

Regular Session, 2011

HOUSE BILL NO. 571

BY REPRESENTATIVE ROBIDEAUX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 11:62(4), 203(B)(1), 450(D)(3) and (4), 471.1(C), 613, 614, 616,
3 620(A), (B), (C), and (D), 621(B) and (C)(1), 783(A)(3)(a), 786(A), 789(D)(3) and
4 (4), 1002(6)(b) and (c), 1141(A) and (C)(1)(a), 1144(B)(4), 1147(C)(2)(a)(ii) and
5 (iii) and (b), 1151(A), 1151.1(A) and (C), 1152(A), 1323(C), and 1345.9 and to enact
6 R.S. 11:618(D), relative to the Louisiana State Employees' Retirement System, the
7 Teachers' Retirement System of Louisiana, the Louisiana School Employees'
8 Retirement System, and the State Police Pension and Retirement System; to make
9 certain technical, remedial, and substantive changes to provisions of the law affected
10 by Act No. 992 of the 2010 Regular Session of the Legislature and other provisions
11 of law to conform with such Act; to provide with respect to benefits, survivors'
12 benefits, disability benefits, membership, retirement eligibility, Deferred Retirement
13 Option Plan participation, retirement options, transfers, and the Hazardous Duty
14 Services Plan; to provide an effective date; and to provide for related matters.

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

18 Be it enacted by the Legislature of Louisiana:

19 Section 1. R.S. 11:62(4), 203(B)(1), 450(D)(3) and (4), 471.1(C), 613, 614, 616,
20 620(A), (B), (C), and (D), 621(B) and (C)(1), 783(A)(3)(a), 786(A), 789(D)(3) and (4),
21 1002(6)(b) and (c), 1141(A) and (C)(1)(a), 1144(B)(4), 1147(C)(2)(a)(ii) and (iii) and (b),

1 1151(A), 1151.1(A) and (C), 1152(A), 1323(C), and 1345.9 are hereby amended and
2 reenacted and R.S. 11:618(D) is hereby enacted to read as follows:

3 §62. Employee contribution rates established

4 Employee contributions to state and statewide public retirement systems shall
5 be paid at the following rates, except as otherwise provided by law:

6 * * *

7 (4) Louisiana School Employees' Retirement System:

8 (a) Employees whose first employment making them eligible for
9 membership in one of the state systems occurred on or before ~~December 31, 2010~~
10 June 30, 2010 - 7.5%.

11 (b) Employees whose first employment making them eligible for
12 membership in one of the state systems occurred on or after ~~January 1, 2011~~ July 1,
13 2010 - 8%.

14 * * *

15 §203. Teachers' Retirement System

16 * * *

17 B.(1) A person whose first employment making him eligible for membership
18 in one of the state systems occurred on or before December 31, 2010, applying for
19 a disability benefit shall have five years of actual credited service in order to qualify
20 for a disability benefit. ~~Such member shall not use credit earned while receiving~~
21 ~~workers' compensation in order to meet the minimum five-year eligibility~~
22 ~~requirement.~~

23 * * *

24 §450. Termination of participation

25 * * *

26 D. Monthly retirement benefits payable to a participant after termination of
27 participation in the plan and employment shall be calculated as follows:

28 * * *

29 (3)(a) ~~If~~ Except as provided in Subparagraph (b) of this Paragraph, if the
30 participant continues employment after termination of participation in the plan for

1 a period of less than thirty-six months, his monthly retirement benefit shall equal his
2 base benefit plus a supplemental benefit based upon the service credit for the
3 additional employment, based upon the final average compensation used to calculate
4 the monthly credit. If the employment is for less than three months, then the service
5 credit shall be rounded to the nearest tenth.

6 (b) For a participant whose final average compensation period is more than
7 thirty-six months, if the participant continues employment after termination of
8 participation in the plan for a period of less than his final average compensation
9 period, his monthly retirement benefit shall equal his base benefit plus a
10 supplemental benefit based upon the service credit for the additional employment,
11 based upon the final average compensation used to calculate the monthly credit. If
12 the employment is for less than three months, then the service credit shall be rounded
13 to the nearest tenth.

14 (4)(a) ~~If~~ Except as provided in Subparagraph (b) of this Paragraph, if the
15 participant continues employment after termination of participation in the plan for
16 a period of thirty-six months or more, his monthly retirement benefit shall equal his
17 base benefit plus a supplemental benefit based upon the service credit for the
18 additional employment, based upon the final average compensation for the period of
19 employment after termination of participation in the plan.

20 (b) For a participant whose final average compensation period is more than
21 thirty-six months, if the participant continues employment after termination of
22 participation in the plan for a period equal to or longer than his final average
23 compensation period, his monthly retirement benefit shall equal his base benefit plus
24 a supplemental benefit based upon the service credit for the additional employment,
25 based upon the final average compensation for the period of employment after
26 termination of participation in the plan.

27 * * *

28 §471.1. Survivors' benefits; members hired on or after January 1, 2011

29 * * *

1 retirement plan in this system or who retired under the provisions of any other
 2 retirement plan in this system who is reemployed under Option 1 or Option 3 as
 3 provided in R.S. 11:416 shall be eligible for membership in the Hazardous Duty
 4 Services Plan.

5 §614. Eligibility for retirement

6 A. Any member of this plan shall be eligible for retirement if he has:

- 7 (1) Twenty-five years or more of service, at any age.
- 8 (2) Twelve years or more of service, at age fifty-five or thereafter.
- 9 (3) Twenty years of service credit at any age, exclusive of military service

10 and unused annual and sick leave, but any person retiring under this Paragraph shall
 11 have his benefit, inclusive of military service credit and allowable unused annual and
 12 sick leave, actuarially reduced. Any member retiring under this Paragraph who is
 13 in state service at the time of his retirement shall have his benefit actuarially reduced
 14 from the earliest age that he would normally become eligible for a regular retirement
 15 benefit under Paragraph (1) or (2) of this ~~Section~~ Subsection if he had continued in
 16 service to that age. Any member retiring under this Paragraph who is out of state
 17 service at the time of his retirement shall have his benefit actuarially reduced from
 18 the earliest age that he would normally become eligible for a regular retirement
 19 benefit under Paragraph (1) or (2) of this ~~Section~~ Subsection based upon his years
 20 of service as of the date of retirement. Any employee who elects to retire under the
 21 provisions of this Paragraph shall not be eligible to participate in the Deferred
 22 Retirement Option Plan provided by R.S. 11:447 or the Initial Benefit Option
 23 provided by R.S. 11:446(A)(5).

24 B.(1) Notwithstanding the provisions of R.S. 11:441(A)(2)(b) or any other
 25 provision of law to the contrary, any member of this plan who is not eligible for
 26 retirement under Subsection A of this Section may elect to retire under the provisions
 27 of R.S. 11:441(A)(2)(b)(i) with five years or more of service credit at age sixty or
 28 thereafter.

1 (2)(a) The retirement benefit and survivor benefit provisions of this Subpart,
2 including but not limited to R.S. 11:615 and 621, shall not apply to any member of
3 this plan who elects to retire under the provisions of R.S. 11:441(A)(2)(b)(i).

4 (b) Any member of this plan who elects to retire under the provisions of R.S.
5 11:441(A)(2)(b)(i) shall receive a retirement benefit equal to two and one-half
6 percent of his average compensation for every year of creditable service.

7 (c) Retirement benefits for any member of this plan who elects to retire
8 under the provisions of R.S. 11:441(A)(2)(b)(i) shall be paid in accordance with R.S.
9 11:446.

10 * * *

11 §616. Deferred Retirement Option Plan; Initial Benefit Option; Annual Cost-of-
12 Living Adjustment Option

13 A. A member who is eligible for regular retirement may elect to participate
14 in the Deferred Retirement Option Plan in accordance with the provisions of R.S.
15 11:447 through 454, or the Initial Benefit Option provided by R.S. 11:446(A)(5).

16 B. Any member of this plan may elect to participate in the Annual
17 Cost-of-Living Adjustment Option provided by R.S. 11:446(A)(6).

18 * * *

19 §618. Survivors' benefits for members killed in the line of duty

20 * * *

21 D. The provisions of this Section shall not apply to any member of this plan
22 who:

23 (1) Has participated in the Deferred Retirement Option Plan; or

24 (2) Is a retiree of the system who is reemployed under Option 1 or Option
25 3 as provided in R.S. 11:416.

26 * * *

27 §620. Transfer of other service credit

28 A. Any member of this system or of another state or statewide system, who
29 would otherwise be eligible for benefits under the plan except that his first
30 employment making him eligible for membership in any state system occurred on

1 or before December 31, 2010, and who has not participated in the Deferred
 2 Retirement Option Plan in the system of which he is a member and who is not a
 3 reemployed retiree of his system or a retiree of this system reemployed under Option
 4 1 or Option 3 as provided in R.S. 11:416, shall have the right to irrevocably elect to
 5 become a member of the plan by submitting an application to the board of trustees
 6 to be effective on or after January 1, 2011.

7 B. Any member who elects to join the Hazardous Duty Services Plan from
 8 an existing system or plan shall have the option of:

9 (1)(a) Maintaining prior service credit in the existing system or plan pursuant
 10 to the provisions of that system or plan and accruing service credit and benefits in
 11 the Hazardous Duty Services Plan after the date he joins the plan.

12 (b) For any member who joins the Hazardous Duty Services Plan after the
 13 effective date of this Subparagraph, if such member elects to maintain prior service
 14 credit in his existing system or plan and that election results in an actuarial cost to
 15 this system, then the member shall pay the system the amount of such actuarial cost
 16 prior to his retirement.

17 (2)(a) An internal actuarial transfer from plan to plan in accordance with the
 18 provisions of R.S. 11:143(C) and (D) ~~in which this system is both the transferring~~
 19 ~~and receiving system~~ in which the member transfers all of his service credit from
 20 each other system or plan ~~in this system~~ and maintains prior service credit at the
 21 accrual rate at which it was earned in the existing system or plan prior to joining the
 22 Hazardous Duty Services Plan. In the event that the amount of funds transferred is
 23 less than the actuarial cost of the service transferred to the plan, the member
 24 transferring, except as otherwise provided in this Section, shall pay the deficit or
 25 difference including the interest thereon at the board-approved actuarial valuation
 26 rate of the system.

27 (b) In lieu of paying the deficit or difference plus interest, the member may
 28 at his option, but only at the time of transfer, be granted an amount of credit in the
 29 plan which is based on the amount of funds actually transferred plus any additional
 30 funds less than the deficit paid by the member.

1 for membership in one of the state retirement systems occurred on or before
 2 December 31, 2010, and who is not covered by R.S. 11:801 and who has thirty years
 3 of service credit at any age, twenty-five years of service credit and is at least age
 4 fifty-five, or has twenty years of service credit exclusive of military service and is
 5 at least age sixty-five may elect to participate in the Deferred Retirement Option
 6 Plan. A member with ten years of service credit exclusive of military service and
 7 who is at least age sixty may elect to participate in the plan, but all benefits payable
 8 at any time shall only be calculated using a two percent benefit formula. ~~Any~~
 9 ~~member of this system who is covered by the provisions of R.S. 11:801 who has~~
 10 ~~thirty years of service credit and is at least age fifty-five or has ten years of service~~
 11 ~~credit and is at least age sixty may elect to participate in the Deferred Retirement~~
 12 ~~Option Plan.~~

13 (2) Any member of this system whose first employment making him eligible
 14 for membership in one of the state retirement systems occurred on or after January
 15 1, 2011, and who is not covered by R.S. 11:801 and who has five years of service
 16 credit and is at least age sixty may elect to participate in the Deferred Retirement
 17 Option Plan.

18 (3) Any member of this system who is covered by the provisions of R.S.
 19 11:801 who has thirty years of service credit and is at least age fifty-five or has ten
 20 years of service credit and is at least age sixty may elect to participate in the
 21 Deferred Retirement Option Plan.

22 * * *

23 §789. Termination of participation

24 * * *

25 D. Monthly retirement benefits payable to a participant after termination of
 26 participation in the plan and employment shall be calculated as follows:

27 * * *

28 (3)(a) Except as provided in Subparagraph (b) of this Paragraph, if If the
 29 participant continues employment after termination of participation in the plan for
 30 a period of less than thirty-six months, his monthly retirement benefit shall equal his

1 base benefit plus an amount based upon the service credit for the additional
2 employment, together with conversion of the net amount of sick and annual leave
3 accumulated during that period of employment, based upon the average
4 compensation used to calculate the monthly credit.

5 (b) For a participant whose average compensation period is more than thirty-
6 six months, if the participant continues employment after termination of participation
7 in the plan for a period of less than his average compensation period, his monthly
8 retirement benefit shall equal his base benefit plus an amount based upon the service
9 credit for the additional employment, together with conversion of the net amount of
10 sick and annual leave accumulated during that period of employment, based upon the
11 average compensation used to calculate the monthly credit.

12 ~~(4)(a) If~~ Except as provided in Subparagraph (b) of this Paragraph, if the
13 participant continues employment after termination of participation in the plan for
14 a period of thirty-six months or more, his monthly retirement benefit shall equal his
15 base benefit plus an amount based upon the service credit for the additional
16 employment, together with conversion of the net amount of sick and annual leave
17 accumulated during that period of employment, based upon the average
18 compensation for the period of employment after termination of participation in the
19 plan.

20 (b) For a participant whose average compensation period is more than thirty-
21 six months, if the participant continues employment after termination of participation
22 in the plan for a period equal to or longer than his average compensation period, his
23 monthly retirement benefit shall equal his base benefit plus an amount based upon
24 the service credit for the additional employment, together with conversion of the net
25 amount of sick and annual leave accumulated during that period of employment,
26 based upon the average compensation for the period of employment after termination
27 of participation in the plan.

28 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 §1002. Definitions

2 As used in this Chapter, the following words and phrases shall have the
3 meanings ascribed to them in this Section unless a different meaning is plainly
4 required by the context:

5 * * *

6 (6)

7 * * *

8 (b) "Average compensation", for a member whose first employment making
9 him eligible for membership in the system began on or after July 1, 2006, whose first
10 employment making him eligible for membership in one of the state systems
11 occurred on or before ~~December 31, 2010~~ June 30, 2010, shall be based on the sixty
12 highest successive months of employment, or on the highest sixty successive joined
13 months of employment where interruption of service occurred; however, the average
14 compensation amount for the thirteenth through the twenty-fourth month shall not
15 exceed the actual compensation amount for the first through the twelfth month by
16 more than ten percent. The amount for the twenty-fifth through the thirty-sixth
17 month shall not exceed the lesser of the maximum allowable compensation amount
18 or the actual compensation amount for the thirteenth through the twenty-fourth
19 month by more than ten percent. The amount for the thirty-seventh through the
20 forty-eighth month shall not exceed the lesser of the maximum allowable
21 compensation amount or the actual compensation amount for the twenty-fifth
22 through the thirty-sixth month by more than ten percent. The amount for the forty-
23 ninth through the sixtieth month shall not exceed the lesser of the maximum
24 allowable compensation amount or the actual compensation amount for the thirty-
25 seventh through the forty-eighth month by more than ten percent. The limitations
26 on the computation of average compensation contained in this Paragraph shall not
27 apply to any twelve-month period during which compensation increased by more
28 than one hundred ten percent over the previous twelve-month period solely because
29 of an increase in compensation by legislative act or by a city/parish system-wide
30 salary increase.

1 (c) "Average compensation", for a member whose first employment making
 2 him eligible for membership in one of the state systems occurred on or after ~~January~~
 3 ~~1, 2011~~ July 1, 2010, shall be based on the sixty highest successive months of
 4 employment, or on the highest sixty successive joined months of employment where
 5 interruption of service occurred; however, the average compensation amount for the
 6 thirteenth through the twenty-fourth month shall not exceed the actual compensation
 7 amount for the first through the twelfth month by more than fifteen percent. The
 8 amount for the twenty-fifth through the thirty-sixth month shall not exceed the lesser
 9 of the maximum allowable compensation amount or the actual compensation amount
 10 for the thirteenth through the twenty-fourth month by more than fifteen percent. The
 11 amount for the thirty-seventh through the forty-eighth month shall not exceed the
 12 lesser of the maximum allowable compensation amount or the actual compensation
 13 amount for the twenty-fifth through the thirty-sixth month by more than fifteen
 14 percent. The amount for the forty-ninth through the sixtieth month shall not exceed
 15 the lesser of the maximum allowable compensation amount or the actual
 16 compensation amount for the thirty-seventh through the forty-eighth month by more
 17 than fifteen percent. The limitations on the computation of average compensation
 18 contained in this Subparagraph shall not apply to any twelve-month period during
 19 which compensation increased by more than one hundred fifteen percent over the
 20 previous twelve-month period solely because of an increase in compensation by
 21 legislative act or by a city/parish system-wide salary increase.

* * *

22
 23 §1141. Retirement benefits; application; eligibility requirements; effective date;
 24 cancellation

25 A. Any member whose first employment making him eligible for
 26 membership in one of the state systems occurred on or before ~~December 31, 2010~~
 27 June 30, 2010, may retire upon written application to the board of trustees, if the
 28 member at the time of application has attained the age of sixty years and has credit
 29 for ten years of accredited service or has attained the age of fifty-five years and has
 30 credit for twenty-five or more years of accredited service or at any age with thirty or

1 more years of accredited service. Any member whose first employment making him
 2 eligible for membership in one of the state systems occurred on or after ~~January 1,~~
 3 ~~2011~~ July 1, 2010, may retire upon written application to the board of trustees, if the
 4 member at the time of application has attained the age of sixty years and has credit
 5 for five years of accredited service. An application for retirement shall be officially
 6 filed with the board when received in the office of the director. Retirement benefits
 7 shall become effective as of the date an application for retirement is filed in the
 8 office of the director or the day after the member terminates from service, whichever
 9 is later. A member may ~~only~~ cancel his application for retirement only prior to
 10 negotiating, cashing, or depositing any benefit check including an estimated benefit
 11 check.

12 * * *

13 C.(1)(a) Notwithstanding the provisions of Subsection A of this Section, any
 14 member ~~whose first employment making him eligible for system membership~~
 15 ~~occurred on or before June 30, 2010~~, shall be eligible for retirement if he has twenty
 16 years of service credit at any age, exclusive of military service and unused annual
 17 and sick leave, but any person retiring under this Subsection shall have his benefit
 18 inclusive of military service credit and allowable unused annual and sick leave
 19 actuarially reduced from the earliest age that he would normally become eligible for
 20 a regular retirement benefit pursuant to Subsection A of this Section if he had
 21 continued in service to that age.

22 * * *

23 §1144. Retirement allowance; regular, minimum, and supplemental

24 * * *

25 B. Minimum allowance.

26 * * *

27 (4) The provisions of this Paragraph shall apply to any member whose first
 28 employment making him eligible for membership in one of the state systems
 29 occurred on or after ~~January 1, 2011~~ July 1, 2010. The minimum allowance for such
 30 members shall be no less than an amount which provides a total allowance equal to

1 two and one-half percent multiplied by the total years of accredited service and
2 multiplied by the average compensation for such person as provided in R.S.
3 11:1002(6)(c).

4 * * *

5 §1147. Disability retirement

6 * * *

7 C.

8 * * *

9 (2)(a)

10 * * *

11 (ii) A disability retiree whose membership in the system began on or after
12 July 1, 2006, but on or before June 30, 2010, who is not eligible to receive a regular
13 service retirement allowance and who has at least ten years of creditable service,
14 shall receive a disability retirement allowance equal to three percent of his average
15 compensation multiplied by his years of creditable service.

16 (iii) A disability retiree whose first employment making him eligible for
17 membership in one of the state systems occurred on or after ~~January 1, 2011~~ July 1,
18 2010, shall receive a maximum disability retirement benefit which shall be
19 equivalent to the regular retirement formula without reduction by reason of age.

20 (b)(i) If a disability retiree whose eligibility for membership in one of the
21 state systems occurred on or before ~~December 31, 2010~~ June 30, 2010, dies and
22 leaves a surviving spouse who had been married to the deceased disability retiree for
23 at least two years prior to the death of the disability retiree, the surviving spouse
24 shall receive a survivor's benefit equal to seventy-five percent of the benefit being
25 received by the disability retiree at his death. Benefits shall cease upon remarriage.

26 (ii) For disability retirees whose first employment making him eligible for
27 membership in one of the state systems occurred on or after ~~January 1, 2011~~ July 1,
28 2010, selection of a retirement option shall be made when application for disability

1 is filed. If the disability retiree dies, the option selected upon disability retirement
2 shall be applied to his disability retirement benefit.

3 * * *

4 §1151. Survivor benefits; members hired on or before ~~December 31, 2010~~ June 30,
5 2010

6 A. This Section shall apply to members whose first employment making
7 them eligible for membership in one of the state systems occurred on or before
8 ~~December 31, 2010~~ June 30, 2010. Survivor's benefits are payable upon application
9 therefor and become effective as of the day following the death of the member.

10 * * *

11 §1151.1. Survivors' benefits; members hired on or after ~~January 1, 2011~~ July 1,
12 2010

13 A. Survivor benefits shall be due and payable by the system effective the
14 first day of the next month following the death of a member whose first employment
15 making him eligible for membership in one of the state systems occurred on or after
16 ~~January 1, 2011~~ July 1, 2010, but shall not be paid until a properly completed and
17 acceptable application is received by the system and all proper certifications have
18 been received by the system.

19 * * *

20 C.(1) In addition to the amount payable in accordance with Subsection B of
21 this Section, for the benefit of the surviving minor ~~or handicapped child, or mentally~~
22 ~~disabled~~ child, or children, there shall be paid for each such child, subject to a
23 maximum of two children, per month fifty percent of the benefit to which a spouse
24 would be entitled under Subsection B of this Section. Benefits shall be payable to
25 such children even if no spouse eligible for survivor benefits is present, provided the
26 member had at least five years of service credit. Benefits for a child shall cease
27 when the child is no longer a minor child as defined by this Chapter. No surviving
28 minor child shall receive more than one survivor's benefit at any one time. If two
29 benefits are applicable, only the larger shall be paid.

1 (2)(a) In addition to the amount payable in accordance with Subsection B of
 2 this Section, the surviving totally physically handicapped or mentally disabled child
 3 or children of a deceased member, whether under or over the age of eighteen years,
 4 shall be entitled to the same benefits, payable in the same manner, as are provided
 5 by this Section for minor children, if the child was totally physically handicapped or
 6 mentally disabled at the time of the death of the member and is dependent upon the
 7 surviving spouse or other legal guardian.

8 (b) The surviving spouse or legal guardian shall provide adequate proof of
 9 handicap or mental disability of such surviving child or children and shall notify the
 10 board of any subsequent changes in the child's condition which cause the child to no
 11 longer be dependent upon the surviving spouse or legal guardian and any changes
 12 in the assistance being received from other state agencies. The board may require
 13 a certified statement of the child's eligibility status at the end of each calendar year.

* * *

§1152. Deferred Retirement Option Plan

16 A. In lieu of terminating employment and accepting a service retirement
 17 allowance pursuant to this Part, any member who ~~has ten or more years of creditable~~
 18 ~~service at sixty years of age, twenty-five or more years of creditable service at fifty-~~
 19 ~~five years of age, or thirty or more years of creditable service at any age~~ is eligible
 20 for regular retirement may elect to participate in the Deferred Retirement Option
 21 Plan and defer the receipt of benefits in accordance with the provisions of this
 22 Section.

* * *

§1323. Death of employee not in performance of duty; employees hired on or after
January 1, 2011

* * *

27 C.(1) In addition to the amount payable in accordance with Subsection B of
 28 this Section, for the benefit of the surviving minor ~~or handicapped child, or mentally~~
 29 ~~disabled~~ child, or children, there shall be paid for each such child, subject to a
 30 maximum of two children, per month fifty percent of the benefit to which a spouse

1 would be entitled under Subsection B of this Section. Benefits shall be payable to
 2 such children even if no spouse eligible for survivor benefits is present, provided the
 3 member had at least five years of service credit. Benefits for a child shall cease
 4 when the child is no longer a minor child as defined by this Chapter. No surviving
 5 minor child shall receive more than one survivor's benefit at any one time. If two
 6 benefits are applicable, only the larger shall be paid.

7 (2)(a) In addition to the amount payable in accordance with Subsection B of
 8 this Section, the surviving totally physically handicapped or mentally disabled child
 9 or children of a deceased member, whether under or over the age of eighteen years,
 10 shall be entitled to the same benefits, payable in the same manner, as are provided
 11 by this Section for minor children, if the child was totally physically handicapped or
 12 mentally disabled at the time of the death of the member and is dependent upon the
 13 surviving spouse or other legal guardian.

14 (b) The applicant shall provide adequate proof of handicap or mental
 15 disability of such surviving child or children and shall notify the board of any
 16 subsequent changes in the child's condition to such an extent that the child is no
 17 longer dependent upon the surviving spouse or legal guardian and any changes in the
 18 assistance being received from other state agencies. The board may require a
 19 certified statement of the child's eligibility status at the end of each calendar year.

20 * * *

21 §1345.9. Survivors' benefits for death other than in the line of duty

22 The surviving spouse or children of any active member whose death occurs
 23 other than in the performance of his duties shall have the same pension rights as
 24 provided in R.S. 11:~~1320~~ 1323.

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

1 Section 3. This Act shall become effective on July 1, 2011; if vetoed by the governor
2 and subsequently approved by the legislature, this Act shall become effective on July 1,
3 2011, or on the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____