

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Guillory to Engrossed House Bill No. 988 by Representative Jones

1 AMENDMENT NO. 1

2 On page 1, line 2, after "11:" insert "546(C), and" and after "2257(C)," insert "and to enact
3 R.S. 11:444(A)(2)(d), 546(D), (E), and (F), and 605(D),"

4 AMENDMENT NO. 2

5 On page 1, line 2, delete "the Firefighters' Retirement System;" and insert in lieu thereof:
6 "retirement benefits for persons employed in public safety positions; to provide for
7 benefit calculation and options for payment of such benefits; to provide for funding
8 of such benefits;"

9 AMENDMENT NO. 3

10 On page 1, line 3, delete "for a five-year" and insert in lieu thereof "relative to the" and
11 delete "period for certain members"

12 AMENDMENT NO. 4

13 On page 1, line 10, after "11:" insert "546(C) and"

14 AMENDMENT NO. 5

15 On page 1, line 10, change "is" to "are"

16 AMENDMENT NO. 6

17 On page 1, line 10, after "reenacted" insert "and R.S. 11:444(A)(2)(d), 546(D), (E), and (F),
18 and 605(D) are hereby enacted"

19 AMENDMENT NO. 7

20 On page 1, between lines 10 and 11, insert the following:

21 "§444. Computation of retirement benefit

22 A.
23 * * *
24 (2)
25 * * *

26 (d)(i) Probation and parole officers in the office of adult services of the
27 Department of Public Safety and Corrections who were employed on or before
28 December 31, 2001, who did not opt to join the secondary component of this system
29 pursuant to R.S. 11:605(A), and who retire or begin participation in the Deferred
30 Retirement Option Plan on or after July 1, 2012, shall receive a maximum retirement
31 allowance equal to three percent of average compensation, as determined pursuant
32 to R.S. 11:231, for every year of creditable service in the retirement system before
33 July 1, 2012, and three and one-third percent of average compensation, as
34 determined by R.S. 11:231, for every year of creditable service in the retirement
35 system on or after July 1, 2012.

36 (ii) A probation and parole officer to whom this Subparagraph applies, who
37 entered the Deferred Retirement Option Plan before July 1, 2012, and who continues
38 in employment after participation in the plan shall receive a supplemental benefit
39 pursuant to R.S. 11:450(D) for such continued employment. If he remains employed

1 after July 1, 2012, such supplemental benefit shall be calculated using the accrual
2 rate of three percent for post-participation employment before July 1, 2012, and three
3 and one-third percent for such employment on or after July 1, 2012.

4 (iii) Nothing in this Subparagraph shall be construed to allow recalculation
5 of benefits for any retiree, or of base benefits as defined in R.S. 11:450(D) for any
6 Deferred Retirement Option Plan participant or for any person who continued in
7 employment after completing participation in such plan.

8 * * *

9 §546. Adult Probation and Parole Officer Retirement Fund

10 * * *

11 C. Monies in the fund shall be invested in the same manner as the state
12 general fund monies. Interest earned on the investment of monies in the fund, after
13 being credited to the Bond Security and Redemption Fund pursuant to Article VII,
14 Section 9(B) of the Constitution of Louisiana, shall be credited to the fund. All
15 unexpended and unencumbered monies and earnings remaining in the fund at the end
16 of the fiscal year shall remain in the fund, ~~until the legislature provides for enhanced~~
17 ~~benefits for probation and parole officers in the office of adult services of the~~
18 ~~Department of Public Safety and Corrections who have service credit in the primary~~
19 ~~component of the system.~~

20 D.(1) Until any actuarially accrued liability for retirement benefits for
21 probation and parole officers in the office of adult services of the Department of
22 Public Safety and Corrections created pursuant to the Act of the 2012 Regular
23 Session of the Legislature that enacted this Subsection has been fully funded, the
24 monies in the fund shall be used exclusively for the purpose of providing funding for
25 such actuarially accrued liability, for payment of any normal cost increase caused by
26 the Act of the 2012 Regular Session of the Legislature that amended this Subsection,
27 and for reimbursement as provided in R.S. 11:605(D)(2).

28 (2) ~~If the legislature does not provide for such benefit enhancements by June~~
29 30, 2015 After such actuarially accrued liability has been fully funded, all monies in
30 the fund shall be available to the Department of Public Safety and Corrections to
31 help defray the costs of supervision of persons on probation or parole distributed by
32 the treasurer on an annual basis to the retirement system for exclusive use in
33 payment of the unfunded accrued liability of the system.

34 E.(1) As soon as practicable after the effective date of the Act of the 2012
35 Regular Session of the Legislature which enacted this Subsection, but no later than
36 September 30, 2012, the treasurer shall allocate and distribute to the system from the
37 fund an initial payment of two and one-half million dollars. This payment shall be
38 used first to fully fund the first year's normal cost increase. The balance shall be
39 applied to the amortization of the unfunded accrued liability, if any, created by
40 enactment of R.S. 11:444(A)(2)(d). The June 30, 2012, system valuation shall
41 account for this initial payment.

42 (2) On October 1, 2013, and on or before October first of each fiscal year
43 thereafter, the treasurer shall allocate and distribute to the system from the fund the
44 amount of any amortization and normal cost payments calculated by the system
45 actuary and contained in the system's valuation for the previous fiscal year and
46 approved by the Public Retirement Systems' Actuarial Committee to be paid from
47 the fund; however, in no case shall the allocation and distribution to the system
48 provided for in this Paragraph exceed the balance in the fund.

49 (3) In addition to the payment required by Paragraph (2) of this Subsection,
50 on or before October first of each fiscal year, the treasurer shall allocate and
51 distribute to the system from the fund any amount over four hundred thousand
52 dollars of the balance remaining in the fund after the payment required by Paragraph
53 (2) of this Subsection has been made. Thereafter, not less than quarterly, the
54 treasurer shall allocate and distribute to the system any balance remaining in the fund
55 exceeding four hundred thousand dollars. The system shall hold these allocations
56 and distributions in a separate account to be used only for the following purposes:

57 (a) Funding the next fiscal year's payment for actuarially accrued liability
58 and normal cost payable pursuant to Paragraph (2) of this Subsection, if the balance
59 in the fund is insufficient to fully finance that fiscal year's payment.

1 (b) To make an additional payment toward the actuarially accrued liability
2 created by the Act of the 2012 Regular Session of the Legislature that enacted this
3 Subsection.

4 (4) Any unpaid portion of an amortization or normal cost payment for a
5 particular fiscal year shall be included in the next year's system valuation as part of
6 an individualized calculation pursuant to R.S. 11:102(C)(3) and (4).

7 F. After allocation and distribution to the system for a fiscal year pursuant
8 to Paragraph (E)(2) of this Section, the treasurer shall allocate and distribute to the
9 department from the fund the amount of any reimbursement to be paid pursuant to
10 R.S. 11:605(D)(2).

11 * * *
12 §605. Transfer of other service credit
13 * * *

14 D.(1) Notwithstanding the provisions of Subparagraph (B)(2)(a) of this
15 Section, any member who is a probation and parole officer in the office of adult
16 services of the Department of Public Safety and Corrections, who was employed on
17 or before December 31, 2001, who elected to transfer from the primary component
18 to the secondary component but who opted not to transfer his primary component
19 service credit on an actuarial basis, who has not upgraded his service credit as
20 permitted pursuant to Subparagraph (B)(2)(b) of this Section, and who retires or
21 begins participation in the Deferred Retirement Option Plan on or after July 1, 2012,
22 shall receive a benefit calculated using a three percent accrual rate for all creditable
23 service in the system earned before the date the member transferred to the secondary
24 component.

25 (2)(a) Any member who is a probation and parole officer in the office of
26 adult services of the Department of Public Safety and Corrections, who was
27 employed on or before December 31, 2001, who retires or begins participation in the
28 Deferred Retirement Option Plan on or after July 1, 2012, who elected to transfer
29 from the primary component to the secondary component, and who upgraded his
30 service credit as permitted pursuant to Subparagraph (B)(2)(b) of this Section, may
31 elect to be reimbursed without interest for the cost of such upgrade and to have his
32 benefit calculated using a three percent accrual rate for all creditable service in the
33 system earned before the date the member transferred to the secondary component.

34 (b) Such reimbursement shall be made exclusively from the monies in the
35 fund created pursuant to R.S. 11:546. The department shall promulgate rules for
36 application for, calculation of, and recommendation to the Joint Legislative
37 Committee on the Budget regarding such reimbursement. No application for such
38 reimbursement shall be accepted before October 3, 2012.

39 (c) The department shall inform the system of the amount of each
40 reimbursement and to whom it was made. The system shall apply an amount equal
41 to each reimbursement to the credit of the department in the next year's valuation
42 and shall add the liability for each reimbursed member's benefit increase to the
43 balance owed to the system.

44 * * *

45 AMENDMENT NO. 8

46 On page 2, line 2, after "plan" insert "of the Firefighters' Retirement System"

47 AMENDMENT NO. 9

48 On page 2, between lines 4 and 5, insert the following:

49 "Section 3.(A) The amount of the unfunded actuarially accrued liability, if any,
50 resulting from the implementation of the provisions of this Act applicable to the Louisiana
51 State Employees' Retirement System and a required amortization payment therefor shall be
52 determined by the Public Retirement Systems' Actuarial Committee as part of the annual
53 adoption of the systems' official actuarial valuation pursuant to R.S. 11:127, beginning with
54 the June 30, 2012, valuation. This determination shall include the initial payment required
55 for October 1, 2012. Such unfunded actuarially accrued liability shall be amortized as a
56 separate unfunded accrued liability forming level dollar payments over a period of ten years.

1 (B) The additional actuarial cost, if any, of the benefit provisions contained in this
2 Act not funded by payments pursuant to Section 3(A) of this Act shall be funded with
3 increased employer contributions in compliance with Article X, Section 29(F) of the
4 Constitution of Louisiana.

5 Section 4. Benefits provided for pursuant to this Act shall not be suspended,
6 reduced, or denied unless a final, nonappealable judgment declaring this Act unconstitutional
7 has been rendered by a court of competent jurisdiction.

8 Section 5. The provisions of this Act shall be nonseverable."

9 AMENDMENT NO. 10

10 On page 2, line 5, change "Section 3." to "Section 6."