

2021 Regular Session

SENATE BILL NO. 23

BY SENATORS FESI, ABRAHAM, BARROW, BERNARD, BOUIE, CATHEY, CLOUD, CONNICK, FIELDS, FOIL, HARRIS, HENRY, HENSGENS, HEWITT, JACKSON, JOHNS, LAMBERT, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH, TALBOT AND WHITE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STATE POLICE RETIREMENT. Provides certain enhanced survivor benefits and insurance coverage for the spouses and children of members killed in the line of duty. (2/3 - CA10s29(F)) (6/30/21)

1 AN ACT

2 To amend and reenact R.S. 42:851(E)(2) and (P) and R.S. 11:1316(B)(2) and (E) and

3 1345.8(B)(2) and (D), relative to the State Police Retirement System; to provide

4 relative to continuing health care coverage for a surviving spouse and child; to

5 provide with respect to health care premium subsidy; to provide limitations; to

6 provide relative to survivors of members killed in the line of duty; to provide with

7 respect to survivors' benefits for members killed in the line of duty by an intentional

8 act of violence; to provide for an effective date; and to provide for related matters.

9 Notice of intention to introduce this Act has been published.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 42:851(E)(2) and (P) are hereby amended and reacted to read as

12 follows:

13 §851. Authority for employee benefit programs; payroll deduction for payment of

14 premiums

15 \* \* \*

16 E.(1) \* \* \*

17 (2) The Office of Group Benefits shall promulgate all rules necessary to carry

1 out the provisions of Subsections A through E, P, and U of this Section.

2 \* \* \*

3 P.(1) Any person who is eligible for and receives disability retirement  
4 benefits from a retirement system created under the laws of this state, shall receive  
5 the same retiree health care premium subsidy as an individual who has participated  
6 for twenty or more years in the Office of Group Benefits health care program. In  
7 order to be eligible for the retiree health care premium subsidy, the person shall have  
8 participated in health care programs sponsored by the Office of Group Benefits for  
9 the number of years sufficient to earn disability retirement benefits.

10 (2)(a) Notwithstanding any provision of law to the contrary, a spouse  
11 who is eligible for and receives survivor benefits from the State Police  
12 Retirement System pursuant to R.S. 11:1316 or 1345.8 shall be eligible to  
13 participate in the Office of Group Benefits health care program and receive the  
14 same health care premium subsidy as a retiree who has participated for twenty  
15 or more years in the Office of Group Benefits health care program. For the  
16 spouse to be eligible for the retiree health care premium subsidy, the member  
17 shall have participated in health care programs sponsored by the Office of  
18 Group Benefits for the number of years sufficient to earn survivor retirement  
19 benefits. A spouse who did not meet the qualifications for health care premium  
20 subsidy coverage pursuant to this Paragraph due to the date of death of the  
21 member occurring prior to June 30, 2021, shall have the option to select  
22 coverage no later than December 31, 2021.

23 (b) Notwithstanding any provision of law to the contrary, a child who has  
24 not attained the age of twenty-six years or a child who has a disability or is  
25 mentally incapacitated regardless of age who is eligible for and receives, or who  
26 was eligible for and received, survivor benefits from the State Police Retirement  
27 System pursuant to R.S. 11:1316 or 1345.8 shall be eligible to participate in the  
28 Office of Group Benefits health care program and receive the same health care  
29 premium subsidy as a retiree who has participated for twenty or more years in

1 the Office of Group Benefits health care program. For the child to be eligible  
 2 for the retiree health care premium subsidy, the member shall have participated  
 3 in health care programs sponsored by the Office of Group Benefits for the  
 4 number of years sufficient to earn survivor retirement benefits. A child who did  
 5 not meet the qualifications for health care premium subsidy coverage pursuant  
 6 to this Paragraph due to the date of death of the member occurring prior to  
 7 June 30, 2021, shall have the option to select coverage no later than  
 8 December 31, 2021.

\* \* \*

10 Section 2. R.S. 11:1316(B)(2) and (E), and 1345.8(B)(2) and (D) are hereby  
 11 amended and reacted to read as follows:

12 §1316. Death in the line of duty; death by an intentional act of violence; certain  
 13 members hired on or before December 31, 2010; benefit for surviving  
 14 spouse of deceased employee; minor children with no surviving  
 15 spouse

\* \* \*

17 B.(1)

\* \* \*

18 (2)(a) The surviving spouse of any such sworn commissioned law  
 19 enforcement officer of the office of state police of the Department of Public Safety  
 20 and Corrections who is killed by an intentional act of violence in the discharge of his  
 21 duties, or dies from immediate effects of any injury received as the result of an  
 22 intentional act of violence occurring while engaged in the discharge of his duties,  
 23 shall receive a survivor benefit equal to one hundred percent of the salary being  
 24 received by the employee at the time of the decedent's death or injury, provided the  
 25 surviving spouse was married to the decedent at the time of the event which resulted  
 26 in the officer's death.

27 (b) Beginning in Fiscal Year 2021-2022 and in each year thereafter, the  
 28 benefit shall, on the anniversary of the officer's death, be increased by three  
 29 percent until the benefit equals the maximum of the officer's paygrade for his

1 **classification under the pay plan that applied to the officer on his date of death.**

2 \* \* \*

3 E. Any surviving spouse of a member killed on or before June 29, 2017, by  
4 an intentional act of violence who would qualify for the survivor benefit provided  
5 for in Paragraph **Subparagraph (B)(2)(a)** of this Section shall have any survivor  
6 benefit payable on or after June 30, 2017, increased to the amount calculated  
7 pursuant to Paragraph **Subparagraph (B)(2)(a)** of this Section regardless of the date  
8 of death of the member.

9 \* \* \*

10 §1345.8. Survivors' benefit for members killed in the line of duty; death by an  
11 intentional act of violence

12 \* \* \*

13 B.(1) \* \* \*

14 (2)(a) If the member has a surviving spouse, a child or children who are  
15 minors, have a disability, or are mentally incapacitated, or both a surviving spouse  
16 and a child or children, and the member is killed by an intentional act of violence or  
17 dies as a direct result of an injury sustained as a consequence of an intentional act of  
18 violence, the amount of the total benefit shall equal one hundred percent of the  
19 member's salary at the time of death. The benefit shall be shared equally by the  
20 surviving spouse and any children. When a child who neither has a disability nor is  
21 mentally incapacitated no longer meets the definition of minor child under R.S.  
22 11:1301, his benefit shall cease, and the remaining beneficiaries shall have their  
23 shares adjusted accordingly.

24 **(b) Beginning in Fiscal Year 2021-2022 and in each year thereafter, the**  
25 **benefit shall, on the anniversary of the officer's death, be increased by three**  
26 **percent until the benefit equals the maximum of the officer's paygrade for his**  
27 **classification under the pay plan that applied to the officer on his date of death.**

28 \* \* \*

29 D. Any surviving spouse of a member killed on or before June 29, 2017, by

1 an intentional act of violence who would qualify for the survivor benefit provided  
 2 for in **Paragraph Subparagraph (B)(2)(a)** of this Section shall have any benefit  
 3 payable on or after June 30, 2017, increased to the amount calculated pursuant to  
 4 **Paragraph Subparagraph (B)(2)(a)** of this Section regardless of the date of death  
 5 of the member.

6 Section 3. The cost of this Act shall be funded with additional employer contributions  
 7 in compliance with Article X, Section 29(F) of the Louisiana Constitution.

8 Section 4. This Act shall become effective on June 30, 2021; if vetoed by the  
 9 governor and subsequently approved by the legislature, this Act shall become effective on  
 10 June 30, 2021, or on the day following such approval by the legislature, whichever is earlier.

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The original instrument was prepared by Angela L. De Jean. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tammy Crain-Waldrop.

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## DIGEST

SB 23 Reengrossed

2021 Regular Session

Fesi

Present law provides that the Office of Group Benefits (OGB) shall promulgate all rules necessary to carry out the provisions of present law relative to retiree health care premium subsidy of an individual who has participated in the OGB health care program.

Present law provides that any person who is eligible for and receives disability retirement benefits from a retirement system created under the laws of this state, shall receive the same retiree health care premium subsidy as an individual who has participated for 20 or more years in the OGB health care program (currently 75%). In order to be eligible for the retiree health care premium subsidy, the person shall have participated in health care programs sponsored by the OGB for the number of years sufficient to earn disability retirement benefits.

Proposed law retains present law.

Proposed law provides that notwithstanding any provision of law to the contrary, a spouse or a child who has not attained the age of 26 years, or a child who has a disability or is mentally incapacitated regardless of age, who is eligible to receive survivor retirement benefits from the State Police Retirement System (SPRS) pursuant to present law shall be eligible to participate in the OGB health care program and receive the same health care premium subsidy as a retiree who has participated for 20 or more years in the OGB health care program.

Proposed law provides that to be eligible for the retiree health care premium subsidy, the decedent shall have participated in health care programs sponsored by the OGB for the number of years sufficient to earn survivor benefits at the time of his death. A spouse or child who does not meet the qualifications for health care premium subsidy coverage pursuant to proposed law due to the date of death of the decedent occurring prior to June 30, 2021, shall have the option to select coverage no later than December 31, 2021.

Present law, relative to SPRS members hired on or by December 31, 2021, or earlier,

provides that the surviving spouse of any such sworn commissioned law enforcement officer of the office of state police of the Department of Public Safety and Corrections (DPS&C) who is killed by an intentional act of violence in the discharge of his duties, or dies from the immediate effects of any injury received as the result of an intentional act of violence occurring while engaged in the discharge of his duties, shall receive a survivor benefit equal to 100% of the salary being received by the employee at the time of the decedent's death or injury, provided the surviving spouse was married to the decedent at the time of the event which resulted in the officer's death.

Proposed law retains present law.

Proposed law provides that beginning in Fiscal Year 2021-2022 and in each year thereafter, the benefit shall, on the anniversary of the officer's death, be increased by three percent until the benefit equals the maximum of the officer's paygrade for his classification under the pay plan that applied to the officer on his date of death.

Present law, relative to SPRS members hired January 1, 2011, or after provides that if the member has a surviving spouse, a child or children who are minors, have a disability, or are mentally incapacitated, or both a surviving spouse and a child or children, and the member is killed by an intentional act of violence or dies as a direct result of an injury sustained as a consequence of an intentional act of violence, the amount of the total benefit shall equal 100% of the member's salary at the time of death. The benefit shall be shared equally by the surviving spouse and any children. When a child who neither has a disability nor is mentally incapacitated no longer meets the definition of minor child under present law, his benefit shall cease, and the remaining beneficiaries shall have their shares adjusted accordingly.

Effective June 30, 2021.

(Amends R.S. 42:851(E)(2) and (P) and R.S. 11:1316(B)(2) and (E) and 1345.8(B)(2) and (D))

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill

1. Makes technical changes.