

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 AND REPRESENTATIVES ADAMS, BEAULLIEU, FIRMENT, HARRIS, ILLG, JEFFERSON, NELSON AND TARVER

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

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AN ACT

To amend and reenact R.S. 42:851(E)(2) and (P) and R.S. 11:1316(B)(2) and (E) and 1345.8(B)(2) and (D), relative to the State Police Retirement System; to provide relative to continuing health care coverage for a surviving spouse and child; to provide with respect to health care premium subsidy; to provide limitations; to provide relative to survivors of members killed in the line of duty; to provide with respect to survivors' benefits for members killed in the line of duty by an intentional act of violence; 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. 42:851(E)(2) and (P) are hereby amended and reacted to read as follows:

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

* * *

E. * * *

(2) The Office of Group Benefits shall promulgate all rules necessary to carry out the provisions of Subsections A through E, **P**, and U of this Section.

* * *

P.(1) Any person who is eligible for and receives disability retirement benefits from a retirement system created under the laws of this state, shall receive

1 the same retiree health care premium subsidy as an individual who has participated
2 for twenty or more years in the Office of Group Benefits health care program. In
3 order to be eligible for the retiree health care premium subsidy, the person shall have
4 participated in health care programs sponsored by the Office of Group Benefits for
5 the number of years sufficient to earn disability retirement benefits.

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

19 (b) Notwithstanding any provision of law to the contrary, a child who has
20 not attained the age of twenty-six years or a child who has a disability or is
21 mentally incapacitated regardless of age who is eligible for and receives, or who
22 was eligible for and received, survivor benefits from the State Police Retirement
23 System pursuant to R.S. 11:1316 or 1345.8 shall be eligible to participate in the
24 Office of Group Benefits health care program and receive the same health care
25 premium subsidy as a retiree who has participated for twenty or more years in
26 the Office of Group Benefits health care program. For the child to be eligible
27 for the retiree health care premium subsidy, the member shall have participated
28 in health care programs sponsored by the Office of Group Benefits for the
29 number of years sufficient to earn survivor retirement benefits. A child who did
30 not meet the qualifications for health care premium subsidy coverage pursuant

1 to this Paragraph due to the date of death of the member occurring prior to
2 June 30, 2021, shall have the option to select coverage no later than
3 December 31, 2021.

4 * * *

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

7 §1316. Death in the line of duty; death by an intentional act of violence; certain
8 members hired on or before December 31, 2010; benefit for surviving
9 spouse of deceased employee; minor children with no surviving
10 spouse

11 * * *

12 B. * * *

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

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

26 * * *

27 E. Any surviving spouse of a member killed on or before June 29, 2017, by
28 an intentional act of violence who would qualify for the survivor benefit provided
29 for in Paragraph Subparagraph (B)(2)(a) of this Section shall have any survivor
30 benefit payable on or after June 30, 2017, increased to the amount calculated

1 pursuant to ~~Paragraph~~ **Subparagraph** (B)(2)(a) of this Section regardless of the date
2 of death of the member.

3 * * *

4 §1345.8. Survivors' benefit for members killed in the line of duty; death by an
5 intentional act of violence

6 * * *

7 B. * * *

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

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

22 * * *

23 D. Any surviving spouse of a member killed on or before June 29, 2017, by
24 an intentional act of violence who would qualify for the survivor benefit provided
25 for in ~~Paragraph~~ **Subparagraph** (B)(2)(a) of this Section shall have any benefit
26 payable on or after June 30, 2017, increased to the amount calculated pursuant to
27 ~~Paragraph~~ **Subparagraph** (B)(2)(a) of this Section regardless of the date of death
28 of the member.

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____