

2018 Regular Session

SENATE BILL NO. 12

BY SENATOR PEACOCK

MUNICIPAL POL EMPS RET. Provides for survivor benefits. (6/30/18)

1 AN ACT

2 To amend and reenact R.S. 11:2213(22), 2220(B)(2), 2241.8, and 2242.8 and to enact R.S.  
3 11:2213(23) and (24), relative to the Municipal Police Employees' Retirement  
4 System; to provide for definitions; to provide for survivor benefit qualifications; to  
5 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. 11:2213(22), 2220(B)(2), 2241.8, and 2242.8 are hereby amended  
9 and reenacted and R.S. 11:2213(23) and (24) are hereby enacted to read as follows:

10 §2213. Definitions

11 The following words and phrases, as used in this Chapter, unless a different  
12 meaning is plainly required by context, shall have the following meanings:

13 \* \* \*

14 (22) "Student" shall mean a person who satisfies both of the following:

15 (a) The person is enrolled in a high school or postsecondary education  
16 institution duly accredited or approved by the appropriate state, regional, or  
17 professional accrediting agency which is recognized by the state in which it is

1 located or by the United States Department of Education pursuant to the  
2 applicable laws, rules, or regulations.

3 (b) The person is enrolled in a sufficient number of courses and classes  
4 in such institution to be classified as a full-time regular student under the  
5 criteria used by the institution in which he is enrolled. The educational  
6 institution shall provide written notification to the system that the person is in  
7 full-time status.

8 (23) "Survivor's benefit" shall mean any benefit paid to a survivor of a  
9 member under R.S. 11:2220(B), 2241.8, or 2242.8.

10 (24)(a) "Surviving child" shall mean an unmarried person under the age  
11 of eighteen years or an unmarried student under the age of twenty-three years,  
12 if the person or student is one of the following:

13 (i) The issue of a marriage of a member of this system.

14 (ii) The legally adopted child of a member of this system.

15 (iii) A child born outside of marriage of a female member of this system.

16 (iv) The child of a male member of this system, if a court of competent  
17 jurisdiction has, pursuant to the provisions of the Civil Code, rendered a  
18 judgment of filiation declaring the paternity of such member for the child.

19 (b) "Surviving child" shall also mean a person, regardless of age, who  
20 meets one of the criteria in Items (a)(i) through (a)(iv) of this Paragraph who  
21 has a total physical disability or intellectual disability, as certified by the  
22 medical board, if the person had the disability at the time of death of the  
23 member or acquired the disability prior to the attainment of age eighteen and  
24 is dependent upon the surviving spouse or other legal guardian for subsistence.

25 \* \* \*

26 §2220. Benefits; contribution limit

27 \* \* \*

28 B. Benefits shall be payable to any survivor of an active contributing member  
29 who dies before retirement or a disability retiree who dies after retirement as

1 specified in the following:

2 \* \* \*

3 (2)(a) If an active contributing member or a disability retiree dies and leaves,  
4 in addition to a surviving spouse, one or more **surviving** children ~~under eighteen~~  
5 ~~years of age~~, each **surviving** child ~~under age eighteen~~ shall be paid monthly benefits  
6 equal to ten percent of the deceased member's average compensation, or two hundred  
7 dollars per month, whichever is greater. However, benefits payable on account of  
8 each **surviving** child, when added to the benefits payable to the surviving spouse,  
9 shall not exceed an aggregate of one hundred percent of the deceased member's  
10 average compensation. ~~Benefits for a surviving child shall cease upon the child's~~  
11 ~~attainment of age eighteen years or upon marriage, whichever occurs first, except~~  
12 ~~that benefits shall continue:~~

13 (i) ~~For a surviving child to age twenty-three provided the child is a full-time,~~  
14 ~~unmarried student at a recognized institution of higher education, high school, or~~  
15 ~~vocational-technical school, and~~

16 (ii) ~~For a surviving child with a total physical disability or intellectual~~  
17 ~~disability if such child had a total physical disability or intellectual disability at the~~  
18 ~~time of death of the member or acquired such disability prior to the attainment of age~~  
19 ~~eighteen and is dependent upon the surviving spouse or other legal guardian for~~  
20 ~~subsistence.~~

21 (b) If an active contributing member or a disability retiree dies and does not  
22 leave a surviving spouse but leaves one or more **surviving** children ~~under the age of~~  
23 ~~eighteen~~, each **surviving** child ~~under age eighteen~~ shall be paid monthly benefits  
24 equal to thirty percent of the deceased member's average compensation. Benefits  
25 paid on account of each **surviving** child shall not exceed an aggregate of sixty  
26 percent of the average compensation. In the event the deceased member is survived  
27 by only one ~~minor~~ **surviving** child, the **surviving** child shall be paid not less than  
28 forty percent of the deceased member's average compensation. ~~Benefits shall~~  
29 ~~continue after the minor child attains age eighteen as provided in R.S.~~

1 ~~11:2220(B)(2)(a)(i) and R.S. 11:2220(B)(2)(a)(ii).~~

2 (c) If at the time of a member's death the member is not married to the natural  
3 parent of any child or children who are entitled to receive a payment pursuant to this  
4 Subsection and if a trust has been created by the deceased member for the benefit of  
5 such child or children, the payment shall be made to any person designated as a  
6 trustee by the member on a certified copy of a trust document submitted to the  
7 system by the member.

8 **(d) Qualifying survivor's benefits are payable upon application therefor**  
9 **and become effective as of the day following the death of the member.**

10 \* \* \*

11 §2241.8. Survivor benefits

12 Benefits shall be payable to any survivor of an active contributing member  
13 who dies before retirement or a disability retiree who dies after retirement as  
14 specified in the following:

15 (1)(a) If an active contributing member or a disability retiree either of whom  
16 has at least ten years of creditable service in the system dies and leaves a surviving  
17 spouse, the surviving spouse shall receive a benefit calculated according to the  
18 regular retirement formula, disregarding age, but not less than thirty-three percent  
19 nor more than fifty-five percent of the member's average final compensation. If the  
20 surviving spouse remarries, such benefit shall cease unless remarriage occurs after  
21 age sixty years; the benefit shall resume after a subsequent termination of the new  
22 marriage and upon approval of the board of trustees.

23 (b) If the board of trustees determines that an active contributing member is  
24 killed as a result of injuries sustained in the line of duty, the cessation of benefits  
25 upon remarriage set forth in this Paragraph shall not apply. The surviving spouse  
26 shall receive a benefit equal to one hundred percent of the member's average final  
27 compensation less any survivor benefits payable to a **surviving** child or children as  
28 provided in this Section. The sum of survivor benefits paid to **surviving** children and  
29 a surviving spouse shall not exceed one hundred percent of the member's average

1 final compensation. No funds derived from the assessments against insurers pursuant  
2 to R.S. 22:1476 shall be used to pay any increased costs or increase in liability of the  
3 system resulting from the payment of benefits to a surviving spouse pursuant to this  
4 Subparagraph.

5 (2)(a) If an active contributing member or a disability retiree either of whom  
6 has at least ten years of creditable service in the system dies and leaves, in addition  
7 to a surviving spouse, one or more **surviving** children ~~under eighteen years of age,~~  
8 each **surviving** child ~~under age eighteen~~ shall be paid monthly benefits equal to ten  
9 percent of the deceased member's average final compensation, or two hundred  
10 dollars per month, whichever is greater. However, benefits payable on account of  
11 each **surviving** child, when added to the benefits payable to the surviving spouse,  
12 shall not exceed an aggregate of one hundred percent of the deceased member's  
13 average final compensation. ~~Benefits for a surviving child shall cease upon the~~  
14 ~~child's attainment of age eighteen years or upon marriage, whichever occurs first,~~  
15 ~~except that benefits shall continue:~~

16 (i) ~~For a surviving child to age twenty-three if the child is a full-time,~~  
17 ~~unmarried student at a recognized institution of higher education, high school, or~~  
18 ~~vocational-technical school, and~~

19 (ii) ~~For a surviving child with a total physical disability or mental disability~~  
20 ~~if such child had a total physical disability or mental disability at the time of death~~  
21 ~~of the member or acquired such disability prior to the attainment of age eighteen and~~  
22 ~~is dependent upon the surviving spouse or other legal guardian for subsistence.~~

23 (b) If an active contributing member or a disability retiree either of whom has  
24 at least ten years of creditable service in the system dies and does not leave a  
25 surviving spouse but leaves one or more **surviving** children ~~under the age of~~  
26 ~~eighteen,~~ each **surviving** child ~~under age eighteen~~ shall be paid monthly benefits  
27 equal to twenty-five percent of the deceased member's average final compensation.  
28 Benefits paid on account of each **surviving** child shall not exceed an aggregate of  
29 fifty percent of the average final compensation. If the deceased member is survived

1 by only one ~~minor~~ **surviving** child, the **surviving** child shall be paid not less than  
 2 thirty percent of the deceased member's average final compensation. ~~Benefits shall~~  
 3 ~~continue after the minor child attains age eighteen as provided in Subparagraph (a)~~  
 4 ~~of this Paragraph.~~

5 (c) If at the time of a member's death the member is not married to the natural  
 6 parent of any **surviving** child or children who are entitled to receive a payment  
 7 pursuant to this Section and if a trust has been created by the deceased member for  
 8 the benefit of such **surviving** child or children, the payment shall be made to any  
 9 person designated as a trustee by the member on a certified copy of a trust document  
 10 submitted to the system by the member.

11 (3) If a member who is eligible for retirement dies before retiring, the  
 12 surviving spouse shall automatically be paid benefits as though the member had  
 13 retired on the date of his death and elected Option 2, naming the surviving spouse as  
 14 beneficiary, or shall be paid benefits as provided in this Section whichever is greater.

15 (4) Any member who has twelve or more years of service credit established  
 16 in the retirement system and who terminates covered employment and leaves his  
 17 accumulated contributions in the retirement system in order to receive a retirement  
 18 benefit upon reaching the applicable age shall be covered by the survivor benefit  
 19 provisions found in this Section.

20 \* \* \*

21 §2242.8. Survivor benefits

22 Benefits shall be payable to any survivor of an active contributing member  
 23 who dies before retirement or a disability retiree who dies after retirement as  
 24 specified in the following:

25 (1)(a) If an active contributing member or a disability retiree either of whom  
 26 has at least ten years of creditable service in the system dies and leaves a surviving  
 27 spouse, the surviving spouse shall receive a benefit calculated according to the  
 28 regular retirement formula, disregarding age, but not less than twenty-five percent  
 29 nor more than fifty percent of the member's average final compensation. If the

1 surviving spouse remarries, such benefit shall cease unless remarriage occurs after  
2 age sixty years; the benefit shall resume after a subsequent termination of the new  
3 marriage and upon approval of the board of trustees.

4 (b) If the board of trustees determines that an active contributing member is  
5 killed as a result of injuries sustained in the line of duty, the cessation of benefits  
6 upon remarriage set forth in this Paragraph shall not apply. The surviving spouse  
7 shall receive a benefit equal to one hundred percent of the member's average final  
8 compensation less any survivor benefits payable to a **surviving** child or children as  
9 provided in this Section. The sum of survivor benefits paid to **surviving** children and  
10 a surviving spouse shall not exceed one hundred percent of the member's average  
11 final compensation. No funds derived from the assessments against insurers pursuant  
12 to R.S. 22:1476 shall be used to pay any increased costs or increase in liability of the  
13 system resulting from the payment of benefits to a surviving spouse pursuant to this  
14 Subparagraph.

15 (2)(a) If an active contributing member or a disability retiree either of whom  
16 has at least ten years of creditable service in the system dies and leaves, in addition  
17 to a surviving spouse, one or more **surviving** children ~~under eighteen years of age,~~  
18 each **surviving** child ~~under age eighteen~~ shall be paid monthly benefits equal to ten  
19 percent of the deceased member's average final compensation, or two hundred  
20 dollars per month, whichever is greater. However, benefits payable on account of  
21 each **surviving** child, when added to the benefits payable to the surviving spouse,  
22 shall not exceed an aggregate of one hundred percent of the deceased member's  
23 average final compensation. ~~Benefits for a surviving child shall cease upon the~~  
24 ~~child's attainment of age eighteen years or upon marriage, whichever occurs first,~~  
25 ~~except that benefits shall continue:~~

26 (i) ~~For a surviving child to age twenty-three if the child is a full-time,~~  
27 ~~unmarried student at a recognized institution of higher education, high school, or~~  
28 ~~vocational-technical school, and~~

29 (ii) ~~For a surviving child with a total physical disability or mental disability~~

1 if such child had a total physical disability or mental disability at the time of death  
2 of the member or acquired such disability prior to the attainment of age eighteen and  
3 is dependent upon the surviving spouse or other legal guardian for subsistence.

4 (b) If an active contributing member or a disability retiree either of whom has  
5 at least ten years of creditable service in the system dies and does not leave a  
6 surviving spouse but leaves one or more **surviving** children ~~under the age of~~  
7 ~~eighteen~~, each **surviving** child ~~under age eighteen~~ shall be paid monthly benefits  
8 equal to twenty percent of the deceased member's average final compensation.  
9 Benefits paid on account of each **surviving** child shall not exceed an aggregate of  
10 fifty percent of the average final compensation. If the deceased member is survived  
11 by only one ~~minor~~ **surviving** child, the **surviving** child shall be paid not less than  
12 twenty-five percent of the deceased member's average final compensation. ~~Benefits~~  
13 ~~shall continue after the minor child attains age eighteen as provided in Subparagraph~~  
14 ~~(a) of this Paragraph.~~

15 (c) If at the time of a member's death the member is not married to the natural  
16 parent of any **surviving** child or children who are entitled to receive a payment  
17 pursuant to this Section and if a trust has been created by the deceased member for  
18 the benefit of such **surviving** child or children, the payment shall be made to any  
19 person designated as a trustee by the member on a certified copy of a trust document  
20 submitted to the system by the member.

21 (3) If a member who is eligible for retirement dies before retiring, the  
22 surviving spouse shall automatically be paid benefits as though the member had  
23 retired on the date of his death and elected Option 2, naming the surviving spouse as  
24 beneficiary, or shall be paid benefits as provided in this Section, whichever is  
25 greater.

26 (4) Any member who has twelve or more years of service credit established  
27 in the retirement system and who terminates covered employment and leaves his  
28 accumulated contributions in the retirement system in order to receive a retirement  
29 benefit upon reaching the applicable age shall be covered by the survivor benefit



1 provisions found in this Section.

2 \* \* \*

3 Section 2. This Act shall become effective on June 30, 2018; if vetoed by the  
4 governor and subsequently approved by the legislature, this Act shall become effective on  
5 June 30, 2018, or on the day following such approval by the legislature, whichever is later.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Margaret M. Corley.

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DIGEST

SB 12 Engrossed

2018 Regular Session

Peacock

Present law, relative to the Municipal Police Employees' Retirement System (MPERS),  
provides for definitions.

Proposed law retains present law.

Proposed law defines "student" to mean a person who satisfies the following criteria:

- (1) Is enrolled in an accredited high school or postsecondary institution.
- (2) Is classified as full-time.

Proposed law defines the "surviving child" of a member to mean a child of the member by  
birth, adoption, or filiation who is also one of the following:

- (1) An unmarried person under age 18.
- (2) An unmarried student under age 23.
- (3) A person with a mental disability or total physical disability who is dependent on a  
legal guardian for subsistence.

Present law provides the qualifications for payment of survivor benefits accrued by an active  
contributing member who dies before retirement.

Proposed law specifies that any payment of a survivor benefit to a child shall be in  
accordance with the definitions provided in proposed law.

Proposed law specifies that qualifying survivor's benefits are payable upon application  
therefor and become effective the day following the death of the member.

Effective June 30, 2018.

(Amends R.S. 11:2213(22), 2220(B)(2), 2241.8, and 2242.8; adds R.S. 11:2213(23) and  
(24))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Retirement to the  
original bill

1. Makes technical changes.