Item (iii) of this Subparagraph. The benefit for such service shall be calculated based on the length of such service, the accrual rate of the member during such service, and the final compensation during the period of such service.

(iii) Each time a member's actual earnings in a calendar month are thirty percent or more above his average monthly earnings for the immediately preceding twelve months, a division shall be created in the member's benefit such that a benefit is calculated for all new service on and after such salary increase and before any future such salary increase. The benefit for such service shall be calculated based

on the length of such service, the accrual rate of the member during such service, and

the final compensation during the period of such service.

(b) If any period to be calculated is less than otherwise required for the member's final compensation pursuant to Subparagraphs (14)(a) and (b) of this Section, as applicable, the final compensation shall be calculated as provided in Subparagraph (14)(c) of this Section.

(c) Total years of service within the system accrued by a member shall be aggregated for purposes of retirement eligibility.

(d) The divided benefit calculation, if applicable, shall apply to all benefits earned in this Chapter, including but not limited to normal retirement, disability, and survivor benefits.

* * *

(14)(a) Except as provided in Subparagraph (c) of this Paragraph, "Final
final compensation", for members hired on or before December 31, 2006, means the
average monthly earnings during the highest thirty-six consecutive months or joined
months if service was interrupted. The earnings to be considered for the thirteenth
through the twenty-fourth month shall not exceed one hundred fifteen percent of the
earnings of the first through the twelfth month. The earnings to be considered for the
final twelve months shall not exceed one hundred fifteen percent of the earnings of
the thirteenth through the twenty-fourth month.

(b) Except as provided in Subparagraph (c) of this Paragraph, For for members hired on or after January 1, 2007, "final compensation" means the average monthly earnings during the sixty highest consecutive months of employment or the sixty highest successive joined months of employment if interruption of service occurred. The earnings to be considered for the thirteenth through the twenty-fourth month shall not exceed one hundred fifteen percent of the earnings for the first through the twelfth month. The earnings to be considered for the twenty-fifth through the thirty-sixth month shall not exceed one hundred fifteen percent of the earnings for the thirteenth through the twenty-fourth month. The earnings to be

1 considered for the thirty-seventh through the forty-eighth month shall not exceed one
 2 hundred fifteen percent of the earnings for the twenty-fifth through the thirty-sixth
 3 month. The earnings to be considered for the final twelve months shall not exceed
 4 one hundred fifteen percent of the earnings for the thirty-seventh through the forty-
 5 eighth month.

6 (c) For members who require a divided benefit calculation, "final
 7 compensation" shall mean the average monthly earnings during the thirty-six or sixty
 8 highest consecutive months of employment, as applicable, or the thirty-six or sixty
 9 highest successive joined months of employment if interruption of service occurred,
 10 as applicable, within a period of service for a calculation required pursuant to
 11 Paragraph (10.1) of this Section. If the period of service in a calculation is less than
 12 the number of months otherwise required for the member's final compensation as
 13 provided in Subparagraph (a) or (b) of this Paragraph, as applicable, then the period
 14 of the final compensation for that particular calculation shall be the number of
 15 months worked. The anti-spiking provisions in Subparagraph (a) or (b) of this
 16 Paragraph, as applicable, shall also apply to any calculation required under this
 17 Paragraph. For the purposes of survivor and disability benefits, "final compensation"
 18 shall mean the sum of all average compensation calculations pursuant to Paragraph
 19 (10.1) of this Section, each calculation weighted in proportion to the relation between
 20 the number of years of service in the calculation and the total years of creditable
 21 service.

22 * * *

23 §2031. Definitions

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

26 * * *

27 (5)(a) Except as provided in Subparagraph (b) of this Paragraph, "Average
 28 average compensation" shall mean the average annual earned compensation of an
 29 employee for any period of sixty successive or joined months of service as an

1 employee during which earned compensation was the highest. In case of interruption
2 of employment, the sixty-month period shall be computed by joining employment
3 periods immediately preceding and succeeding the interruption.

4 (b) For members who require a divided benefit calculation, "average
5 compensation" shall mean the average annual earned compensation of an employee
6 for any period of sixty successive or joined months of service as an employee during
7 which earned compensation was the highest, within a period of service for a
8 calculation required pursuant to Paragraph (8.1) of this Section. If the period of
9 service in a calculation is less than sixty months, then the period of the average
10 compensation for that particular calculation shall be the number of months worked.
11 Any anti-spiking provisions otherwise applicable to the calculation of average
12 compensation in this Chapter shall also apply to any calculations done pursuant to
13 the provisions of this Subparagraph. For the purposes of survivor and disability
14 benefits, "average compensation" shall mean the sum of all average compensation
15 calculations pursuant to Paragraph (8.1) of this Section, each calculation weighted
16 in proportion to the relation between the number of years of service in the calculation
17 and the total years of creditable service.

18 * * *

19 (8.1)(a) "Divided benefit" means the benefit earned by a member whose
20 actual earnings in a calendar month are thirty percent or more above his average
21 monthly earnings for the immediately preceding twelve months. Such divided
22 benefit shall be calculated as the sum of benefits calculated as follows:

23 (i) The member's average compensation and creditable service as they
24 existed prior to the first day of the calendar month in which such an increase occurs
25 shall remain fixed and the benefit attributable to such service calculated. The benefit
26 for such service shall be calculated based on the length of such service, the accrual
27 rate of the member during such service, and the average compensation during the
28 period of such service.

(ii) A benefit shall also be calculated for service accrued on and after the first day of the calendar month in which such an increase occurs and before any other division as required by Item (iii) of this Subparagraph. The benefit for such service shall be calculated based on the length of such service, the accrual rate of the member during such service, and the average compensation during the period of such service.

(iii) Each time a member's actual earnings in a calendar month are thirty percent or more above his average monthly earnings for the immediately preceding twelve months, a division shall be created in the member's benefit such that a benefit is calculated for all new service on and after such salary increase and before any future such salary increase. The benefit for such service shall be calculated based on the length of such service, the accrual rate of the member during such service, and the average compensation during the period of such service.

(b) If any period to be calculated is less than sixty months, the average compensation shall be calculated as provided in Subparagraph (5)(b) of this Section.

(c) Total years of service within the system accrued by a member shall be aggregated for purposes of retirement eligibility.

(d) The divided benefit calculation, if applicable, shall apply to all benefits earned in this Chapter, including but not limited to normal retirement, disability, and survivor benefits.

* * *

§2165.2. Definitions

A. As used in this Part, the following terms have the meanings ascribed below unless a different meaning is clearly required by the context:

(1)(a) Except as provided in Subparagraph (b) of this Paragraph, "Average average compensation" shall mean the average annual earned compensation of an employee for any period of sixty successive or joined months of service as an employee during which earned compensation was the highest. In case of interruption

of employment, the sixty-month period shall be computed by joining employment periods immediately preceding and succeeding the interruption.

(b) For members who require a divided benefit calculation, "average compensation" shall mean the average annual earned compensation of an employee for any period of sixty successive or joined months of service as an employee during which earned compensation was the highest, within a period of service for a calculation required pursuant to R.S. 11:2131(8.1). In case of interruption of employment, the sixty-month period shall be computed by joining employment periods immediately preceding and succeeding the interruption. If the period of service in one or more of the calculations is less than sixty months, then the period of the average compensation for that particular calculation shall be the average annual earned compensation during the number of months worked. For the purposes of survivor and disability benefits, "average compensation" shall mean the sum of all average compensation calculations pursuant to R.S. 11:2131(8.1), each calculation weighted in proportion to the relation between the number of years of service in the calculation and the total years of creditable service.

* * *

§2178.1. Back-Deferred Retirement Option Plan

* * *

C. The member's Back-DROP monthly benefit accrual shall be calculated based on the provisions applicable for service retirement set forth in R.S. 11:2178(C) or 2178.2, as applicable, subject to the following conditions:

* * *

§2178.2 Divided benefit

A. Notwithstanding any provision of this Chapter to the contrary, including R.S. 11:2178, any time a member's actual earnings in a calendar month are thirty percent or more above his average monthly earnings for the immediately preceding twelve months, his benefit shall be based on the divided benefit calculation contained

1 in this Section. Such divided benefit shall be calculated as the sum of benefits
2 calculated as follows:

3 (1) The member's average final compensation and creditable service as they
4 existed prior to the first day of the calendar month in which such an increase occurs
5 shall remain fixed and the benefit attributable to such service calculated. The benefit
6 for such service shall be calculated based on the length of such service, the accrual
7 rate of the member during such service, and the average final compensation during
8 the period of such service.

9 (2) A benefit shall also be calculated for service accrued on and after the first
10 day of the calendar month in which such an increase occurs and before any other
11 division as required by Paragraph (3) of this Subsection. The benefit for such service
12 shall be calculated based on the length of such service, the accrual rate of the
13 member during such service, and the average final compensation during the period
14 of such service.

15 (3) Each time a member's actual earnings in a calendar month are thirty
16 percent or more above his average monthly earnings for the immediately preceding
17 twelve months, a division shall be created in the member's benefit such that a benefit
18 is calculated for all new service on and after such salary increase and before any
19 future such salary increase. The benefit for such service shall be calculated based
20 on the length of such service, the accrual rate of the member during such service, and
21 the average final compensation during the period of such service.

22 B. "Average final compensation" as used in this Section shall mean a
23 member's average monthly salary over the applicable period of months provided in
24 R.S. 11:2178(C)(1)(c)(i) through (iii), within a period of service for a calculation
25 required pursuant to Subsection A of this Section. If the period to be calculated is
26 less than otherwise required for the member's average final compensation pursuant
27 to R.S. 11:2178(C)(1)(c)(i) through (iii), as applicable, the average final
28 compensation period shall be the number of months worked for that particular
29 calculation. The provisions of R.S. 11:231 shall apply to any calculation made

pursuant to this Section. For the purposes of survivor and disability benefits,

"average final compensation" shall mean the sum of all average final compensation

calculations pursuant to Subsection A of this Section, each calculation weighted in

proportion to the relation between the number of years of service in the calculation

and the total years of creditable service.

C. Total years of service within the system accrued by a member shall be aggregated for purposes of retirement eligibility.

D. The divided benefit calculation, if applicable, shall apply to all benefits earned in this Chapter, including but not limited to normal retirement, disability, and survivor benefits.

* * *

§2213. Definitions

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

* * *

(4)(a) Except as provided in Subparagraph (c) of this Paragraph. ~~For~~ for members first employed on or before December 31, 2012, "average final compensation" shall mean the average annual earned compensation of an employee for any period of thirty-six successive or joined months of service as an employee during which the said earned compensation was the highest. In case of interruption of employment, the thirty-six month period shall be computed by joining employment periods immediately preceding and succeeding the interruption. The earnings to be considered for the thirteenth through the twenty-fourth months shall not exceed one hundred fifteen percent of the earnings for the first through the twelfth months. The earnings to be considered for the final twelve months shall not exceed one hundred fifteen percent of the earnings of the thirteenth through the twenty-fourth months.

(b) Except as provided in Subparagraph (c) of this Paragraph, For for
members first employed on or after January 1, 2013, "average final compensation"

1 means the average annual earned compensation of a member for the sixty highest
2 months of successive employment, or for the highest sixty successive joined months
3 of employment where interruption of service occurred. The earnings to be
4 considered for the thirteenth through the twenty-fourth month shall not exceed one
5 hundred fifteen percent of the earnings of the first through the twelfth month. The
6 earnings to be considered for the twenty-fifth through the thirty-sixth month shall not
7 exceed one hundred fifteen percent of the earnings of the thirteenth through the
8 twenty-fourth month. The earnings to be considered for the thirty-seventh through
9 the forty-eighth month shall not exceed one hundred fifteen percent of the earnings
10 of the twenty-fifth through the thirty-sixth month. The earnings for the final twelve
11 months shall not exceed one hundred fifteen percent of the earnings of the thirty-
12 seventh through the forty-eighth month. The limitations on the computation of
13 average final compensation contained in this Subparagraph shall not apply to any
14 twelve-month period during which compensation increased by more than fifteen
15 percent over the previous twelve-month period solely because of an increase in
16 compensation by a uniform systemwide increase adopted by a local governing
17 authority.

18 (c) For members who require a divided benefit calculation, "average final
19 compensation" shall mean the average annual earned compensation of the member
20 for the thirty-six or sixty highest months of successive employment, as applicable,
21 or for the highest thirty-six or sixty successive joined months of employment where
22 interruption of service occurred, as applicable, within a period of service for a
23 calculation required pursuant to Paragraph (9.1) of this Section. If the period of
24 service in a calculation is less than the number of months otherwise required for the
25 member's average final compensation as provided in this Paragraph, then the period
26 of the average final compensation for that particular calculation shall be the number
27 of months worked. The anti-spiking provisions in Subparagraphs (a) and (b) of this
28 Paragraph, as applicable, shall also apply to any calculation required under this
29 Paragraph. For the purposes of survivor and disability benefits, "average final

compensation" shall mean the sum of all average final compensation calculations pursuant to Paragraph (9.1) of this Section, each calculation weighted in proportion to the relation between the number of years of service in the calculation and the total years of creditable service.

* * *

(9.1)(a) "Divided benefit" means the benefit earned by a member whose actual earnings in a calendar month are thirty percent or more above his average monthly earnings for the immediately preceding twelve months. Such divided benefit shall be calculated as the sum of benefits calculated as follows:

(i) The member's average final compensation and creditable service as they existed prior to the first day of the calendar month in which such an increase occurs shall remain fixed and the benefit attributable to such service calculated. The benefit for such service shall be calculated based on the length of such service, the accrual rate of the member during such service, and the average final compensation during the period of such service.

(ii) A benefit shall also be calculated for service accrued on and after the first day of the calendar month in which such an increase occurs and before any other division as required by Item (iii) of this Subparagraph. The benefit for such service shall be calculated based on the length of such service, the accrual rate of the member during such service, and the average final compensation during the period of such service.

(iii) Each time a member's actual earnings in a calendar month are thirty percent or more above his average monthly earnings for the immediately preceding twelve months, a division shall be created in the member's benefit such that a benefit is calculated for all new service on and after such salary increase and before any future such salary increase. The benefit for such service shall be calculated based on the length of such service, the accrual rate of the member during such service, and the average final compensation during the period of such service.

(b) If any period to be calculated is less than otherwise required for the member's average final compensation pursuant to Subparagraph (4)(a) or (b) of this Section, as applicable, the average final compensation shall be calculated as provided in Subparagraph (4)(c) of this Section.

(c) Total years of service within the system accrued by a member shall be aggregated for purposes of retirement eligibility.

(d) The divided benefit calculation, if applicable, shall apply to all benefits earned in this Chapter, including but not limited to normal retirement, disability, and survivor benefits.

* * *

§2252. Definitions

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

* * *

(4)(a) Except as provided in Subparagraph (b) of this Paragraph, "Average
average final compensation" shall mean the average annual earned compensation of
an employee for any period of thirty-six successive or joined months of service as
an employee during which the said earned compensation was the highest. In case of
interruption of employment, the thirty-six month period shall be computed by joining
employment periods immediately preceding and succeeding the interruption. The
earnings to be considered for the thirteenth through the twenty-fourth months shall
not exceed one hundred fifteen percent of the earnings for the first through the
twelfth months. The earnings to be considered for the final twelve months shall not
exceed one hundred fifteen percent of the earnings of the thirteenth through the
twenty-fourth months.

(b) For members who require a divided benefit calculation, "average compensation" shall mean the average annual earned compensation of an employee for any period of thirty-six successive or joined months of service as an employee during which the said earned compensation was the highest, within a period of

1 service for a calculation required pursuant to Paragraph (8.1) of this Section. If the
2 period of service in a calculation is less than thirty-six months, then the period of the
3 average compensation for that particular calculation shall be the average annual
4 earned compensation during number of months worked. The anti-spiking provisions
5 of Subparagraph (a) of this Paragraph shall also apply any calculations made
6 pursuant to the provisions of this Subparagraph. For the purposes of survivor and
7 disability benefits, "average compensation" shall mean the sum of all average
8 compensation calculations pursuant to Paragraph (8.1) of this Section, each
9 calculation weighted in proportion to the relation between the number of years of
10 service in the calculation and the total years of creditable service.

11 * * *

12 (8.1)(a) "Divided benefit" means the benefit earned by a member whose
13 actual earnings in a calendar month are thirty percent or more above his average
14 monthly earnings for the immediately preceding twelve months. Such divided
15 benefit shall be calculated as follows:

16 (i) The member's average compensation and creditable service as they
17 existed prior to the first day of the calendar month in which such an increase occurs
18 shall remain fixed and the benefit attributable to such service calculated. The benefit
19 for such service shall be calculated based on the length of such service, the accrual
20 rate of the member during such service, and the average compensation during the
21 period of such service.

22 (ii) A benefit shall also be calculated for service accrued on and after the first
23 day of the calendar month in which such an increase occurs and before any other
24 division as required by Item (iii) of this Subparagraph. The benefit for such service
25 shall be calculated based on the length of such service, the accrual rate of the
26 member during such service, and the average compensation during the period of such
27 service.

28 (iii) Each time a member's actual earnings in a calendar month are thirty
29 percent or more above his average monthly earnings for the immediately preceding

1 twelve months, a division shall be created in the member's benefit such that a benefit

2 is calculated for all new service on and after such salary increase and before any

3 future such salary increase. The benefit for such service shall be calculated based

4 on the length of such service, the accrual rate of the member during such service, and

5 the average compensation during the period of such service.

6 (b) If any period to be calculated is less than otherwise required for the

7 member's average compensation pursuant to Subparagraph (4)(a) of this Section, the

8 average compensation shall be calculated as provided in Subparagraph (4)(b) of this

9 Section.

10 (c) Total years of service within the system accrued by a member shall be

11 aggregated for purposes of retirement eligibility.

12 (d) The divided benefit calculation, if applicable, shall apply to all benefits

13 earned in this Chapter, including but not limited to normal retirement, disability, and

14 survivor benefits.

* * *

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)]

Badon

HB No. 61

Abstract: Establishes a "divided benefit" for all members of state and statewide retirement systems whose salary increases by more than 30%, comparing one month to the average over the previous 12, and provides for the calculation of such divided benefit and for its application.

BENEFIT CALCULATIONS

Present law generally provides for a calculation of benefits for members of state and statewide retirement systems as follows:

(Accrual rate) x (years of service) x (average compensation)

This calculation is performed when the member retires, enters DROP, files for disability benefits, or dies while in active service.

Proposed law retains present law for all members of state and statewide retirement systems whose salary does not increase by more than 30% in any twelve-month period.

Proposed law establishes a new benefit calculation for any member of a state or statewide retirement system whose salary increases by more than 30%, comparing one month to the average of the previous 12. Further provides that the new benefit is called a "divided benefit".

Provides for the calculation of a "divided benefit" as the sum of:

- (1) Total years of service prior to the 30% or greater increase in monthly earnings times the final compensation for those particular years of service times the accrual rate for those years of service.
- (2) Years of service on and after the 30% or greater increase times the final compensation for those particular years of service times the accrual rate for those years of service.
- (3) A benefit shall also be calculated in a similar manner for any period between two increases of 30% or more.

Proposed law further provides that for members with a divided benefit, the member's total years of service within the system shall be aggregated for purposes of retirement eligibility.

Further provides that if a member achieves the qualifications for a divided benefit under proposed law, the divided benefit shall be used to calculate all benefits earned by the member, including normal retirement benefits, disability benefits, and survivor benefits.

AVERAGE COMPENSATION

Present law generally provides for a calculation of the average earnings of a member during a specific period of time, which calculation is then used in the calculation of benefits. Such calculation of average earnings is variously referred to in present law as "average compensation", "average salary", "monthly average final compensation", or some other variation. Typically, the average is calculated over either three or five years, depending on when the member first became eligible for membership.

Proposed law retains present law for all members of state and statewide retirement systems who do not require a "divided benefit" calculation.

Proposed law provides that for a "divided benefit" calculation, the "average compensation" shall be the average of the member's earnings over the otherwise applicable present law time period, within a period of service for a divided benefit calculation. Further provides that if the period of service is less than the otherwise required present law time period for calculation, the period shall be the number of whole months worked in that calculation period.

Proposed law further provides that for the purposes of disability and survivor benefits, "final compensation" shall mean the sum of all final compensation calculations required pursuant to proposed law, each calculation weighted in proportion to the relation between the number of years of service attributable to each calculation and the total number of years of service of the member.

(Amends R.S. 11:403(5), 612(1), 701(5)(a), 1002(6), 1310(A), 1345.2, 1402(6), 1432(A), 1503(7), 1581(5), 1732(15), 1902(14), 2031(5), 2165.2(A)(1), 2178.1(C)(intro. para.), 2213(4), and 2252(4) and adds R.S. 11:403(9.1), 612(1.1), 701(5)(f) and (9.1), 1002(11.1) 1307.2, 1310(B), 1402(3.1), 1503(3.1), 1581(8.1), 1732(11.2), 1902(10.1), 2031(8.1), 2178.2, 2213(9.1), and 2252(8.1))