

2018 Regular Session

SENATE BILL NO. 3

BY SENATOR PEACOCK

RETIREMENT BENEFITS. Provides for benefits for survivors of hazardous duty plan members killed by an intentional act of violence. (2/3 - CA 10s29(F)) (gov sig)

1 AN ACT

2 To amend and reenact R.S. 11:478(E), 585, the introductory paragraph of 586(A) and  
3 586(B), 587, 618(B), and 3685(A)(2)(e) and to enact R.S. 11:478(F), 586(A)(5), and  
4 604(F), relative to hazardous duty retirement plans and sub-plans; to provide for  
5 members killed in the line of duty by an intentional act of violence; to provide for  
6 benefits for survivors of these members; to provide for qualifications to receive these  
7 benefits; to provide for benefit calculation; to provide for notification; to provide for  
8 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. 11:478(E), 585, the introductory paragraph of 586(A) and 586(B),  
12 587, 618(B), and 3685(A)(2)(e) are hereby amended and reenacted and R.S. 11:478(F),  
13 586(A)(5), and 604(F) are hereby enacted to read as follows:

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

16 \* \* \*

17 E. The provisions of Subsections A through D of this Section shall be

1 applied retroactively to July 1, 1996.

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

10 \* \* \*

11 §585. Death benefits of surviving spouse

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

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

19 (1) Seventy-five percent of his the member's average compensation if the  
 20 member had twenty-five years or more of service with the department or  
 21 commission.

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

25 (3) One hundred percent of the member's average compensation,  
 26 regardless of years of service, if the member's death resulted from an  
 27 intentional act of violence.

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

1 Subpart.

2 §586. Death benefits of minor children

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

6 \* \* \*

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

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

19 §587. Death benefits of parents

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

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

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

29 \* \* \*

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

2 \* \* \*

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

11 \* \* \*

12 §618. Survivors' benefits for members killed in the line of duty; **death by an**  
13 **intentional act of violence**

14 \* \* \*

15 B.(1) If the member has a surviving spouse, minor, or handicapped or  
16 mentally incapacitated child or children, the amount of the total benefit shall equal  
17 eighty percent of the member's average compensation. The benefit shall be shared  
18 equally by the surviving spouse and children. When a child who is not handicapped  
19 or mentally incapacitated no longer meets the definition of minor child under R.S.  
20 11:403, his benefit shall cease, and the remaining beneficiaries shall have their  
21 shares adjusted accordingly.

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

\* \* \*

§3685. Benefits

A. \* \* \*

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

\* \* \*

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

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

**(ii) One hundred percent of the member's final salary if the member's death resulted from an intentional act of violence payable to the surviving spouse until the spouse remarries or to the surviving children under eighteen years of age if there is no eligible surviving spouse; or to the member's surviving parents if there is no eligible surviving spouse or child.**

\* \* \*

Section 2. The cost of this Act, if any, shall be funded through additional employer contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

Section 3. The Louisiana State Employees' Retirement System board of trustees shall electronically notify all members of the legislature when a survivor benefit is granted pursuant to the provisions of this Act.

Section 4. The Sheriffs' Pension and Relief Fund board of trustees shall electronically notify all members of the legislature when a survivor benefit is granted pursuant to R.S. 11:2178(D)(4).

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

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Margaret M. Corley.

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DIGEST

SB 3 Engrossed

2018 Regular Session

Peacock

Present law provides for the survivor benefits for the spouses and children of certain members of Louisiana State Employees' Retirement System (LASERS) who are in the various hazardous duty plans, including wildlife agents, certain public safety and correction employees, and harbor police, who were killed in the line of duty or died from the direct result of an injury received while in the line of duty.

Proposed law provides for the survivor benefit for the spouse and children of a member of a hazardous duty plan killed in the line of duty by an intentional act of violence. Proposed law provides that the benefit shall be equal to 100% of the member's average compensation without regard to the amount of time that the deceased was a member of the plan.

Proposed law provides that the LASERS board of trustees shall electronically notify all members of the legislature when a survivor benefit is granted pursuant to proposed law.

Proposed law provides that the Sheriffs' Pension and Relief Fund board of trustees shall electronically notify all members of the legislature when a survivor benefit is granted pursuant to present law (R.S. 11:2178(D)(4)).

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 11:478(E), 585, 586(A) (intro. para.) and (B), 587, 618(B), and 3685(A)(2)(e); adds R.S. 11:478(F) and 586(A)(5))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Retirement to the original bill

1. Includes all members of any hazardous duty sub-plans for purposes of granting a survivor benefit for those members kill in the line of duty by an intentional act of violence.