SLS 19RS-102 **ORIGINAL**

2019 Regular Session

SENATE BILL NO. 10

17

of the increase.

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)

1	AN ACT
2	To amend and reenact R.S. 11:2178(K) and (L) and to repeal R.S. 11:2178(M), relative to
3	permanent benefit increases for the Sheriffs' Pension and Relief Fund; to provide for
4	clarification of language; to provide for an effective date; and to provide for related
5	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

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.

29

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.

Upon death of the second or subsequent spouse, the benefits shall be resumed;

however, the benefits shall be suspended during the second or subsequent marriage.

* * * *

Section 2. R.S. 11:2178(M) is hereby repealed.

Section 3. This Act shall become effective on June 30, 2019; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on

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

June 30, 2019, or on the day following such approval by the legislature, whichever is later.

DIGEST
9 Regular Session

SB 10 Original

6

2019 Regular Session

White

<u>Present law</u> authorizes the board of trustees of the Sheriffs' Pension and Relief Fund (Sheriffs') to grant permanent benefit increases (PBI) under certain circumstances.

<u>Present law provides</u> for one type of PBI, payable to all retirees, disability recipients, and survivors. Provides this type of PBI shall be in monthly installments of not less than 2% nor more than 3% of the normal monthly benefit, but in no case shall it be less than \$20 per month.

<u>Proposed law</u> changes the amount that may be granted to no more than 2.5%. Further provides that in no case shall any member receive in excess of 5% of the average monthly benefit in payment to service retirees.

<u>Proposed law</u> authorizes the board of trustees to provide a second type of PBI to beneficiaries who are at least 65 years of age, in an amount equal to 2% of the monthly benefit.

<u>Proposed law</u> restricts the board of trustees to granting only one type of PBI in any fiscal year.

<u>Present law</u> prohibits the board from granting a PBI pursuant to <u>present law</u> if a PBI was granted pursuant to present law the immediately preceding fiscal year.

Proposed law retains present law.

<u>Present law</u> provides for waiting periods relative to age and time from retirement to be eligible for a PBI. <u>Proposed law</u> retains <u>present law</u>.

<u>Present law</u> provides for specifications relative to a PBI granted on June 30, 2007 (R.S. 11:2178(M)).

Proposed law repeals present law.

Effective June 30, 2019.

(Amends R.S. 11:2178(K) and (L); repeals R.S. 11:2178(M))