

2017 Regular Session

HOUSE BILL NO. 23

BY REPRESENTATIVES CARPENTER AND ABRAHAM

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

RETIREMENT/FIREFIGHTERS: Provides relative to benefit payments if an eligible member of the Firefighters' Retirement System dies prior to retirement

1 AN ACT

2 To amend and reenact R.S. 11:2256(A)(3) and (B)(1)(d), to enact R.S. 11:2256(A)(6), and  
3 to repeal R.S. 11:2256(B)(1)(f), relative to benefits in the Firefighters' Retirement  
4 System; to provide with respect to payment of benefits if a member dies prior to  
5 retirement; to provide for a benefit recipient; and to provide for related matters.

6 Notice of intention to introduce this Act has been published  
7 as provided by Article X, Section 29(C) of the Constitution  
8 of Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 11:2256(A)(3) and (B)(1)(d) are hereby amended and reenacted and  
11 R.S. 11:2256(A)(6) is hereby enacted to read as follows:

12 §2256. Benefits; refund of contributions, application, and payment

13 A.

14 \* \* \*

15 (3)(a) Any member who has completed twenty or more years of creditable  
16 service and who leaves employment covered by this system before attaining age fifty  
17 or any member who has completed twelve or more years of creditable service and  
18 who leaves employment covered by this system before attaining age fifty-five may  
19 select, at any time prior to thirty days before the date that benefits are scheduled to  
20 commence to the member, any optional retirement allowance as provided for in R.S.

1 11:2259; within the same time period allowed above, the member may change the  
2 option selected or the beneficiary of the option selected.

3 (b) However, in the event of the death of the member after the selection of  
4 the option but prior to the commencement of benefits, the optional benefit will  
5 become payable to the option beneficiary, at the time the member would have  
6 otherwise begun to receive benefits. ~~In the event that~~ If the member selects neither  
7 the maximum regular retirement benefit nor an optional retirement allowance ~~within~~  
8 ~~the time period allowed above, Option 2 will be automatically assumed to have been~~  
9 ~~selected and the member's designated beneficiary shall be the beneficiary of the~~  
10 ~~option.~~ prior to thirty days before the date that benefits are scheduled to commence,  
11 the surviving eligible spouse shall be paid benefits as though the member had elected  
12 Option 2 of R.S. 11:2259, naming the member's surviving spouse as the option  
13 beneficiary. If a member has no surviving eligible spouse, the designated beneficiary  
14 shall be the option beneficiary. ~~However, in the event that~~ If a member has no  
15 surviving eligible spouse or designated beneficiary, the accumulated contributions  
16 of the member shall be refunded to his estate immediately upon receipt of proof of  
17 death.

18 \* \* \*

19 (6) For purposes of this Section, "surviving eligible spouse" means the spouse  
20 who was married to and living with the member at the time of his death.

21 B.(1) Benefits shall be payable to the surviving eligible spouse or designated  
22 beneficiary of a deceased member as specified in the following:

23 \* \* \*

24 (d) If any active contributing member who is eligible for retirement dies  
25 before retiring, the member's ~~designated beneficiary~~ surviving eligible spouse shall  
26 automatically be paid benefits as though the member had retired on the date of ~~the~~  
27 death and elected Option 2 of R.S. 11:2259, naming the member's ~~designated~~  
28 ~~beneficiary~~ surviving eligible spouse as the option beneficiary ~~of the option.~~ If a  
29 member has no surviving eligible spouse, the designated beneficiary shall be the

