

SENATE BILL NO. 7

BY SENATOR PEACOCK

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AN ACT

To amend and reenact R.S. 11:2220(B)(1)(a)(ii) and (2)(a) and (b) and (G) and 2223(E)(2), relative to the Municipal Police Employees' Retirement System; to provide relative to the term "average final compensation"; to provide for consistency of language; to provide relative to qualifications for disability retirement; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2220(B)(1)(a)(ii) and (2)(a) and (b) and (G) and 2223(E)(2) are hereby amended and reenacted to read as follows:

§2220. Benefits; contribution limit

* * *

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

(1)(a)(i) * * *

(ii) Where the board of trustees determines that an active contributing member is killed as a result of injuries sustained in the line of duty, the cessation of benefits upon remarriage set forth in this Paragraph shall not apply. If the injury occurs on or after January 1, 2001, the surviving spouse shall receive a benefit equal to one hundred percent of the member's ~~final average compensation~~ **average final compensation** less any survivor benefits payable to a child or children as provided in this Section; however, no increase in survivor benefits shall be paid for any period before July 1, 2003. The sum of survivor benefits paid to children and a surviving spouse shall not exceed one hundred percent of the member's ~~final average compensation~~ **average final compensation**. No funds derived from the assessments against insurers pursuant to R.S. 22:1476 shall be used to pay any increased costs or

1 increase in liability of the system resulting from the payment of benefits to a
2 surviving spouse pursuant to this Item.

3 * * *

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

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

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

22 (b) If an active contributing member or a disability retiree dies and does not
23 leave a surviving spouse but leaves one or more children under the age of eighteen,
24 each child under age eighteen shall be paid monthly benefits equal to thirty percent
25 of the deceased member's average **final** compensation. Benefits paid on account of
26 each child shall not exceed an aggregate of sixty percent of the average **final**
27 compensation. In the event the deceased member is survived by only one minor
28 child, the child shall be paid not less than forty percent of the deceased member's
29 average **final** compensation. Benefits shall continue after the minor child attains age
30 eighteen as provided in R.S. 11:2220(B)(2)(a)(i) and R.S. 11:2220(B)(2)(a)(ii) **Items**

1 (a)(i) and (ii) of this Paragraph.

2 * * *

3 G. The retirement benefits provided by this Section shall not annually exceed
4 one hundred percent of average final compensation, and when a member has earned
5 benefits equal to one hundred percent of his average final compensation, no further
6 contributions shall be required of him. However, the employer shall continue to pay
7 to the system the employer's contribution.

8 * * *

9 §2223. Disability retirement

10 * * *

11 E.(1) * * *

12 (2) Any disability retiree who is blinded, who suffers a traumatic physical
13 injury causing permanent damage to the brain or spinal cord, or who loses the
14 total use of a limb solely as a result of injuries sustained on or after July 1, 2003, in
15 the performance of his official duties, and whose condition is certified by the State
16 Medical Disability Board, shall receive a benefit equal to his ~~final average~~
17 compensation average final compensation. No funds derived from the assessments
18 against insurers pursuant to R.S. 22:1476 shall be used to pay any increased costs or
19 increase in liability of the system resulting from the provisions of this Paragraph.

20 * * *

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____