SLS 18RS-38

ENGROSSED

2018 Regular Session

SENATE BILL NO. 7

BY SENATOR PEACOCK

MUNICIPAL POL EMPS RET. Corrects language regarding average final compensation. (6/30/18)

1	AN ACT
2	To amend and reenact R.S. 11:2220(B)(1)(a)(ii) and (2)(a) and (b) and (G) and 2223(E)(2),
3	relative to the Municipal Police Employees' Retirement System; to provide relative
4	to the term "average final compensation"; to provide for consistency of language; to
5	provide for an effective date; 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. 11:2220(B)(1)(a)(ii) and (2)(a) and (b) and (G) and 2223(E)(2) are
9	hereby amended and reenacted to read as follows:
10	§2220. Benefits; contribution limit
11	* * *
12	B. Benefits shall be payable to any survivor of an active contributing member
13	who dies before retirement or a disability retiree who dies after retirement as
14	specified in the following:
15	(1)(a)(i) * * * *
16	(ii) Where the board of trustees determines that an active contributing
17	member is killed as a result of injuries sustained in the line of duty, the cessation of

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1 benefits upon remarriage set forth in this Paragraph shall not apply. If the injury 2 occurs on or after January 1, 2001, the surviving spouse shall receive a benefit equal to one hundred percent of the member's final average compensation average final 3 4 compensation less any survivor benefits payable to a child or children as provided 5 in this Section; however, no increase in survivor benefits shall be paid for any period before July 1, 2003. The sum of survivor benefits paid to children and a surviving 6 7 spouse shall not exceed one hundred percent of the member's final average 8 compensation average final compensation. No funds derived from the assessments 9 against insurers pursuant to R.S. 22:1476 shall be used to pay any increased costs or 10 increase in liability of the system resulting from the payment of benefits to a 11 surviving spouse pursuant to this Item.

12

13 (2)(a) If an active contributing member or a disability retiree dies and leaves, in addition to a surviving spouse, one or more children under eighteen years of age, 14 each child under age eighteen shall be paid monthly benefits equal to ten percent of 15 16 the deceased member's average final compensation, or two hundred dollars per month, whichever is greater. However, benefits payable on account of each child, 17 when added to the benefits payable to the surviving spouse, shall not exceed an 18 19 aggregate of one hundred percent of the deceased member's average final compensation. Benefits for a surviving child shall cease upon the child's attainment 20 21 of age eighteen years or upon marriage, whichever occurs first, except that benefits 22 shall continue:

(i) For a surviving child to age twenty-three provided the child is a full-time,
unmarried student at a recognized institution of higher education, high school, or
vocational-technical school, and

(ii) For a surviving child with a total physical disability or intellectual
disability if such child had a total physical disability or intellectual disability at the
time of death of the member or acquired such disability prior to the attainment of age
eighteen and is dependent upon the surviving spouse or other legal guardian for

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2	(b) If an active contributing member or a disability retiree dies and does not
3	leave a surviving spouse but leaves one or more children under the age of eighteen,
4	each child under age eighteen shall be paid monthly benefits equal to thirty percent
5	of the deceased member's average <u>final</u> compensation. Benefits paid on account of
6	each child shall not exceed an aggregate of sixty percent of the average final
7	compensation. In the event the deceased member is survived by only one minor
8	child, the child shall be paid not less than forty percent of the deceased member's
9	average <u>final</u> compensation. Benefits shall continue after the minor child attains age
10	eighteen as provided in R.S. 11:2220(B)(2)(a)(i) and R.S. 11:2220(B)(2)(a)(ii).
11	* * *
12	G. The retirement benefits provided by this Section shall not annually exceed
13	one hundred percent of average <u>final</u> compensation, and when a member has earned
14	benefits equal to one hundred percent of his average <u>final</u> compensation, no further
15	contributions shall be required of him. However, the employer shall continue to pay
16	to the system the employer's contribution.
17	* * *
18	§2223. Disability retirement
19	* * *
20	E.(1) * * * *
21	(2) Any disability retiree who is blinded or who loses the total use of a limb
22	solely as a result of injuries sustained on or after July 1, 2003, in the performance of
23	his official duties, and whose condition is certified by the State Medical Disability
24	Board, shall receive a benefit equal to his final average compensation average final
25	<u>compensation</u> . No funds derived from the assessments against insurers pursuant to
26	R.S. 22:1476 shall be used to pay any increased costs or increase in liability of the
27	system resulting from the provisions of this Paragraph.
28	* * *
29	Section 2. This Act shall become effective on June 30, 2018; if vetoed by the

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- 1 governor and subsequently approved by the legislature, this Act shall become effective on
- 2 June 30, 2018, 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 2018 Regular Session

Peacock

<u>Present law</u> relative to the Municipal Police Employees' Retirement System (MPERS) provides for a definition of "average final compensation".

<u>Proposed law</u> provides for specificity of language relative to the average final compensation as provided for in the definition (R.S. 11:2211(A)(4)).

Effective June 30, 2018.

(Amends R.S. 11:2220(B)(1)(a)(ii) and (2)(a) and (b) and (G) and 2223(E)(2))