

HOUSE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by House Committee on Retirement to Original House Bill No. 10
by Representative Ivey

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 11:2256(E)(1) and (3)," to "R.S. 11:2256(B)(2) and (3) and (E)(1) and (3),"

AMENDMENT NO. 2

On page 1, line 4, after "such refunds;" delete "and" and insert "to provide for members killed in the line of duty by an intentional act of violence; to provide for benefits for survivors of these members; to provide for qualifications to receive these benefits; to provide for benefit calculation; and"

AMENDMENT NO. 3

On page 2, after line 12, insert the following:

"Section 2. R.S. 11:2256(B)(2) and (3) are hereby amended and reenacted to read as follows:

§2256. Benefits; refund of contributions, application, and payment

* * *

B.

* * *

(2) Benefits shall be payable to the surviving child or children of a deceased member or retiree as specified in the following:

(a) If any active contributing member or a disability retiree dies and leaves in addition to a surviving spouse, one or more children under eighteen years of age, each child under age eighteen shall be paid, on a monthly basis, an annual benefit equal to ten percent of the deceased member's or retiree's average final compensation, or two hundred dollars per month, whichever is greater. However, benefits payable on account of each child, when added to the benefits payable to the surviving eligible spouse, shall not exceed an aggregate of one hundred percent of the average final compensation. Benefits for a surviving child shall cease upon the child's attaining age eighteen years or upon marriage, whichever occurs first, except that benefits shall continue for an unmarried surviving child who has a physical or intellectual disability as provided in ~~Paragraph (3) of this Subsection~~ Subparagraph(c) of this Paragraph. Additionally, any unmarried surviving child, who graduates from high school and enrolls, on a full-time basis, in an institute of higher education, shall have his benefit continued as long as he remains enrolled on a full-time basis and remains unmarried; however, the benefit payments shall not extend past four additional years nor past the surviving child's twenty-second birthday. Benefits payable under the provisions of this Subparagraph may be paid in trust as provided in R.S. 11:2256.2.

(b) If a member or a disability retiree dies and does not leave a surviving spouse but leaves two or more children under the age of eighteen, each child under age eighteen shall be paid, on a monthly basis, an annual benefit equal to thirty percent of the deceased member's or retiree's average final compensation. Benefits paid on account of all children shall not exceed, on a monthly basis, an annual benefit in the aggregate of sixty percent of the average final compensation. In the event the deceased member or disability retiree is survived by only one minor child, the child shall be paid, on a monthly basis, an annual benefit of not less than forty percent of the deceased member's or retiree's average final compensation. Benefits

1 shall continue after the minor child attains age eighteen as provided in ~~Paragraph (3)~~
2 ~~of this Subsection~~ Subparagraph (c) of this Paragraph. Benefits payable under the
3 provisions of this Subparagraph may be paid in trust as provided in R.S. 11:2256.2.

4 ~~(3)~~ (c) Benefits shall be payable as specified in this ~~Paragraph~~ Subparagraph
5 to any surviving child of a deceased member or retiree if the child has a total
6 physical disability or an intellectual disability. The surviving child of a deceased
7 active contributing member, a deceased disability retiree, or a deceased regular
8 retiree, whether under or over the age of eighteen years, shall be entitled to the same
9 benefits, payable in the same manner as are provided in this Section for minor
10 children, if the child has a total physical disability or an intellectual disability and
11 had such disability at the time of death of the member or retiree, and the child is
12 dependent upon the surviving spouse or other legal guardian for subsistence.
13 Benefits payable under the provisions of this ~~Paragraph~~ Subparagraph may be paid
14 in trust as provided in R.S. 11:2256.2.

15 (3)(a) The surviving spouse married to and living with a member who serves
16 as a sworn commissioned law enforcement officer and who is killed by an intentional
17 act of violence in the discharge of his law enforcement duties or dies from immediate
18 effects of any injury received as the result of an intentional act of violence occurring
19 while engaged in the discharge of his duties shall receive a survivor benefit equal to
20 one hundred percent of the salary being received by the employee paid by the
21 employer that makes him eligible for membership in this system at the time of the
22 member's death or injury. Such benefits shall continue regardless of whether the
23 surviving spouse remarries.

24 (b)(i) If there is no surviving eligible spouse of any such member, then any
25 surviving minor children shall receive a survivor benefit equal to one hundred
26 percent of the salary being received by the employee paid by the employer that
27 makes him eligible for membership in this system at the time of the member's death
28 or injury prorated equally among such children.

29 (ii) Benefits for a surviving child shall cease upon the child attaining age
30 eighteen years or upon marriage, whichever occurs first, except that benefits shall
31 continue for an unmarried surviving child who has a total physical disability or an
32 intellectual disability. Additionally, any unmarried surviving child who graduates
33 from high school and enrolls, on a full-time basis, in an institute of higher education
34 shall have his benefit continued as long as he remains enrolled on a full-time basis
35 and remains unmarried; however, the benefit payments shall not extend past four
36 additional years nor past the surviving child's twenty-second birthday.

37 (iii) When a child receiving a survivor benefit is no longer eligible to receive
38 such benefit and his benefit ceases, the remaining surviving children shall have their
39 shares adjusted accordingly.

40 (c) Any surviving spouse or children of a member killed on or before July
41 1, 2018, by an intentional act of violence who would otherwise qualify for the
42 survivor benefit provided for in this Paragraph shall have any survivor benefit
43 payable on or after July 1, 2018, increased to the amount calculated pursuant to this
44 Paragraph regardless of the date of death of the member.

45 * * *

46 Section 3. Section 2 of this Act shall be known as the "Christopher Lawton
47 Act".

48 Section 4. This Act shall become effective on July 1, 2018; if vetoed by the
49 governor and subsequently approved by the legislature, this Act shall become
50 effective on July 1, 2018, or on the day following such approval by the legislature,
51 whichever is later."