

2018 Regular Session

HOUSE BILL NO. 10

BY REPRESENTATIVES IVEY, ABRAHAM, BACALA, HOLLIS, JONES, GREGORY
MILLER, AND PEARSONRETIREMENT/FIREFIGHTERS: Provides for the payment of refunded contributions to
members of the Firefighters' Retirement System and for survivor benefits in certain
circumstances

1 AN ACT

2 To amend and reenact R.S. 11:2256(B)(2) and (3) and (E)(1) and (3), relative to the
3 Firefighters' Retirement System; to provide relative to refunds of accumulated
4 contributions; to require board approval of requested refunds; to provide relative to
5 the timing of such refunds; to provide for members killed in the line of duty by an
6 intentional act of violence; to provide for benefits for survivors of these members;
7 to provide for qualifications to receive these benefits; to provide for benefit
8 calculation; and to provide for related matters.

9 Notice of intention to introduce this Act has been published
10 as provided by Article X, Section 29(C) of the Constitution
11 of Louisiana.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 11:2256(E)(1) and (3) are hereby amended and reenacted to read as
14 follows:

15 §2256. Benefits; refund of contributions, application, and payment

16 * * *

17 E.(1) Any member who ceases to be an employee, except by death or
18 retirement under the provisions of this Subpart, may apply for and obtain a refund
19 of the amount of the accumulated employee contributions on deposit in his individual
20 account in the Annuity Savings Fund. No refund shall be payable to any applicant

1 if the applicant becomes employed again as an employee as defined in R.S.
2 11:2252(9) prior to the processing of his refund request by the retirement system.

3 * * *

4 (3)(a) ~~Except as provided in Subparagraph (b) of this Paragraph, refunds~~ The
5 board of trustees may approve an application for refund of accumulated employee
6 contributions shall not be payable until at least ninety days after thirty days have
7 elapsed after termination or resignation, but not until all employee contributions for
8 the member have been received by the retirement system. Refunds of accumulated
9 employee contributions for members who previously assigned their contributions in
10 consideration of a loan will be processed under the provisions of R.S. 11:2265.

11 ~~(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,~~
12 ~~the board of trustees may authorize the refund of accumulated employee~~
13 ~~contributions after at least forty-five days have elapsed after termination or~~
14 ~~resignation, provided any such accelerated refund is based on a bona fide emergency~~
15 ~~circumstance. Every such accelerated refund must be approved by the board at a~~
16 ~~regularly scheduled or specially scheduled board meeting before the refund is paid.~~

17 * * *

18 Section 2. R.S. 11:2256(B)(2) and (3) are hereby amended and reenacted to
19 read as follows:

20 §2256. Benefits; refund of contributions, application, and payment

21 * * *

22 B.

23 * * *

24 (2) Benefits shall be payable to the surviving child or children of a deceased
25 member or retiree as specified in the following:

26 (a) If any active contributing member or a disability retiree dies and leaves
27 in addition to a surviving spouse, one or more children under eighteen years of age,
28 each child under age eighteen shall be paid, on a monthly basis, an annual benefit
29 equal to ten percent of the deceased member's or retiree's average final

1 compensation, or two hundred dollars per month, whichever is greater. However,
2 benefits payable on account of each child, when added to the benefits payable to the
3 surviving eligible spouse, shall not exceed an aggregate of one hundred percent of
4 the average final compensation. Benefits for a surviving child shall cease upon the
5 child's attaining age eighteen years or upon marriage, whichever occurs first, except
6 that benefits shall continue for an unmarried surviving child who has a physical or
7 intellectual disability as provided in ~~Paragraph (3) of this Subsection~~
8 Subparagraph(c) of this Paragraph. Additionally, any unmarried surviving child,
9 who graduates from high school and enrolls, on a full-time basis, in an institute of
10 higher education, shall have his benefit continued as long as he remains enrolled on
11 a full-time basis and remains unmarried; however, the benefit payments shall not
12 extend past four additional years nor past the surviving child's twenty-second
13 birthday. Benefits payable under the provisions of this Subparagraph may be paid
14 in trust as provided in R.S. 11:2256.2.

15 (b) If a member or a disability retiree dies and does not leave a surviving
16 spouse but leaves two or more children under the age of eighteen, each child under
17 age eighteen shall be paid, on a monthly basis, an annual benefit equal to thirty
18 percent of the deceased member's or retiree's average final compensation. Benefits
19 paid on account of all children shall not exceed, on a monthly basis, an annual
20 benefit in the aggregate of sixty percent of the average final compensation. In the
21 event the deceased member or disability retiree is survived by only one minor child,
22 the child shall be paid, on a monthly basis, an annual benefit of not less than forty
23 percent of the deceased member's or retiree's average final compensation. Benefits
24 shall continue after the minor child attains age eighteen as provided in ~~Paragraph (3)~~
25 ~~of this Subsection~~ Subparagraph (c) of this Paragraph. Benefits payable under the
26 provisions of this Subparagraph may be paid in trust as provided in R.S. 11:2256.2.

27 ~~(3)(c)~~ Benefits shall be payable as specified in this ~~Paragraph~~ Subparagraph
28 to any surviving child of a deceased member or retiree if the child has a total
29 physical disability or an intellectual disability. The surviving child of a deceased

1 active contributing member, a deceased disability retiree, or a deceased regular
2 retiree, whether under or over the age of eighteen years, shall be entitled to the same
3 benefits, payable in the same manner as are provided in this Section for minor
4 children, if the child has a total physical disability or an intellectual disability and
5 had such disability at the time of death of the member or retiree, and the child is
6 dependent upon the surviving spouse or other legal guardian for subsistence.
7 Benefits payable under the provisions of this ~~Paragraph~~ Subparagraph may be paid
8 in trust as provided in R.S. 11:2256.2.

9 (3)(a) The surviving spouse married to and living with a member who serves
10 as a sworn commissioned law enforcement officer and who is killed by an intentional
11 act of violence in the discharge of his law enforcement duties or dies from immediate
12 effects of any injury received as the result of an intentional act of violence occurring
13 while engaged in the discharge of his duties shall receive a survivor benefit equal to
14 one hundred percent of the salary being received by the employee paid by the
15 employer that makes him eligible for membership in this system at the time of the
16 member's death or injury. Such benefits shall continue regardless of whether the
17 surviving spouse remarries.

18 (b)(i) If there is no surviving eligible spouse of any such member, then any
19 surviving minor children shall receive a survivor benefit equal to one hundred
20 percent of the salary being received by the employee paid by the employer that
21 makes him eligible for membership in this system at the time of the member's death
22 or injury prorated equally among such children.

23 (ii) Benefits for a surviving child shall cease upon the child attaining age
24 eighteen years or upon marriage, whichever occurs first, except that benefits shall
25 continue for an unmarried surviving child who has a total physical disability or an
26 intellectual disability. Additionally, any unmarried surviving child who graduates
27 from high school and enrolls, on a full-time basis, in an institute of higher education
28 shall have his benefit continued as long as he remains enrolled on a full-time basis

1 and remains unmarried; however, the benefit payments shall not extend past four
 2 additional years nor past the surviving child's twenty-second birthday.

3 (iii) When a child receiving a survivor benefit is no longer eligible to receive
 4 such benefit and his benefit ceases, the remaining surviving children shall have their
 5 shares adjusted accordingly.

6 (c) Any surviving spouse or children of a member killed on or before July
 7 1, 2018, by an intentional act of violence who would otherwise qualify for the
 8 survivor benefit provided for in this Paragraph shall have any survivor benefit
 9 payable on or after July 1, 2018, increased to the amount calculated pursuant to this
 10 Paragraph regardless of the date of death of the member.

11 * * *

12 Section 3. Section 2 of this Act shall be known as the "Christopher Lawton Act".

13 Section 4. This Act shall become effective on July 1, 2018; if vetoed by the governor

14 and subsequently approved by the legislature, this Act shall become effective on July 1,

15 2018, or on the day following such approval by the legislature, whichever is later.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 10 Engrossed

2018 Regular Session

Ivey

Abstract: Reduces delay for payment of refunded employee contributions from no less than 90 days to no less than 30 days upon board approval of requested refund and eliminates accelerated refunds based on hardship for members of the Firefighters' Retirement System (the system) and provides survivor benefit for the surviving spouse and children of a member of the system who is also a commissioned law enforcement officer killed by an intentional act of violence while engaged in the discharge of his law enforcement duties.

Payment of Refunded Employee Contributions

Present law provides that any member of the system who ceases to be an employee, except by death or retirement, may apply for and obtain a refund of the amount of the accumulated contributions on deposit in his individual account. To obtain a refund, the member must complete and submit an application form certified by the employer not earlier than 30 days after termination or resignation.

Present law provides that refunds of accumulated employee contributions shall not be payable until at least 90 days after termination or resignation. Proposed law provides that

refunds shall not be payable until approved by the board of trustees and until 30 days have elapsed after termination or resignation.

Present law provides that the board may authorize the refund of accumulated employee contributions after 45 days have elapsed after termination or resignation, provided the accelerated refund is based on a bona fide emergency circumstance. Further provides that each such refund shall be approved by the board before the refund is paid. Proposed law repeals present law.

Survivor Benefits

Present law provides for the survivor benefit for the spouse and children of a member of the system who was killed in the line of duty. Present law provides that the surviving spouse's benefit shall equal 2/3 of the member's average final compensation. Further provides that the surviving child's benefit shall equal up to 40% of the member's final average compensation, under certain circumstances.

Proposed law provides for the survivor benefit for the spouse and children of a member who is also a commissioned law enforcement officer and who is killed by an intentional act of violence while engaged in the discharge of his law enforcement duties. Proposed law provides that the benefit payable to the surviving spouse shall be equal to 100% of the member's salary paid by the participating employer. If the member leaves no surviving spouse, proposed law provides that the benefit payable to the surviving children shall be equal to 100% of the member's salary, divided prorata between the children and adjusted as any child loses eligibility for the benefit.

Proposed law provides that any surviving spouse or children of a member killed on or before July 1, 2018, by an intentional act of violence who would otherwise qualify for the survivor benefit provided for by proposed law shall have any survivor benefit payable on or after July 1, 2018, increased to 100% of the member's salary.

Effective July 1, 2018.

(Amends R.S. 11:2256(B)(2) and (3) and (E)(1) and (3))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Retirement to the original bill:

1. Create an increased survivor benefit for the surviving spouse and children of a member of the system who is also a commissioned law enforcement officer killed by an intentional act of violence while engaged in the discharge of his law enforcement duties.