

2019 Regular Session

SENATE BILL NO. 10

BY SENATORS WHITE AND PEACOCK

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

SHERIFFS PEN/RELIEF FUND. Provides relative to permanent benefit increases.
(2/3-CA10s29(F)) (6/30/2019)

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AN ACT

To amend and reenact R.S. 11:2178(K) and (L) and to repeal R.S. 11:2178(M), relative to permanent benefit increases for the Sheriffs' Pension and Relief Fund; to provide for clarification of language; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2178(K) and (L) are hereby amended and reenacted to read as follows:

§2178. Disability benefits; retirement benefits; death benefits

* * *

K. The board of trustees is authorized to use earnings on investments of the fund in excess of normal requirements or funding deposit account credit balances as determined by the actuary and approved by the board of trustees, to provide a permanent benefit increase for retired and disabled members and survivors who have been receiving benefits from the fund for one full calendar year prior to the granting of the increase.

1 ~~(1)(a) The cost-of-living increase shall be in a monthly amount not less than~~
2 ~~two percent or more than three percent of the normal monthly benefit payable to the~~
3 ~~retiree, disability recipient, or survivor on the date the increase is granted, but shall~~
4 ~~not be less than twenty dollars per month. The permanent benefit increase shall~~
5 ~~be payable in a monthly amount not to exceed two and one-half percent of the~~
6 ~~normal monthly benefit payable to the retiree, disability recipient, or survivor~~
7 ~~on the date the increase is granted. The dollar amount of such increase for any~~
8 ~~recipient shall not exceed five percent of the average monthly benefit in~~
9 ~~payment to service retirees as of the end of the preceding fiscal year.~~

10 (b) The board of trustees is authorized to provide a permanent benefit
11 increase to all retirees, disability recipients, and survivors who are at least sixty-
12 five years of age, which increase shall consist of an amount equal to two percent
13 of the monthly benefit the member is receiving on the date the increase is
14 granted.

15 (c) The board, in any one fiscal year, may provide a permanent benefit
16 increase pursuant to either Subparagraph (a) or (b) of this Paragraph; however,
17 it shall not grant permanent benefit increases pursuant to both of these
18 Subparagraphs within the same fiscal year.

19 ~~(b) (d)~~ Notwithstanding any provision of this Subsection to the contrary, no
20 ~~cost-of-living~~ permanent benefit increase shall be granted in any fiscal year
21 pursuant to this Subsection if a ~~cost-of-living~~ permanent benefit increase has been
22 granted pursuant to this Subsection in the immediately preceding fiscal year.

23 ~~(c)(i) Any member who retires on or after July 1, 2006, and before July 1,~~
24 ~~2007, and who has not attained the age of sixty years shall be subject to a two-year~~
25 ~~waiting period from the date of retirement to become eligible for a cost-of-living~~
26 ~~increase.~~

27 ~~(ii) Any member who retires on or after July 1, 2007, and who has not~~
28 ~~attained the age of sixty years shall be subject to a three-year waiting period from the~~
29 ~~date of retirement to become eligible for a cost-of-living increase.~~

1 ~~(iii) Notwithstanding Items (i) and (ii) of this Subparagraph, any member~~
2 ~~who is retired and who attains the age of sixty years subsequent to retirement shall~~
3 ~~be eligible for a cost-of-living increase after one full year from the member's sixtieth~~
4 ~~birthday.~~

5 ~~(iv) Any member retiring on or after attaining the age of sixty years shall be~~
6 ~~eligible for a cost-of-living increase after one full calendar year from the date of~~
7 ~~retirement.~~

8 **(e) Any member who has been retired for at least one year is eligible to**
9 **receive a permanent benefit increase pursuant to the provisions of this**
10 **Subsection if:**

11 **(i) The member has attained the age of sixty-one regardless of the date**
12 **of retirement.**

13 **(ii) The member has not attained the age of sixty-one but has been**
14 **retired for at least three years.**

15 (2) A person receiving a benefit utilizing the provisions of R.S. 11:142
16 governing reciprocal recognition of service agreements shall be granted a ~~cost-of-~~
17 ~~living adjustment~~ **permanent benefit increase** based upon that portion of the
18 creditable service attributable to this system.

19 (3) A person receiving a benefit, who becomes sixty-five years of age during
20 the calendar year prior to the granting of a supplemental ~~cost-of-living adjustment~~
21 **permanent benefit increase** as provided in R.S. 11:246 for benefit recipients sixty-
22 five years of age or older, shall receive a lump sum pro rata payment for the number
23 of months he was sixty-five years of age prior to the granting of the ~~cost-of-living~~
24 ~~adjustment~~ **permanent benefit increase**, ~~in addition to the monthly supplemental~~
25 ~~payment~~ authorized by R.S. 11:246.

26 L. Death benefits terminated because of remarriage ~~as provided under the~~
27 ~~terms~~ **pursuant to the provisions** of this Section shall be due and payable to a
28 ~~widow if her~~ **surviving spouse if the** subsequent marriage is terminated by death.
29 Upon death of the second or subsequent spouse, the benefits shall be resumed;

