

SENATE BILL NO. 10

BY SENATORS WHITE, ALARIO, APPEL, BARROW, BOUDREAUX, CARTER, COLOMB, CORTEZ, DONAHUE, ERDEY, FANNIN, GATTI, HENSGENS, HEWITT, JOHNS, LONG, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZELL, PEACOCK, PETERSON, PRICE, RISER, GARY SMITH, JOHN SMITH, THOMPSON AND WALSWORTH AND REPRESENTATIVES ADAMS, BERTHELOT, BILLIOT, BOURRIAQUE, DWIGHT, EDMONDS, FALCONER, GUINN, HORTON, JENKINS, JONES, NORTON, PEARSON, POPE, PYLANT AND SCHEXNAYDER

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. 11:2178(K) and (L) and to repeal R.S. 11:246(A)(7) and
3 2178(M), relative to permanent benefit increases for the Sheriffs' Pension and Relief
4 Fund; to provide for clarification of language; to provide for an effective date; and
5 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. 11:2178(K) and (L) are hereby amended and reenacted to read as
9 follows:

10 §2178. Disability benefits; retirement benefits; death benefits

11 * * *

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

18 (1)(a) ~~The cost-of-living increase shall be in a monthly amount not less than~~
19 ~~two percent or more than three percent of the normal monthly benefit payable to the~~

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

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

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

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

21 ~~(c)(i) Any member who retires on or after July 1, 2006, and before July 1,~~
22 ~~2007, and who has not attained the age of sixty years shall be subject to a two-year~~
23 ~~waiting period from the date of retirement to become eligible for a cost-of-living~~
24 ~~increase.~~

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

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

1 birthday.

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

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

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

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

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

16 (3) A person receiving a benefit, who becomes sixty-five years of age during
 17 the calendar year prior to the granting of a supplemental ~~cost-of-living adjustment~~
 18 **permanent benefit increase** as provided in ~~R.S. 11:246~~ **Subparagraph (1)(b) of**
 19 **this Subsection** for benefit recipients sixty-five years of age or older, shall receive
 20 a lump sum pro rata payment for the number of months he was sixty-five years of
 21 age prior to the granting of the ~~cost-of-living adjustment~~ **permanent benefit**
 22 **increase**, ~~in addition to the monthly supplemental payment authorized by R.S.~~
 23 ~~11:246~~ **Subparagraph (1)(b) of this Subsection.**

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

29 * * *

30 Section 2. R.S. 11:246(A)(7) and 2178(M) are hereby repealed.

1 Section 3. This Act shall become effective on June 30, 2019; if vetoed by the
2 governor and subsequently approved by the legislature, this Act shall become effective on
3 June 30, 2019, or on the day following such approval by the legislature, whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____