

2018 Regular Session

HOUSE BILL NO. 37

BY REPRESENTATIVES TERRY BROWN, ANDERS, BACALA, BAGLEY, BAGNERIS, BERTHELOT, BILLIOT, COX, DAVIS, EDMONDS, LANCE HARRIS, HOFFMANN, JACKSON, JEFFERSON, JENKINS, MCFARLAND, PEARSON, POPE, REYNOLDS, RICHARD, AND SCHEXNAYDER AND SENATORS ALARIO, ALLAIN, APPEL, BARROW, BISHOP, BOUDREAUX, CARTER, CORTEZ, DONAHUE, ERDEY, GATTI, HEWITT, JOHNS, LUNEAU, MILKOVICH, MILLS, PEACOCK, PERRY, PRICE, GARY SMITH, JOHN SMITH, AND WALSWORTH

1 AN ACT

2 To amend and reenact R.S. 11:212(B)(1), 461(B)(2), 603(A) and (B)(introductory
3 paragraph), and 617(A) and to enact R.S. 11:583(B)(3) and 3686(B)(1)(d), relative
4 to members of the Louisiana State Employees' Retirement System permanently
5 injured in the line of duty; to provide for retirement benefits; to provide for an
6 effective date; and to provide for related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 11:212(B)(1), 461(B)(2), 603(A) and (B)(introductory paragraph),
12 and 617(A) are hereby amended and reenacted and R.S. 11:583(B)(3) and 3686(B)(1)(d) are
13 hereby enacted to read as follows:

14 §212. Louisiana State Employees' Retirement System

15 * * *

16 B.(1) ~~Subject to the appropriation of funds for this purpose,~~ a A member of
17 the Louisiana State Employees' Retirement System whose first employment making
18 him eligible for membership in one of the state systems occurred on or before
19 December 31, 2010, who is a correction officer, probation or parole officer, or
20 security officer of the Department of Public Safety and Corrections, and who, upon
21 medical examination and certification as provided in this Subpart, is found to be
22 either totally disabled or partially disabled or incapacitated solely as the result of

1 injuries sustained in the official performance of official duties of a hazardous nature,
2 shall be entitled to disability benefits under the provisions of R.S. 11:461(B)
3 regardless of the number of years of service, provided the member has been a
4 correction officer, probation or parole officer, or a security officer of the Department
5 of Public Safety and Corrections.

6 * * *

7 §461. Eligibility; certification

8 * * *

9 B. The board of trustees shall award disability benefits to eligible members
10 who have been officially certified as disabled by the State Medical Disability Board.
11 The disability benefit shall be determined as follows:

12 * * *

13 ~~(2)(a) Subject to the appropriation of funds for this purpose, a~~ A corrections
14 officer, probation or parole officer, or a security officer of the Louisiana Department
15 of Public Safety and Corrections who becomes disabled solely as a result of
16 disabilities sustained in the official performance of official duties of a hazardous
17 nature shall receive a maximum disability benefit of sixty percent of average
18 compensation. The agency shall certify that the disability was sustained while the
19 member was performing official duties while on active status and the disability must
20 be certified by a physician on the State Medical Disability Board. Any such officer
21 whose first employment making him eligible for membership in one of the state
22 systems occurred on or after January 1, 2011, shall be subject to provisions of R.S.
23 11:617.

24 (b) A corrections officer, probation or parole officer, or a security officer of
25 the Louisiana Department of Public Safety and Corrections who becomes totally and
26 permanently disabled solely as a result of injuries sustained while on active duty
27 status and in the official performance of official duties of a hazardous nature as the
28 result of an intentional act of violence shall receive a disability benefit equal to one
29 hundred percent of his average compensation regardless of years of service.

30 * * *

1 §583. Disability retirement

2 * * *

3 B. The board of trustees shall award disability benefits to eligible members
4 who have been officially certified as disabled by the State Medical Disability Board.

5 The disability benefit shall be determined as follows:

6 * * *

7 (3) In the case of total and permanent disability of a member resulting from
8 injuries received while on active duty status and in the line of duty as the result of
9 an intentional act of violence, the member shall receive a disability benefit equal to
10 one hundred percent of his average compensation regardless of years of service.

11 * * *

12 §603. In line of service disability

13 A.(1) Upon approval of a member's retirement based upon a total and
14 permanent disability resulting solely from injuries sustained in the performance of
15 his official duties, a member shall receive a disability benefit equal to forty percent
16 of his average compensation regardless of years of service.

17 (2) Upon approval of a member's retirement based upon a total and
18 permanent disability resulting solely from injuries sustained while on active duty
19 status and engaged in the performance of his official duties and as the result of an
20 intentional act of violence, the member shall receive a disability benefit equal to one
21 hundred percent of his average compensation regardless of years of service.

22 B. If a member would have otherwise been eligible for a disability retirement
23 under R.S. 11:461 and the disability is not the result of an intentional act of violence,
24 then he shall receive the greater of either:

25 * * *

26 §617. Disability retirement

27 A.(1) Upon approval of a member's retirement based upon a total and
28 permanent disability resulting solely from injuries sustained in the performance of
29 his official duties, a member shall receive a disability benefit equal to seventy-five

1 percent of his average compensation regardless of years of service. This benefit is
2 payable only if the injury or injuries were sustained while on active duty status.

3 (2) Upon approval of a member's retirement based upon a total and
4 permanent disability resulting solely from injuries sustained while on active duty
5 status and engaged in the performance of his official duties and as the result of an
6 intentional act of violence, the member shall receive a disability benefit equal to one
7 hundred percent of his average compensation regardless of years of service.

8 * * *

9 §3686. Disability retirement

10 * * *

11 B.(1) Upon retirement for disability, a member shall receive a retirement
12 allowance if he has attained the age of fifty-five years; otherwise, he shall receive a
13 disability benefit which shall be computed as follows:

14 * * *

15 (d) Upon approval of a member's retirement based upon a total and
16 permanent disability resulting solely from injuries received while on active duty
17 status and in the line of duty and as the result of an intentional act of violence, the
18 member shall receive a disability benefit equal to one hundred percent of his average
19 compensation regardless of years of service.

20 * * *

21 Section 2. The provisions of this Act shall apply to any disability retiree who is
22 receiving a benefit on the effective date of the Act, and who is otherwise eligible for benefits
23 under the provisions of this Act except that his disability was approved prior to the effective
24 date of this Act. In order to receive the increased benefits provided for in this Act, the retiree
25 shall apply to the system for a determination of whether his disability is the result of an
26 intentional act of violence. Upon approval, the retiree's benefit shall be increased beginning
27 July 1, 2018.

28 Section 3.A. In compliance with Article X, Section 29(F) of the Constitution of
29 Louisiana, the cost of this Act, if any, shall be funded with additional employer contributions
30 from employers whose employees are members of the Wildlife Agents Plan, Public Safety

1 Services Plan, Hazard Duty Services Plan, or Harbor Police Retirement Plan within the
2 Louisiana State Employees' Retirement System or are eligible for benefits provided by R.S.
3 11:461(B).

4 B. For each retiree whose benefit is increased pursuant to Section 2 of this Act, the
5 board of trustees of the system shall direct the system actuary to calculate the actuarial
6 liability created by providing the benefit increase. The employing agency shall, in
7 accordance with the requirements of Article X, Section 29(F) of the Constitution of
8 Louisiana, pay the system the actuarial cost so calculated within ten years. The payments
9 may be structured by agreement of the agency and the system. In the absence of an
10 agreement, the agency shall pay the cost determined by the actuary in one hundred twenty
11 equal monthly installments beginning July 1, 2018.

12 Section 4. The Louisiana State Employees' Retirement System board of trustees shall
13 electronically notify all members of the legislature when a disability benefit is granted
14 pursuant to the provisions of this Act.

15 Section 5. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____