

---

**HOUSE COMMITTEE AMENDMENTS**

2023 Regular Session

Amendments proposed by House Committee on Retirement to Original House Bill No. 43  
by Representative Firment

---

1 AMENDMENT NO. 1

2 On page 1, line 2, after "enact" delete "R.S. 11:2256.3" and insert "R.S. 11:2256(H) and  
3 2256.3"

4 AMENDMENT NO. 2

5 On page 1, line 2, after "System;" insert the following:

6 "to provide with respect to benefits of designated surviving children; to provide for  
7 payment of benefits;"

8 AMENDMENT NO. 3

9 On page 1, line 10, after "Section 1." delete "R.S. 11:2256.3 is" and insert "R.S. 11:2256(H)  
10 and 2256.3 are"

11 AMENDMENT NO. 4

12 On page 1, between lines 10 and 11, insert the following:

13 "§2256. Benefits; refund of contributions, application, and payment

14 \* \* \*

15 H.(1)(a) A surviving eligible spouse who is receiving a survivor benefit pursuant to  
16 Subsection B of this Section, may designate his deceased spouse's child or children with a  
17 permanent mental or physical disability, hereafter in this Subsection referred to as a child  
18 with a disability, or the deceased member's dependent minor child or children, hereafter in  
19 this Subsection referred to as a minor child, to receive a specified amount of benefits payable  
20 to the surviving eligible spouse. Prior to any such payment to a minor child or child with  
21 a disability, the system's actuary shall certify that the benefit to be paid to the minor child  
22 or child with a disability plus the remaining benefit to be paid to the surviving eligible  
23 spouse is of equivalent value to the total benefits that would otherwise be payable to the  
24 surviving eligible spouse. Any benefit paid to a child with a disability pursuant to  
25 Subparagraph (B)(2)(a) of this Section shall be factored to mitigate any reduction of the  
26 surviving spouse's benefit that may be related to designating such child as a beneficiary  
27 pursuant to this Subsection.

28 (b) The designation made pursuant to Subparagraph (a) of this Paragraph is  
29 irrevocable on and after the date that the first of any benefit payment pursuant to  
30 Subparagraph (a) of this Paragraph becomes due.

31 (c) If a surviving eligible spouse designates a child with a disability to receive a  
32 benefit pursuant to this Subsection, the surviving eligible spouse shall furnish the system  
33 such medical documentation as required within the sole discretion of the board of trustees  
34 to determine the existence and medical certainty of any claimed permanent mental or  
35 physical disability. The surviving eligible spouse is responsible for furnishing the medical  
36 evidence of disability, including all costs thereof. Within the board of trustee's sole  
37 discretion, and upon receipt of written consent of the surviving eligible spouse, the cost of  
38 any such additional medical processes may be deducted from the benefits payable to the  
39 surviving eligible spouse or child or children or all of the foregoing beneficiaries.

40 (2)(a) If a surviving eligible spouse irrevocably designates a minor child to receive  
41 a benefit as set forth in Paragraph (1) of this Subsection, the benefits of a surviving child  
42 shall cease upon the child's attaining the age of majority or upon marriage, whichever occurs  
43 first. Additionally, an unmarried minor child, who graduates from high school and enrolls,

1 on a full-time basis, in an institute of higher education shall have his benefit continued as  
2 long as he remains enrolled on a full-time basis and remains unmarried; however, the benefit  
3 payments shall not extend past four additional years nor past the surviving child's  
4 twenty-second birthday.

5 (b) If a surviving eligible spouse irrevocably designates a child with a disability to  
6 receive a benefit as set forth in Paragraph (1) of this Subsection, that benefit shall continue  
7 unless the disabling condition is no longer medically determined to be permanent.

8 (3)(a) If a child that has been designated to receive a benefit as set forth in Paragraph  
9 (1) of this Subsection predeceases the surviving eligible spouse, the surviving eligible  
10 spouse's benefits shall be increased to account for the forgone payment of benefits to such  
11 child, less any actuarial reduction related to the period in which the child was alive and  
12 subject to receipt of benefits pursuant to the designation.

13 (b) If the surviving eligible spouse predeceases any designated child, then the  
14 benefits payable to the child shall continue for the duration specified in Paragraph (2) of this  
15 Subsection.

16 (c) If the surviving eligible spouse predeceases a designated child, and the child dies  
17 prior to receiving benefits for the duration specified in Paragraph (2) of this Subsection, then  
18 the benefits payable to such deceased child shall revert to any other surviving designated  
19 child on a prorated basis. The benefit payable shall continue until the last surviving child  
20 or children are no longer eligible pursuant to the provisions of this Subsection.

21 (4) Any active contributing member may prefile with the system prior to retirement,  
22 on forms prescribed by the system, a notarized statement whereby a surviving eligible  
23 spouse consents to legally waive in advance, in whole or in part, any portion of benefits  
24 payable to the surviving eligible spouse. The prescribed form shall include a hold harmless  
25 clause whereby the system is acknowledged to be an administrator only and not liable for  
26 any consequences of relinquished rights or obsolescence of or failure to update any forms  
27 prefiled by the member.

28 (5) If any colorable issue or cause of action arises as it relates to the provisions of  
29 this Subsection, the system may place the entire matter in concursus for the interested parties  
30 to assert their positions in court. All costs related to such concursus shall be paid by the  
31 parties in defense, and no cost shall be allocated to the system."