

<b>FOR OFFICE USE ONLY</b>	

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Danahay to Engrossed House Bill No. 1174 by Representative Danahay

1 AMENDMENT NO. 1

2 On page 1, line 4, change "2241.7," to "2241.8,"

3 AMENDMENT NO. 2

4 On page 1, line 6, change "2242.7," to "2242.8,"

5 AMENDMENT NO. 3

6 On page 1, line 16, change "2241.7," to "2241.8,"

7 AMENDMENT NO. 4

8 On page 1, line 18, change "2242.7," to "2242.8,"

9 AMENDMENT NO. 5

10 On page 3, at the end of line 1, delete the period "." and insert a comma "," and "or equal to  
11 the rate established in Item (a)(ii) of this Paragraph if less than 8%."

12 AMENDMENT NO. 6

13 On page 6, line 9, after "three" delete the remainder of the line and lines 10 and 11 in their  
14 entirety and insert the following:

15 "percent of average final compensation for every year of creditable service  
16 in this subplan, not to exceed one hundred percent of the member's average  
17 final compensation. Notwithstanding this provision, a member who retires  
18 with thirty or more years of creditable service shall receive a retirement  
19 benefit equal to three and one-third percent of the member's average final  
20 compensation for every year of creditable service in this subplan, not to  
21 exceed one hundred percent of the member's average final compensation."

22 AMENDMENT NO. 7

23 On page 6, delete lines 16 and 17 and insert the following:

24 "C.(1) Creditable service maintained pursuant to a reciprocal  
25 agreement in another system, fund, or plan shall not be used to meet  
26 the requirement of thirty or more years of creditable service.  
27 (2) Transferred service with an accrual rate of less than three  
28 and one-third percent shall not be used to meet the requirement of  
29 thirty or more years of creditable service unless the member elects to  
30 purchase the accrual rate for application to his transferred credit."

1 AMENDMENT NO. 8

2 On page 6, delete lines 22 through 25 and insert the following:

3 "§2241.7. Disability retirement4 A.(1) Eligibility for disability benefits, procedures for  
5 application for disability benefits, procedures for the certification of  
6 continuing eligibility for disability benefits, the authority of the board  
7 of trustees to modify disability benefits, and procedures governing  
8 the restoration to active service of a formerly disabled employee shall  
9 be as provided in R.S. 11:202 through 225.10 (2) The burden of proving that a disability is not based on a  
11 preexisting condition, prohibiting receipt of benefits, shall lie with  
12 the employee if the physical examination and waiver forms required  
13 by R.S. 11:2214(A)(2) have not been submitted to the system.14 B.(1) The board of trustees shall award disability benefits to  
15 eligible members who have been officially certified as disabled to  
16 perform the position held by the member at the time that the  
17 disability was incurred or as disabled to perform any other position  
18 paying the same salary currently available in the department if the  
19 disability is not the result of a preexisting condition. Upon receipt of  
20 any application for disability retirement, the system shall request  
21 from the chief of police the job descriptions of all positions currently  
22 available in the department paying the same salary. Such job  
23 descriptions shall be submitted to the system within thirty days, or it  
24 shall be presumed that no position is available that pays the same  
25 salary. The disability benefit shall be determined as provided in this  
26 Section.27 (2) Upon application for retirement due to a total and  
28 permanent disability caused solely as the result of injuries sustained  
29 in the performance of his official duties, a member shall receive a  
30 disability benefit equal to two and three-quarters percent of his  
31 average final compensation multiplied by his years of creditable  
32 service, but not less than thirty-three percent nor more than fifty-five  
33 percent of his average final compensation.34 (3) Upon application for retirement due to a total and  
35 permanent disability, any member with at least ten years creditable  
36 service shall receive a disability benefit equal to two and three-  
37 quarters percent of his average final compensation multiplied by his  
38 years of creditable service, but not less than thirty-three percent nor  
39 more than fifty-five percent of his average final compensation.40 (4) In no case shall any disability benefit approved by the  
41 board of trustees be paid until all employee and employer  
42 contributions are received by the retirement system, covering through  
43 the date of termination of employment. Furthermore, no application  
44 for disability benefit shall be approved until all previously refunded  
45 contributions from the system have been repaid, including  
46 compounded interest at the board-approved actuarial valuation rate  
47 thereon from the date of refund until repaid in full.48 C.(1) At the time of attainment of normal retirement age, a  
49 service-connected disability benefit recipient shall have the option to  
50 continue to receive his disability retirement benefit or his vested  
51 retirement benefit for the remainder of his life; if he elects to receive  
52 his vested retirement benefit, such benefit shall be equal to the  
53 greater of his disability benefit or his vested retirement benefit. Such  
54 election filed with the retirement system shall become irrevocable  
55 thirty days after receipt.56 (2) Upon attainment of normal retirement age, a disability  
57 recipient not covered by Paragraph (1) of this Subsection shall

1 receive the greater of his disability retirement benefit or his vested  
 2 benefit.

3 D. Any person who is receiving or has received a disability  
 4 retirement benefit from any law enforcement or police retirement  
 5 plan or pension and relief fund for policemen, except disability  
 6 retirees of this system, shall not be eligible for membership in the  
 7 Municipal Police Employees' Retirement System if he becomes no  
 8 longer disabled and returns to service in the same municipality or  
 9 becomes employed as a policeman or law enforcement officer while  
 10 receiving a disability benefit.

11 E.(1) Any disability retiree who is in a coma or who is  
 12 paraplegic, when such condition is solely the result of injuries  
 13 sustained in the performance of his official duties and such condition  
 14 is certified by the State Medical Disability Board shall receive a  
 15 benefit equal to his average final compensation.

16 (2) Any disability retiree who is blinded or who loses the  
 17 total use of a limb solely as a result of injuries sustained in the  
 18 performance of his official duties and whose condition is certified by  
 19 the State Medical Disability Board shall receive a benefit equal to his  
 20 average final compensation. No funds derived from the assessments  
 21 against insurers pursuant to R.S. 22:1476 shall be used to pay any  
 22 increased costs or increase in liability of the system resulting from  
 23 the provisions of this Paragraph.

24 F. Notwithstanding the provisions of R.S. 11:221(D), any  
 25 disability benefits granted under the provisions of this Section shall  
 26 not be reduced because the disability retiree is also receiving social  
 27 security disability benefits.

28 §2241.8. Survivor Benefits

29 Benefits shall be payable to any survivor of an active  
 30 contributing member who dies before retirement or a disability retiree  
 31 who dies after retirement as specified in the following:

32 (1)(a) If an active contributing member or a disability retiree  
 33 either of whom has at least ten years of creditable service in the  
 34 system dies and leaves a surviving spouse, the surviving spouse shall  
 35 receive a benefit calculated according to the regular retirement  
 36 formula, disregarding age, but not less than thirty-three percent nor  
 37 more than fifty-five percent of the member's average final  
 38 compensation. If the surviving spouse remarries, such benefit shall  
 39 cease unless remarriage occurs after age sixty years; the benefit shall  
 40 resume after a subsequent termination of the new marriage and upon  
 41 approval of the board of trustees.

42 (b) If the board of trustees determines that an active  
 43 contributing member is killed as a result of injuries sustained in the  
 44 line of duty, the cessation of benefits upon remarriage set forth in this  
 45 Paragraph shall not apply. The surviving spouse shall receive a  
 46 benefit equal to one hundred percent of the member's average final  
 47 compensation less any survivor benefits payable to a child or children  
 48 as provided in this Section. The sum of survivor benefits paid to  
 49 children and a surviving spouse shall not exceed one hundred percent  
 50 of the member's final average compensation. No funds derived from  
 51 the assessments against insurers pursuant to R.S. 22:1476 shall be  
 52 used to pay any increased costs or increase in liability of the system  
 53 resulting from the payment of benefits to a surviving spouse pursuant  
 54 to this Item.

55 (2)(a) If an active contributing member or a disability retiree  
 56 either of whom has at least ten years of creditable service in the  
 57 system dies and leaves, in addition to a surviving spouse, one or more  
 58 children under eighteen years of age, each child under age eighteen  
 59 shall be paid monthly benefits equal to ten percent of the deceased

1 member's average final compensation, or two hundred dollars per  
 2 month, whichever is greater. However, benefits payable on account  
 3 of each child, when added to the benefits payable to the surviving  
 4 spouse, shall not exceed an aggregate of one hundred percent of the  
 5 deceased member's average final compensation. Benefits for a  
 6 surviving child shall cease upon the child's attainment of age eighteen  
 7 years or upon marriage, whichever occurs first, except that benefits  
 8 shall continue:

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

12 (ii) For a surviving totally physically handicapped or  
 13 mentally handicapped child if such child was totally physically  
 14 handicapped or mentally handicapped at the time of death of the  
 15 member or became so prior to the attainment of age eighteen and is  
 16 dependent upon the surviving spouse or other legal guardian for  
 17 subsistence.

18 (b) If an active contributing member or a disability retiree  
 19 either of whom has at least ten years of creditable service in the  
 20 system dies and does not leave a surviving spouse but leaves one or  
 21 more children under the age of eighteen, each child under age  
 22 eighteen shall be paid monthly benefits equal to twenty-five percent  
 23 of the deceased member's average final compensation. Benefits paid  
 24 on account of each child shall not exceed an aggregate of fifty  
 25 percent of the average final compensation. If the deceased member  
 26 is survived by only one minor child, the child shall be paid not less  
 27 than thirty percent of the deceased member's average final  
 28 compensation. Benefits shall continue after the minor child attains  
 29 age eighteen as provided in Subparagraph (a) of this Paragraph.

30 (c) If at the time of a member's death the member is not  
 31 married to the natural parent of any child or children who are entitled  
 32 to receive a payment pursuant to this Section and if a trust has been  
 33 created by the deceased member for the benefit of such child or  
 34 children, the payment shall be made to any person designated as a  
 35 trustee by the member on a certified copy of a trust document  
 36 submitted to the system by the member.

37 (3) If a member who is eligible for retirement dies before  
 38 retiring, the surviving spouse shall automatically be paid benefits as  
 39 though the member had retired on the date of his death and elected  
 40 Option 2, naming the surviving spouse as beneficiary, or shall be paid  
 41 benefits as provided in this Section whichever is greater.

42 (4) Any member who has twelve or more years of service  
 43 credit established in the retirement system and who terminates  
 44 covered employment and leaves his accumulated contributions in the  
 45 retirement system in order to receive a retirement benefit upon  
 46 reaching the applicable age shall be covered by the survivor benefit  
 47 provisions found in this Section."

48 AMENDMENT NO. 9

49 On page 8, line 12, between "to" and "percent" change "three" to "two and one-half"

50 AMENDMENT NO. 10

51 On page 8, at the end of line 20, delete the period "." and insert "regardless of the subplan  
 52 in which such service has been earned."

1 AMENDMENT NO. 11

2 On page 8, delete lines 25 through 29 in their entirety are insert the following:

3 "§2242.7. Disability retirement4 A.(1) Eligibility for disability benefits, procedures for  
5 application for disability benefits, procedures for the certification of  
6 continuing eligibility for disability benefits, the authority of the board  
7 of trustees to modify disability benefits, and procedures governing  
8 the restoration to active service of a formerly disabled employee shall  
9 be as provided in R.S. 11:202 through 225.10 (2) The burden of proving that a disability is not based on a  
11 preexisting condition, prohibiting receipt of benefits, shall lie with  
12 the employee if the physical examination and waiver forms required  
13 by R.S. 11:2214(A)(2) have not been submitted to the system.14 B.(1) The board of trustees shall award disability benefits to  
15 eligible members who have been officially certified as disabled to  
16 perform the position held by the member at the time that the  
17 disability was incurred or as disabled to perform any other position  
18 paying the same salary currently available in the department if the  
19 disability is not the result of a preexisting condition. Upon receipt of  
20 any application for disability retirement, the system shall request  
21 from the chief of police the job descriptions of all positions currently  
22 available in the department paying the same salary. Such job  
23 descriptions shall be submitted to the system within thirty days, or it  
24 shall be presumed that no position is available that pays the same  
25 salary. The disability benefit shall be determined as provided in this  
26 Section.27 (2) Upon application for retirement due to a total and  
28 permanent disability, any member with at least ten years creditable  
29 service shall receive a disability benefit equal to two and one-quarter  
30 percent of his average final compensation multiplied by his years of  
31 creditable service, but not less than twenty-five percent nor more than  
32 fifty percent of his average final compensation.33 (3) In no case shall any disability benefit approved by the  
34 board of trustees be paid until all employee and employer  
35 contributions are received by the retirement system, covering through  
36 the date of termination of employment. Furthermore, no application  
37 for disability benefit shall be approved until all previously refunded  
38 contributions from the system have been repaid, including  
39 compounded interest at the board-approved actuarial valuation rate  
40 thereon from the date of refund until repaid in full.41 C. Upon attainment of normal retirement age, a disability  
42 recipient shall receive the greater of his disability retirement benefit  
43 or his vested benefit.44 D. Any person who is receiving or has received a disability  
45 retirement benefit from any other retirement plan or pension and  
46 relief fund for public employees, except disability retirees of this  
47 system, shall not be eligible for membership in the Municipal Police  
48 Employees' Retirement System if he becomes no longer disabled and  
49 returns to service in the same municipality or becomes employed as  
50 a policeman or law enforcement officer while receiving a disability  
51 benefit.52 E.(1) Any disability retiree who is in a coma or who is  
53 paraplegic, when such condition is solely the result of injuries  
54 sustained in the performance of his official duties and such condition  
55 is certified as total and permanent, shall receive a benefit equal to his  
56 average final compensation.

1           (2) Any disability retiree who is blinded or who loses the  
 2 total use of a limb solely as a result of injuries sustained in the  
 3 performance of his official duties and whose condition is certified as  
 4 total and permanent shall receive a benefit equal to his average final  
 5 compensation. No funds derived from the assessments against  
 6 insurers pursuant to R.S. 22:1476 shall be used to pay any increased  
 7 costs or increase in liability of the system resulting from the  
 8 provisions of this Paragraph.

9           F. Notwithstanding the provisions of R.S. 11:221(D), any  
 10 disability benefits granted under the provisions of this Section shall  
 11 not be reduced because the disability retiree is also receiving social  
 12 security disability benefits.

13 §2242.8. Survivor Benefits

14           Benefits shall be payable to any survivor of an active  
 15 contributing member who dies before retirement or a disability retiree  
 16 who dies after retirement as specified in the following:

17           (1)(a) If an active contributing member or a disability retiree  
 18 either of whom has at least ten years of creditable service in the  
 19 system dies and leaves a surviving spouse, the surviving spouse shall  
 20 receive a benefit calculated according to the regular retirement  
 21 formula, disregarding age, but not less than twenty-five percent nor  
 22 more than fifty percent of the member's average final compensation.  
 23 If the surviving spouse remarries, such benefit shall cease unless  
 24 remarriage occurs after age sixty years; the benefit shall resume after  
 25 a subsequent termination of the new marriage and upon approval of  
 26 the board of trustees.

27           (b) If the board of trustees determines that an active  
 28 contributing member is killed as a result of injuries sustained in the  
 29 line of duty, the cessation of benefits upon remarriage set forth in this  
 30 Paragraph shall not apply. The surviving spouse shall receive a  
 31 benefit equal to one hundred percent of the member's final average  
 32 compensation less any survivor benefits payable to a child or children  
 33 as provided in this Section. The sum of survivor benefits paid to  
 34 children and a surviving spouse shall not exceed one hundred percent  
 35 of the member's average final compensation. No funds derived from  
 36 the assessments against insurers pursuant to R.S. 22:1476 shall be  
 37 used to pay any increased costs or increase in liability of the system  
 38 resulting from the payment of benefits to a surviving spouse pursuant  
 39 to this Item.

40           (2)(a) If an active contributing member or a disability retiree  
 41 either of whom has at least ten years of creditable service in the  
 42 system dies and leaves, in addition to a surviving spouse, one or more  
 43 children under eighteen years of age, each child under age eighteen  
 44 shall be paid monthly benefits equal to ten percent of the deceased  
 45 member's average final compensation, or two hundred dollars per  
 46 month, whichever is greater. However, benefits payable on account  
 47 of each child, when added to the benefits payable to the surviving  
 48 spouse, shall not exceed an aggregate of one hundred percent of the  
 49 deceased member's average final compensation. Benefits for a  
 50 surviving child shall cease upon the child's attainment of age eighteen  
 51 years or upon marriage, whichever occurs first, except that benefits  
 52 shall continue:

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

56           (ii) For a surviving totally physically handicapped or  
 57 mentally handicapped child if such child was totally physically  
 58 handicapped or mentally handicapped at the time of death of the  
 59 member or became so prior to the attainment of age eighteen and is

1 dependent upon the surviving spouse or other legal guardian for  
2 subsistence.

3 (b) If an active contributing member or a disability retiree  
4 either of whom has at least ten years of creditable service in the  
5 system dies and does not leave a surviving spouse but leaves one or  
6 more children under the age of eighteen, each child under age  
7 eighteen shall be paid monthly benefits equal to twenty percent of the  
8 deceased member's average final compensation. Benefits paid on  
9 account of each child shall not exceed an aggregate of fifty percent  
10 of the average final compensation. If the deceased member is  
11 survived by only one minor child, the child shall be paid not less than  
12 twenty-five percent of the deceased member's average final  
13 compensation. Benefits shall continue after the minor child attains  
14 age eighteen as provided in Subparagraph (a) of this Paragraph.

15 (c) If at the time of a member's death the member is not  
16 married to the natural parent of any child or children who are entitled  
17 to receive a payment pursuant to this Section and if a trust has been  
18 created by the deceased member for the benefit of such child or  
19 children, the payment shall be made to any person designated as a  
20 trustee by the member on a certified copy of a trust document  
21 submitted to the system by the member.

22 (3) If a member who is eligible for retirement dies before  
23 retiring, the surviving spouse shall automatically be paid benefits as  
24 though the member had retired on the date of his death and elected  
25 Option 2, naming the surviving spouse as beneficiary, or shall be paid  
26 benefits as provided in this Section, whichever is greater.

27 (4) Any member who has twelve or more years of service  
28 credit established in the retirement system and who terminates  
29 covered employment and leaves his accumulated contributions in the  
30 retirement system in order to receive a retirement benefit upon  
31 reaching the applicable age shall be covered by the survivor benefit  
32 provisions found in this Section."