

2019 Regular Session

SENATE BILL NO. 13

BY SENATORS JOHNS, CORTEZ, LONG, MILKOVICH, MIZELL, PEACOCK AND PRICE

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

STATE POLICE RETIREMENT. Provides for a surviving spouse benefit to resume in certain circumstances. (2/3 - CA10s29(F)) (7/1/2019)

1 AN ACT

2 To amend and reenact R.S. 11:1316(C), relative to surviving spouse benefits at the State
3 Police Retirement System; to provide for reinstatement of benefits under certain
4 circumstances; to provide for an effective date; and to provide for related matters.

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

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 11:1316(C) is hereby amended and reenacted to read as follows:

8 §1316. Death in the line of duty; death by an intentional act of violence; certain
9 members hired on or before December 31, 2010; benefit for surviving
10 spouse of deceased employee; minor children with no surviving
11 spouse

12 * * *

13 C.(1) Notwithstanding the forfeiture provisions of R.S. 11:1321, the benefit
14 of a surviving spouse covered by Subsection B of this Section shall be paid until the
15 death of the surviving spouse.

16 (2) A surviving spouse who, on or before June 11, 1999, was subject to
17 the forfeiture provisions of R.S. 11:1321 or R.S. 40:1435 as it existed when it

1 **was redesignated as R.S. 11:1321, shall resume drawing the benefit upon the**
2 **dissolution of the marriage by death of or divorce from the new spouse. The**
3 **benefit payable pursuant to this Paragraph shall be paid prospectively only.**

* * *

5 Section 2. This Act shall become effective on July 1, 2019; if vetoed by the governor
6 and subsequently approved by the legislature, this Act shall become effective on July 1,
7 2019, or on the day following such approval by the legislature, whichever is later.

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

DIGEST

SB 13 Engrossed

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Johns

Present law, relative to the State Police Retirement System, provides for the benefit payable to the surviving spouse of a member killed in the line of duty.

Present law generally provides that a surviving spouse's benefit shall be forfeited upon the remarriage of the spouse. Provides, however, that after June 22, 1993, if the remarriage occurs after the surviving spouse attains age 55, the benefits shall not be discontinued. (R.S. 11:234) Present law (effective June 11, 1999) further provides that the forfeiture of benefits shall not apply to the spouse of a member who was killed in the line of duty.

Present law applicable to employees hired on or after Jan. 1, 2011, requires the benefits that ceased upon remarriage to resume upon the death of or divorce from the new spouse. (R.S. 11:1323)

Proposed law retains present law and allows a surviving spouse of a member killed in the line of duty whose benefit was forfeited upon remarriage which occurred prior to June 11, 1999, to resume receiving the survivor benefit upon the dissolution of the marriage by death or divorce.

Proposed law provides that benefits shall be paid prospectively only.

Effective July 1, 2019.

(Amends R.S. 11:1316(C))