

2018 Regular Session

HOUSE BILL NO. 29

BY REPRESENTATIVE PEARSON

RETIREMENT/MUNICIPAL EMP: Provides for the optional selection of payment of survivor benefits for a surviving spouse of a member of the Municipal Employees' Retirement System of Louisiana

1 AN ACT

2 To amend and reenact R.S. 11:1785(A) and 1805(A)(2), relative to the election of survivor
3 benefits by survivors of members of the Municipal Employees' Retirement System
4 of Louisiana; to require that the election be made in writing; and to provide for
5 related matters.

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 11:1785(A) and 1805(A)(2) are hereby amended and reenacted to
11 read as follows:

12 §1785. Survivor benefits; eligibility

13 A. Upon the death of any member with five or more years of creditable
14 service, not eligible for normal retirement, the following benefits shall be paid:

15 (1) If the member is survived by a ~~Surviving~~ spouse with minor
16 children, ~~==An~~ the spouse shall be paid an amount equal to sixty percent of final
17 compensation, such benefit to continue as long as the spouse lives or until no child
18 in ~~her~~ his care satisfies the definition of minor child.

1 (2)(a) If the member is survived by a Surviving spouse with no minor
2 children, ~~Either~~ the surviving spouse shall be paid either:

3 (a) ~~an~~ (i) An amount equal to forty percent of final compensation payable
4 ~~upon the attainment of age sixty by the spouse, or upon acquiring a disability, when~~
5 the surviving spouse attains age sixty or becomes disabled and remains payable for
6 ~~as long as such spouse lives, or~~ the life of the surviving spouse.

7 (b) ~~an~~ (ii) An amount equal to the actuarial equivalent of forty percent of
8 final compensation, but not less than twenty percent of final compensation, payable
9 upon the death of the member and payable for ~~as long as such spouse lives~~ the life
10 of the surviving spouse.

11 (b) In order to ~~select~~ receive the ~~actuarial equivalent~~ option provided for in
12 Item (a)(ii) of this Paragraph, a surviving spouse ~~must~~ shall elect the option and
13 notify the system of the selection election in writing within ninety days of the death
14 of the member; such ~~selection~~ election shall be final and irrevocable and shall be in
15 lieu of eligibility for the ~~forty percent benefits~~ benefit provided for in Item (a)(i) of
16 this Paragraph.

17 (3) If the member is survived only by a Surviving minor child or children,
18 ~~with no unmarried surviving spouse--An~~ the surviving minor child or children shall
19 be paid an amount equal to thirty percent of final compensation ~~on account of each~~
20 per child, not to exceed an aggregate of sixty percent of final compensation. Should
21 more than two minor children survive, the benefit payable at any time to each
22 eligible minor child shall be an amount determined by dividing the aggregate amount
23 of all child benefits by the number of children then eligible to receive child benefits.

24 * * *

25 §1805. Survivor benefits; eligibility

26 A.

27 * * *

28 (2) In order to ~~select~~ receive the ~~actuarial equivalent~~ option provided for in
29 Subparagraph (1)(b) of this Subsection, a surviving spouse ~~must~~ shall elect the

1 option and notify the system of the ~~selection~~ election in writing within ninety days
 2 after the death of the member. Such ~~selection~~ election shall be final and irrevocable
 3 and shall be paid in lieu of the benefit provided for in Subparagraph (1)(a) of this
 4 Subsection.
 5 * * *

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 29 Engrossed 2018 Regular Session Pearson

Abstract: Requires a surviving spouse of a member of the Municipal Employees' Retirement System of La. (MERS) to make benefit elections in writing.

Present law provides for benefits paid to a surviving spouse of a member of MERS who, at the time of death, had at least five years of creditable service but was not eligible for normal retirement.

Present law applicable to MERS Plan A provides that a surviving spouse *without* minor children may receive a benefit equal to *40%* of the member's final compensation, payable upon the spouse's 60th birthday or upon his becoming disabled, or may receive the actuarial equivalent of *40%* of final compensation, but not less than *20%*, payable upon the death of the member.

Present law applicable to MERS Plan B provides that a surviving spouse *with or without* minor children may receive a benefit equal to *30%* of the member's final compensation, payable upon the spouse's 60th birthday or upon his becoming disabled, or may receive an actuarial equivalent of *30%* of final compensation, but not less than *15%*, payable upon the death of the member.

Either benefit under either plan is payable for the life of the spouse.

Proposed law retains present law.

Present law provides that in order to receive the actuarial equivalent option, which is payable upon the death of the member, the surviving spouse shall elect such option and shall notify the system of the election within 90 days of the death of the member. Further provides that such election shall be final and irrevocable. Proposed law retains present law.

Proposed law requires that the surviving spouse's notification of his election be made in writing.

(Amends R.S. 11:1785(A) and 1805(A)(2))