

SENATE BILL NO. 456

BY SENATOR TALBOT

1 AN ACT

2 To amend and reenact R.S. 11:1384(A) and to enact R.S. 11:551(C), (D), and (E) and  
3 566(C), relative to assigned retired judges; to provide for membership eligibility in  
4 a retirement system; to provide for irrevocable elections; to provide for methods of  
5 compensation; to provide for an effective date; and to provide for related matters.

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

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 11:1384(A) is hereby amended and reenacted and R.S. 11:551(C),  
9 (D), and (E) and 566(C) are hereby enacted to read as follows:

10 §551. Eligibility for membership

11 \* \* \*

12 **C. The provisions of Subsection B of this Section shall not be applicable**  
13 **to the provisions of R.S. 11:566 or 1384 concerning retired judges serving on**  
14 **assignment.**

15 **D. For purposes of this Subpart, "membership in one of the state**  
16 **systems" shall mean and include the initial date the judge or court officer**  
17 **became a member in any public retirement system, plan, or fund.**

18 **E. Notwithstanding any provision of law to the contrary, any member**  
19 **subject to the provisions of this Subpart shall be authorized to make an**  
20 **irrevocable election within thirty days of employment for their membership**  
21 **service, retirement eligibility and benefits, and contributions to be limited to**  
22 **that of a regular member of this system. Any election pursuant to this**  
23 **Subsection shall be made on forms promulgated by the system for this purpose.**

24 \* \* \*

25 §566. Assigned judges

26 \* \* \*

27 **C. Notwithstanding any other provision of law to the contrary, the**

1 supreme court may elect to apply the provisions of R.S. 11:1384 to  
 2 appointments made pursuant to this Section or under its inherent constitutional  
 3 authority.

4 \* \* \*

5 §1384. Assigned retired judges; optional method of compensation, expenses

6 A.(1) In lieu of the compensation established for assigned retired judges by  
 7 R.S. 11:566 and R.S. 11:1351 through 1358, the supreme court may assign a retired  
 8 judge to a court on a contractual or per diem basis. In such case, and notwithstanding  
 9 any provision of R.S. 11:1381 ~~or 443~~ or any other provision of law to the contrary,  
 10 the assigned retired judge shall be entitled to compensation, in addition to his  
 11 retirement pay, in an amount equal to one-twentieth of the monthly salary of a judge  
 12 of the court to which he is assigned for each day of service under such assignment,  
 13 but not to exceed one hundred twenty working or judicial days in a fiscal year. In  
 14 addition, such a judge shall be entitled to reimbursement of reasonable and necessary  
 15 expenses incurred in the performance of such service. The assignment of a retired  
 16 judge under this ~~section~~ Section shall not result in the suspension or termination of  
 17 his pension or retirement status as provided by R.S. 11:1381 or any other provision  
 18 of law.

19 (2) The supreme court may set the compensation payable to an assigned  
 20 retired judge at an amount lower than the amount specified in Paragraph (1)  
 21 of this Subsection. If the compensation claimed and payable does not exceed  
 22 three-fifths of the amount otherwise authorized in Paragraph (1) of this  
 23 Subsection, then the annual limitation on the number of working or judicial  
 24 days provided for in Paragraph (1) of this Subsection shall not apply.

25 \* \* \*

26 Section 2. Nothing in this Act shall reduce an employee contribution rate otherwise  
 27 established by law. The cost of this Act, if any, shall be funded with additional employer  
 28 contribution in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

29 Section 3. This Act shall become effective upon signature by the governor or, if not  
 30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If  
2 vetoed by the governor and subsequently approved by the legislature, the Act shall become  
3 effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_