

SENATE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 3
by Senator Peacock

1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S. 11:" delete the remainder of the line and insert "478(E), 585,
3 the introductory paragraph of 586(A) and 586(B), 587, 618(B), and 3685(A)(2)(e) and to
4 enact R.S. 11:478(F), 586(A)(5), and 604(F), relative to hazardous duty retirement plans
5 and"

6 AMENDMENT NO. 2

7 On page 1, line 9, after "R.S. 11:" delete the remainder of the line and insert "478(E), 585,
8 the introductory paragraph of 586(A) and 586(B), 587, 618(B), and 3685(A)(2)(e) are hereby
9 amended and reenacted and R.S. 11:478(F), 586(A)(5), and 604(F) are hereby enacted to
10 read as follows:

11 AMENDMENT NO. 3

12 On page 1, between lines 9 and 10, insert the following:

13 "§478. Benefits payable to certain members killed in the line of duty; survivor
14 benefits; corrections officers hired on or before December 31, 2010
15 * * *

16 E. The provisions of **Subsections A through D** of this Section shall be
17 applied retroactively to July 1, 1996.

18 **F. If the member's death resulted from an intentional act of violence and**
19 **the member has a surviving spouse, minor, or handicapped or mentally**
20 **incapacitated child or children, the amount of the total benefit shall equal one**
21 **hundred percent of the member's average compensation. The benefit shall be**
22 **shared equally by the surviving spouse and children. When a child who is not**
23 **handicapped or mentally incapacitated no longer meets the definition of minor**
24 **child under R.S. 11:403, his benefit shall cease, and the remaining beneficiaries**
25 **shall have their shares adjusted accordingly.**

26 * * *

27 §585. Death benefits of surviving spouse

28 **A. If any member's death results from injury received in the line of duty,**
29 **survivor benefits shall be payable as provided for in accordance with this**
30 **Section. This benefit is payable only if the member dies as a direct result of**
31 **injuries sustained in the line of duty.**

32 **B.** The ~~benefit for the~~ surviving spouse of any member with twenty-five
33 years or more of service with the department, or commission, whose death results
34 from injury received in line of duty, shall be pensioned at seventy-five ~~shall equal:~~

35 **(1) Seventy-five percent of his the member's average compensation if the**
36 **member had twenty-five years or more of service with the department or**
37 **commission.**

38 **(2) and on sixty Sixty percent of his the member's average compensation if**
39 **said employee the member had credit for less than twenty-five years of service with**
40 **the department; or commission.**

41 **(3) One hundred percent of the member's average compensation,**
42 **regardless of years of service, if the member's death resulted from an**
43 **intentional act of violence.**

44 ~~C. ; provided, however, that said pension~~ **The survivor benefit** shall be paid
45 only so long as ~~she~~ **the surviving spouse** is eligible under the provisions of this
46 Subpart.

1 §586. Death benefits of minor children

2 A. If there is no surviving spouse to receive the ~~pension due a widow of any~~
 3 ~~member benefit provided~~ under R.S. 11:585, minor children of the deceased
 4 member shall receive a monthly pension in the proportions set out as follows:

5 * * *

6 **(5) If the member's death resulted from an intentional act of violence and**
 7 **the member has a minor, or handicapped or mentally incapacitated child or**
 8 **children, the amount of the total benefit shall equal one hundred percent of the**
 9 **member's average compensation. The benefit shall be shared equally by the**
 10 **children. When a child who is not handicapped or mentally incapacitated no**
 11 **longer meets the definition of minor child under R.S. 11:403, his benefit shall**
 12 **cease, and the remaining beneficiaries shall have their shares adjusted**
 13 **accordingly.**

14 B. ~~When~~ **Except as otherwise provided in Paragraph (A)(5) of this**
 15 **Section, when** a child no longer meets the definition of minor child as provided in
 16 R.S. 11:403, he shall receive no further benefits and the monthly pension shall be
 17 reduced by the amount previously paid to him.

18 §587. Death benefits of parents

19 If there is no surviving spouse and no ~~minor~~ children **eligible to receive a**
 20 **benefit**, a monthly pension of ~~twenty-five percent of the average compensation of~~
 21 ~~the deceased member~~ shall be paid to the parent or parents of the deceased member,
 22 if they, or either of them, derived their main support from the member. **The pension**
 23 **shall equal:**

24 **(1) One hundred percent of the member's average compensation if the**
 25 **member's death resulted from an injury received in the line of duty, and such**
 26 **injury resulted from an intentional act of violence.**

27 **(2) Twenty-five percent of the member's average compensation.**

28 * * *

29 §604. Survivor's benefit for members killed in the line of duty

30 * * *

31 **F. If the member's death resulted from an intentional act of violence and**
 32 **the member has a surviving spouse, minor, or handicapped or mentally**
 33 **incapacitated child or children, the amount of the total benefit shall equal one**
 34 **hundred percent of the member's average compensation. The benefit shall be**
 35 **shared equally by the surviving spouse and children. When a child who is not**
 36 **handicapped or mentally incapacitated no longer meets the definition of minor**
 37 **child under R.S. 11:403, his benefit shall cease, and the remaining beneficiaries**
 38 **shall have their shares adjusted accordingly.**

39 * * *

40 AMENDMENT NO. 4

41 On page 2, between lines 11 and 12, insert the following:

42 "§3685. Benefits

43 A. * * *

44 (2) Benefits shall be payable to survivors of a deceased member who had at
 45 least five years of creditable service and who dies before retirement as specified in
 46 the following:

47 * * *

48 (e) Provided that in the case of death of any member resulting from injury
 49 received in line of duty survivors' benefits shall be paid regardless of number of
 50 years of service and shall ~~be~~ **equal:**

51 **(i) sixty Sixty percent of his the member's final salary payable to his widow**
 52 **the surviving spouse until she the spouse remarries or to his the surviving children**
 53 **under eighteen years of age if there is no eligible surviving widow spouse; or to his**
 54 **the member's surviving parents if there is no eligible surviving widow spouse or**
 55 **child.**

56 **(ii) One hundred percent of the member's final salary if the member's**
 57 **death resulted from an intentional act of violence payable to the surviving**
 58 **spouse until the spouse remarries or to the surviving children under eighteen**

1 years of age if there is no eligible surviving spouse; or to the member's surviving
2 parents if there is no eligible surviving spouse or child.
3 * * *