

2018 Regular Session

SENATE BILL NO. 423

BY SENATOR RISER

PUBLIC EMPLOYEES. Provides a survivor benefit for teachers and other school employees killed in the line of duty. (gov sig)

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AN ACT

To amend and reenact R.S. 39:1533(A)(1) and to enact Part III of Chapter 2 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:571, and R.S. 39:1533(A)(3), relative to death benefits for employees of the public educational system in certain cases; to provide for benefits for surviving spouses and children of such employees who suffer death; to provide for payment of benefits; to provide for notification of death; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part III of Chapter 2 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:571, is hereby enacted to read as follows:

PART III. TEACHERS AND SCHOOL EMPLOYEES - SURVIVOR BENEFITS

§571. Financial security for surviving spouses and children of teachers or school employees in certain cases

A. It is hereby declared to be the public policy of this state, under its police power, to provide for the financial security of surviving spouses and dependent children of teachers or school employees when they suffer death as a result of any injury arising out of and in the course of the performance of

1 their official duties as teachers or school employees.

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

5 (1) "Board", in the case of the death of an employee of a city, parish, or
6 other local public school board, means the State Board of Elementary and
7 Secondary Education. "Board", in the case of the death of an employee of a
8 public postsecondary educational institution, means the Board of Regents.

9 (2) "Child or "children" means any person who is the issue of a marriage
10 of a teacher or school employee; the legally adopted child of a teacher or school
11 employee; the natural child of a female teacher or school employee; the child of
12 a teacher or school employee if a court of competent jurisdiction has made an
13 order of filiation declaring the paternity of such teacher or school employee for
14 the child; or the child of a male teacher or school employee who has been
15 acknowledged in accordance with law by the male teacher or school employee.

16 (3) "Dependent child" or "dependent children" means any unmarried
17 child under the age of eighteen years or an unmarried student under the age of
18 twenty-three years. In addition, "dependent child" or "dependent children"
19 shall include a child of any age who has a physical or mental disability, if
20 medical or psychological information indicates such child is totally and
21 permanently disabled and is dependent upon the teacher or school employee for
22 support.

23 (4) "School employee" means an employee of a city, parish, or other local
24 public school board or of a public postsecondary educational institution in this
25 state whose position of employment does not include instructing pupils in
26 courses in classroom situations.

27 (5) "Spouse" means and includes the lawfully married spouse of any
28 teacher or school employee from whom there has not been obtained a judicial
29 separation of bed and board or divorce at the time of the teacher's or school

1 employee's death.

2 (6) "Teacher" means an employee of a city, parish, or other local public
3 school board or of a public postsecondary educational institution in this state
4 whose position of employment includes instructing pupils in courses in
5 classroom situations.

6 C.(1) In any case in which a teacher or school employee suffers death as
7 a result of an injury arising out of and in the course of the performance of his
8 official duties as a teacher or school employee, the sum of two hundred fifty
9 thousand dollars shall be paid to the surviving spouse of the teacher or school
10 employee or, if not survived by a spouse, the sum of two hundred fifty thousand
11 dollars shall be paid to the surviving child or children or, if not survived by a
12 spouse nor a child or children, then the sum of two hundred fifty thousand
13 dollars shall be paid to the named beneficiary listed on the designation form or,
14 if there is no beneficiary designation form at the time of the death, and no
15 surviving spouse nor a child or children, then the sum of two hundred fifty
16 thousand dollars shall be paid to the estate of the teacher or school employee.

17 (2) Each teacher or school employee shall complete a beneficiary
18 designation form.

19 (3) In addition, if the teacher or school employee is survived by a
20 dependent child or children, the sum of twenty-five thousand dollars shall be
21 paid for each of the dependent children, such sums to be paid to the duly
22 appointed and qualified tutor or the legal representative of the child or
23 children. Payment shall be made by the state risk manager out of the
24 Self-Insurance Fund created in R.S. 39:1533(A).

25 (4)(a) In order to facilitate the operation of this Section, within one year
26 after the employing authority has knowledge of the death of a teacher or school
27 employee under circumstances covered by this Section or under circumstances
28 believed by him or by the surviving spouse, parent or parents, or the legal
29 representative of an eligible surviving child or children to be covered by the

1 provisions of this Section, he shall notify the appropriate board of the death, the
 2 date thereof, and the circumstances surrounding the death, and shall furnish
 3 such other information as may be requested by the board.

4 (b) The board shall hear and decide by unanimous vote all claims for
 5 survivor benefits within sixty days after documentation is received. The board
 6 may request any information necessary to make a determination of eligibility
 7 for survivor benefits. Nothing in this Section shall prevent the board from
 8 initiating proceedings before being notified by the employing authority.

9 (c) Within ten days after the board has reached its decision, it shall notify
 10 the spouse and/or dependent children of its decision by certified mail. If the
 11 board denies the claim, the spouse and/or dependent children shall have one
 12 year from the date of denial to file suit against the state through the board in the
 13 parish where the incident that brought about the death occurred. The date of
 14 denial shall be calculated as one year from date of receipt of the decision from
 15 the board.

16 (5) If, at the time of his death, the teacher or school employee is not
 17 married to the other natural parent of any minor child or children who are
 18 entitled to receive a payment pursuant to this Section, the payment shall be
 19 made to any person designated as a trustee by the teacher or school employee
 20 on a form provided by his employer.

21 Section 2. R.S. 39:1533(A)(1) is hereby amended and reenacted and R.S.
 22 39:1533(A)(3) is hereby enacted to read as follows:

23 §1533. Self-Insurance Fund

24 A.(1) There is hereby created in the Department of the Treasury a special
 25 fund to be known as the "Self-Insurance Fund". The fund shall consist of all
 26 premiums paid by state agencies under the state's risk management program as
 27 established by this Chapter, the investment income earned from such premiums, and
 28 commissions retained in accordance with the provisions of this Title. This fund shall
 29 be used only for the payment of losses incurred by state agencies under the

1 self-insurance program, premiums for insurance obtained through commercial
2 carriers, administrative expenses associated with the management of the state's risk,
3 law enforcement officers and firemen's survivors benefits as provided for in R.S.
4 40:1665(C) and 1665.2(C), law enforcement officers and firemen's disability benefits
5 as provided for in R.S. 40:1668, **teachers and school employees survivor benefits**
6 **as provided for in R.S. 17:571**, the payment of losses incurred by the Jefferson
7 Parish Human Services Authority in accordance with R.S. 28:831(J), the payment
8 of losses incurred by the Capital Area Human Services District in accordance with
9 R.S. 28:906, the payment of losses incurred by the Florida Parishes Human Services
10 Authority in accordance with R.S. 28:856, the payment of losses incurred by the
11 Metropolitan Human Services District in accordance with R.S. 28:866, the payment
12 of losses incurred by the Northeast Delta Human Services Authority in accordance
13 with R.S. 28:896, the payment of losses incurred by the South Central Louisiana
14 Human Services Authority in accordance with R.S. 28:876, and the funding of the
15 legal services, such funds to be administered by the commissioner of administration.

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17 **(3) Payments for teachers and school employees benefits as provided for**
18 **in R.S. 17:571 shall be made by the office of risk management on behalf of the**
19 **board as a result of a specific appropriation received for that purpose.**

20 * * *

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

