

2016 Regular Session

SENATE BILL NO. 12

BY SENATOR PEACOCK

STATE POLICE RET FUND. Removes redundant provisions of law and makes technical changes. (6/30/16)

1 AN ACT

2 To amend and reenact R.S. 11:1345.7(B), to enact R.S. 11:1313(D) and 1345.7(D), and to  
3 repeal R.S. 11:211, relative to disability benefits for the Louisiana State Police  
4 Retirement System; to provide for technical changes; to provide for an effective date;  
5 and to provide for related matters.

6 Notice of intention to introduce this Act has been published.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 11:1345.7(B) is hereby amended and reenacted and R.S. 11:1313(D)  
9 and R.S. 11:1345.7(D) are hereby enacted to read as follows:

10 §1313. Disability retirement; eligibility

11 \* \* \*

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

1 §1345.7. Disability retirement

2 \* \* \*

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

7 \* \* \*

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

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 R.S. 11:211 is hereby repealed.

15 Section 3. This Act shall become effective on June 30, 2016; if vetoed by the  
16 governor and subsequently approved by the legislature, this Act shall become effective on  
17 June 30, 2016, or on the day following such approval by the legislature, whichever is later.

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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 12 Original

2016 Regular Session

Peacock

Present law (R.S. 11:1313 and 1345.7) provides for retirement due to total and permanent disability at the La. State Police Retirement System (Troopers).

Present law (R.S. 11:211), also relative to the Troopers, provides for retirement due to total or partial disability.

Proposed law repeals language referring to total or partial disability.

Present law provides for a presumption that a disability was not incurred while the member was in active, contributing status if the disability benefit application is not filed before the member leaves service.

Proposed law retains present law.

Effective June 30, 2016.

(Amends R.S. 11:1345.7(B); adds R.S. 11:1313(D) and 1345.7(D); repeals R.S. 11:211)