

ACT No. 137

2021 Regular Session

HOUSE BILL NO. 19

BY REPRESENTATIVES MACK, ADAMS, BUTLER, CARPENTER, ROBBY CARTER, WILFORD CARTER, CREWS, EDMONSTON, FREEMAN, GLOVER, HARRIS, HODGES, HORTON, MCFARLAND, RISER, SCHEXNAYDER, AND THOMPSON

1 AN ACT

2 To amend and reenact R.S. 11:471(D)(introductory paragraph) and 471.1(B)(1) and to enact
3 R.S. 11:471(F) and 471.1(I), relative to the Louisiana State Employees' Retirement
4 System; to provide relative to the selection of benefit options; to provide for
5 survivors' benefits for members and members' families; and to provide for related
6 matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 11:471(D)(introductory paragraph) and 471.1(B)(1) are hereby
12 amended and reenacted and R.S. 11:471(F) and 471.1(I) are hereby enacted to read as
13 follows:

14 §471. Survivors' benefits; members hired on or before December 31, 2010

15 * * *

16 D. Benefit. ~~Surviving~~ Except as provided in Subsection F of this Section,
17 surviving spouses, minor children, handicapped children, and mentally disabled
18 children who qualify under this Section shall be eligible for benefits as follows:

19 * * *

1 F.(1) Any member with a mentally disabled child or children may elect, in
2 lieu of the benefits otherwise provided for in the Section, that survivor benefits be
3 calculated and paid as if the member retired immediately prior to his death and
4 selected the option provided for in R.S. 11:446(A)(2)(b).

5 (2) The election provided for in this Subsection shall be duly acknowledged
6 and filed with the board of trustees. Such election may be made at any time prior to
7 the member's death, retirement, or participation in the Deferred Retirement Option
8 Plan.

9 (3) If the member is married, the designated beneficiary for the election
10 provided for in this Subsection shall be his spouse unless the spouse has consented
11 to the contrary in writing before a notary public or the spouse cannot be located and
12 the member submits an original affidavit, signed by him before a notary public, that
13 evidences good faith efforts to locate the spouse.

14 (4) The election provided for in this Subsection is irrevocable. However, the
15 election made pursuant to this Subsection terminates, and survivor benefits are
16 payable as otherwise provided for in this Section, upon the earlier of:

17 (a) The death of the mentally disabled child or children.

18 (b) The member's retirement or participation in the Deferred Retirement
19 Option Plan.

20 (5) The survivor benefit eligibility provisions otherwise provided for in this
21 Section are applicable to the benefits payable pursuant to the election provided for
22 in this Subsection.

23 §471.1. Survivors' benefits; members hired on or after January 1, 2011

24 * * *

25 B.(1) ~~A~~ Except as provided in Subsection I of this Section, a surviving
26 spouse with a minor or handicapped child, or mentally disabled child, or children
27 shall be paid per month, for so long as one or more children remain eligible for
28 benefits under Subsection C of this Section, fifty percent of the benefit to which the

1 member would have been entitled if he had retired on the date of his death using the
 2 member's applicable accrual rate regardless of years of service or age, or six hundred
 3 dollars per month, whichever is greater, provided the deceased member was an active
 4 member at the time of death and had five or more years of service credit, at least two
 5 years of which were earned immediately prior to death or provided the deceased
 6 member had twenty or more years of service credit regardless of when earned or
 7 whether the deceased member was in active service at the time of death.

8 * * *

9 (1)(1) Any member with a mentally disabled child or children may elect, in
 10 lieu of benefits otherwise provided for in this Section, that survivor benefits be
 11 calculated and paid as if the member retired immediately prior to his death and
 12 selected the option provided for in R.S. 11:446(A)(2)(b).

13 (2) The election provided for in this Subsection shall be duly acknowledged
 14 and filed with the board of trustees. Such election may be made at any time prior to
 15 the member's death, retirement, or participation in the Deferred Retirement Option
 16 Plan.

17 (3) If the member is married, the designated beneficiary for the election
 18 provided for in this Subsection shall be his spouse unless the spouse has consented
 19 to the contrary in writing before a notary public or the spouse cannot be located and
 20 the member submits an original affidavit, signed by him before a notary public, that
 21 evidences good faith efforts to locate the spouse.

22 (4) The election provided for in this Subsection is irrevocable. However, the
 23 election made pursuant to this Subsection terminates, and survivor benefits are
 24 payable as otherwise provided for in this Section, upon the earlier of:

25 (a) The death of the mentally disabled child or children.

26 (b) The member's retirement or participation in the Deferred Retirement
 27 Option Plan.

28 (5) The survivor benefit eligibility provisions otherwise provided for in this
 29 Section are applicable to the benefits payable pursuant to the election provided for
 30 in this Subsection.

1 Section 2. The cost of this Act, if any, shall be funded with additional employer
2 contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____