

2018 Regular Session

HOUSE BILL NO. 37

BY REPRESENTATIVE TERRY BROWN AND SENATOR WALSWORTH

RETIREMENT/STATE EMPS: Provides for benefits for certain members of the Louisiana State Employees' Retirement System totally and permanently disabled in the line of duty by an intentional act of violence

1 AN ACT

2 To amend and reenact R.S. 11:212(B)(1), 461(B)(2), 603(A) and (B)(introductory
3 paragraph), and 617(A) and to enact R.S. 11:583(B)(3) and (4) and 3686(B)(1)(d)
4 and (e), relative to members of the Louisiana State Employees' Retirement System
5 permanently injured in the line of duty; to provide for retirement benefits; to provide
6 for permanent benefit increases; to provide for state contributions toward insurance
7 benefits; and to provide for related matters.

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 11:212(B)(1), 461(B)(2), 603(A) and (B)(introductory paragraph),
13 and 617(A) are hereby amended and reenacted and R.S. 11:583(B)(3) and (4) and
14 3686(B)(1)(d) and (e) are hereby enacted to read as follows:

15 §212. Louisiana State Employees' Retirement System

16 * * *

17 B.(1) ~~Subject to the appropriation of funds for this purpose,~~ a A member of
18 the Louisiana State Employees' Retirement System whose first employment making
19 him eligible for membership in one of the state systems occurred on or before

1 December 31, 2010, who is a correction officer, probation or parole officer, or
 2 security officer of the Department of Public Safety and Corrections, and who, upon
 3 medical examination and certification as provided in this Subpart, is found to be
 4 either totally disabled or partially disabled or incapacitated solely as the result of
 5 injuries sustained in the official performance of official duties of a hazardous nature,
 6 shall be entitled to disability benefits under the provisions of R.S. 11:461(B)
 7 regardless of the number of years of service, provided the member has been a
 8 correction officer, probation or parole officer, or a security officer of the Department
 9 of Public Safety and Corrections.

10 * * *

11 §461. Eligibility; certification

12 * * *

13 B. The board of trustees shall award disability benefits to eligible members
 14 who have been officially certified as disabled by the State Medical Disability Board.

15 The disability benefit shall be determined as follows:

16 * * *

17 (2)(a) ~~Subject to the appropriation of funds for this purpose, a~~ A corrections
 18 officer, probation or parole officer, or a security officer of the Louisiana Department
 19 of Public Safety and Corrections who becomes disabled solely as a result of
 20 disabilities sustained in the official performance of official duties of a hazardous
 21 nature shall receive a maximum disability benefit of sixty percent of average
 22 compensation. The agency shall certify that the disability was sustained while the
 23 member was performing official duties while on active status and the disability must
 24 be certified by a physician on the State Medical Disability Board. Any such officer
 25 whose first employment making him eligible for membership in one of the state
 26 systems occurred on or after January 1, 2011, shall be subject to provisions of R.S.
 27 11:617.

28 (b) If a corrections officer, probation or parole officer, or a security officer
 29 of the Louisiana Department of Public Safety and Corrections becomes totally and

1 permanently disabled solely as a result of injuries sustained while on active duty
2 status and in the official performance of official duties of a hazardous nature and the
3 member and his employer certify the disabilities are the result of an intentional act
4 of violence, he shall receive:

5 (i) A disability benefit equal to one hundred percent of his average
6 compensation regardless of years of service.

7 (ii) A permanent benefit increase every other year on the retirement
8 anniversary date of the member in the amount of three percent of the benefit being
9 paid to the member. Such member shall not be eligible for any other permanent
10 benefit increase paid by the system.

11 (iii) The highest state contribution of the premium for participation in an
12 Office of Group Benefits plan of benefits available to a retiree, regardless of the
13 number of years of participation.

14 (c) A spouse of a member entitled to the benefits provided in Subparagraph
15 (b) of this Paragraph who receives a monthly benefit after the death of the member
16 shall receive a permanent benefit increase every other year on the retirement
17 anniversary date of the member in the amount of three percent of the benefit being
18 paid to the spouse. Such spouse shall not be eligible for any other permanent benefit
19 increase paid by the system.

20 * * *

21 §583. Disability retirement

22 * * *

23 B. The board of trustees shall award disability benefits to eligible members
24 who have been officially certified as disabled by the State Medical Disability Board.
25 The disability benefit shall be determined as follows:

26 * * *

27 (3) In the case of total and permanent disability of a member resulting from
28 injuries received while on active duty status and in the line of duty and in which the

1 member and his employer certify the injuries are the result of an intentional act of
2 violence, the member shall receive:

3 (a) A disability benefit equal to one hundred percent of his average
4 compensation regardless of years of service.

5 (b) A permanent benefit increase every other year on the retirement
6 anniversary date of the member in the amount of three percent of the benefit being
7 paid to the member. Such member shall not be eligible for any other permanent
8 benefit increase paid by the system.

9 (c) The highest state contribution of the premium for participation in an
10 Office of Group Benefits plan of benefits available to a retiree, regardless of the
11 number of years of participation.

12 (4) A spouse of a member entitled to the benefits provided in Paragraph (3)
13 of this Subsection who receives a monthly benefit after the death of the member shall
14 receive a permanent benefit increase every other year on the retirement anniversary
15 date of the member in the amount of three percent of the benefit being paid to the
16 spouse. Such spouse shall not be eligible for any other permanent benefit increase
17 paid by the system.

18 * * *

19 §603. In line of service disability

20 A.(1) Upon approval of a member's retirement based upon a total and
21 permanent disability resulting solely from injuries sustained in the performance of
22 his official duties, a member shall receive a disability benefit equal to forty percent
23 of his average compensation regardless of years of service.

24 (2) Upon approval of a member's retirement based upon a total and
25 permanent disability resulting solely from injuries sustained while on active duty
26 status and engaged in the performance of his official duties and certification by the
27 member and his employer that the injuries are the result of an intentional act of
28 violence, the member shall receive:

1 (a) A disability benefit equal to one hundred percent of his average
2 compensation regardless of years of service.

3 (b) A permanent benefit increase every other year on the retirement
4 anniversary date of the member in the amount of three percent of the benefit being
5 paid to the member. Such member shall not be eligible for any other permanent
6 benefit increase paid by the system.

7 (c) The highest state contribution of the premium for participation in an
8 Office of Group Benefits plan of benefits available to a retiree, regardless of the
9 number of years of participation.

10 (3) A spouse of a member entitled to the benefits provided in Paragraph (2)
11 of this Subsection who receives a monthly benefit after the death of the member shall
12 receive a permanent benefit increase every other year on the retirement anniversary
13 date of the member in the amount of three percent of the benefit being paid to the
14 spouse. Such spouse shall not be eligible for any other permanent benefit increase
15 paid by the system.

16 B. If a member would have otherwise been eligible for a disability retirement
17 under R.S. 11:461 and the disability is not the result of an intentional act of violence,
18 then he shall receive the greater of either:

19 * * *

20 §617. Disability retirement

21 A.(1) Upon approval of a member's retirement based upon a total and
22 permanent disability resulting solely from injuries sustained in the performance of
23 his official duties, a member shall receive a disability benefit equal to seventy-five
24 percent of his average compensation regardless of years of service. This benefit is
25 payable only if the injury or injuries were sustained while on active duty status.

26 (2) Upon approval of a member's retirement based upon a total and
27 permanent disability resulting solely from injuries sustained while on active duty
28 status and engaged in the performance of his official duties and certification by the

1 member and his employer that the injuries are the result of an intentional act of
2 violence, the member shall receive:

3 (a) A disability benefit equal to one hundred percent of his average
4 compensation regardless of years of service.

5 (b) A permanent benefit increase every other year on the retirement
6 anniversary date of the member in the amount of three percent of the benefit being
7 paid to the member. Such member shall not be eligible for any other permanent
8 benefit increase paid by the system.

9 (c) The highest state contribution of the premium for participation in an
10 Office of Group Benefits plan of benefits available to a retiree, regardless of the
11 number of years of participation.

12 (3) A spouse of a member entitled to the benefits provided in Paragraph (2)
13 of this Subsection who receives a monthly benefit after the death of the member shall
14 receive a permanent benefit increase every other year on the retirement anniversary
15 date of the member in the amount of three percent of the benefit being paid to the
16 spouse. Such member shall not be eligible for any other permanent benefit increase
17 paid by the system.

18 * * *

19 §3686. Disability retirement

20 * * *

21 B.(1) Upon retirement for disability, a member shall receive a retirement
22 allowance if he has attained the age of fifty-five years; otherwise, he shall receive a
23 disability benefit which shall be computed as follows:

24 * * *

25 (d) Upon approval of a member's retirement based upon a total and
26 permanent disability resulting solely from injuries received while on active duty
27 status and in the line of duty and certification by the member and his employer that
28 the injuries are the result of an intentional act of violence, the member shall receive:

1 (i) A disability benefit equal to one hundred percent of his average
2 compensation regardless of years of service.

3 (ii) A permanent benefit increase every other year on the retirement
4 anniversary date of the member in the amount of three percent of the benefit being
5 paid to the member. Such member shall not be eligible for any other permanent
6 benefit increase paid by the system.

7 (iii) The highest state contribution of the premium for participation in an
8 Office of Group Benefits plan of benefits available to a retiree, regardless of the
9 number of years of participation.

10 (e) A spouse of a member entitled to the benefits provided in Subparagraph
11 (d) of this Paragraph who receives a monthly benefit after the death of the member
12 shall receive a permanent benefit increase every other year on the retirement
13 anniversary date of the member in the amount of three percent of the benefit being
14 paid to the spouse. Such spouse shall not be eligible for any other permanent benefit
15 increase paid by the system.

16 * * *

17 Section 2. The provisions of this Act shall apply to any disability retiree who is
18 receiving a benefit on the effective date of the Act, and who is otherwise eligible for benefits
19 under the provisions of this Act except that his disability was approved prior to the effective
20 date of this Act. In order to receive the increased benefits provided for in this Act, the retiree
21 shall make application therefor to the system. Upon approval of the disability pursuant to
22 the provisions of this Act, the retiree's benefit shall be increased retroactive to the effective
23 date of this Act.

24 Section 3. In compliance with Article X, Section 29(F) of the Constitution of
25 Louisiana, the cost of this Act, if any, shall be funded with additional employer contributions
26 from employers whose employees are members of the Wildlife Agents Plan, Public Safety
27 Services Plan, Hazard Duty Services Plan, or Harbor Police Retirement Plan within the
28 Louisiana State Employees' Retirement System or are eligible for benefits provided by R.S.
29 11:461(B) in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

1 Section 4. This Act shall become effective upon signature by the governor or, if not
 2 signed by the governor, upon expiration of the time for bills to become law without signature
 3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 5 effective on the day following such approval.

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)]

HB 37 Original

2018 Regular Session

Terry Brown

Abstract: Provides increased disability retirement benefits, permanent benefit increases, and state contributions for Office of Group Benefit (OGB) benefits for hazardous duty members of the La. State Employees' Retirement System (LASERS) totally and permanently disabled in the line of duty by an intentional act of violence.

Present law provides the following disability benefits for the following LASERS members who become totally and permanently disabled from an injury received in the line of duty:

- (1) Members of the Corrections Plan: 60% of average compensation, subject to appropriation of funds.
- (2) Members of the Public Safety Services Plan with less than 10 years of service: 40% of average compensation. Members with 10 or more years of service: the greater of the member's regular retirement benefit calculated without reduction due to age or 40% of average compensation, whichever is greater.
- (3) Members of the Wildlife Agents Plan: 60% of average compensation.
- (4) Members of the Harbor Police Retirement Plan: 60% of average compensation.
- (5) Members of the Hazardous Duty Services Plan: 75% of average compensation.

Present law grants the Office of Group Benefits (OGB) authority to establish premium rates for health plans made available to retirees.

Proposed law provides increased disability benefits for a member of any of these plans who becomes permanently and totally disabled as a result of injuries sustained, while engaged in the discharge of his duties, as a result of an intentional act of violence. Provides a disability benefit equal to 100% of his average compensation, a permanent benefit increase (PBI) every other year of 3%, and the highest available state contribution of the premium for participation in an OGB plan available to a retiree. Further provides that the surviving spouse of the member receiving these benefits shall receive a 3% PBI every other year. To be eligible for these benefits, proposed law requires that the member and his employer certify that his injuries were sustained as result of an intentional act of violence. Proposed law prohibits any such member and his surviving spouse from receiving any other PBI paid by the system.

Proposed law repeals requirement that disability benefits payable to members of the Primary Corrections Plans are subject to the appropriation of funds.

Proposed law applies to any disability retiree receiving disability benefits on the effective date of the Act if he is approved for the benefits provided by proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 11:212(B)(1), 461(B)(2), 603(A) and (B)(intro. para.), and 617(A); Adds R.S. 11:583(B)(3) and (4) and 3686(B)(1)(d) and (e))