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

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

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

42 (2)(a) If a surviving eligible spouse irrevocably designates a minor child to
43 receive a benefit as set forth in Paragraph (1) of this Subsection, the benefits of a

1 surviving child shall cease upon the child's attaining the age of majority or upon
 2 marriage, whichever occurs first. Additionally, an unmarried minor child, who
 3 graduates from high school and enrolls, on a full-time basis, in an institute of higher
 4 education shall have his benefit continued as long as he remains enrolled on a
 5 full-time basis and remains unmarried; however, the benefit payments shall not
 6 extend past four additional years nor past the surviving child's twenty-second
 7 birthday.

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

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

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

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

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

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

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