

SENATE BILL NO. 12

BY SENATOR PEACOCK

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AN ACT

To amend and reenact R.S. 11:1345.7(B), to enact R.S. 11:1313(D) and 1345.7(D), and to repeal R.S. 11:211, relative to disability benefits for the Louisiana State Police Retirement System; to provide for technical changes; 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. 11:1345.7(B) is hereby amended and reenacted and R.S. 11:1313(D) and R.S. 11:1345.7(D) are hereby enacted to read as follows:

§1313. Disability retirement; eligibility

* * *

D. If the application for disability benefits is not filed while the member is in service, it shall be presumed that the disability was not incurred while the member was an active contributing member in active service. Such presumption may be overcome only by clear, competent, and convincing evidence that the disability was incurred while the member was an active contributing member in active service.

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§1345.7. Disability retirement

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B. If a member's **total and permanent** disability occurs for reasons other than in the performance of his duties and the member has earned at least ten years of service credit in this Plan, then the member shall be entitled to disability benefits under the provisions of R.S. 11:1313(B)(2).

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1 **D. If the application for disability benefits is not filed while the member**
2 **is in service, it shall be presumed that the disability was not incurred while the**
3 **member was an active contributing member in active service. Such presumption**
4 **may be overcome only by clear, competent, and convincing evidence that the**
5 **disability was incurred while the member was an active contributing member**
6 **in active service.**

7 Section 2. R.S. 11:211 is hereby repealed.

8 Section 3. This Act shall become effective on June 30, 2016; if vetoed by the
9 governor and subsequently approved by the legislature, this Act shall become effective on
10 June 30, 2016, 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: _____