

Regular Session, 2014

HOUSE BILL NO. 76

BY REPRESENTATIVE MONTOUCET

RETIREMENT/FIREFIGHTERS: Provides relative to the removal of a former spouse as a designated beneficiary of an active member of the Firefighters' Retirement System

1 AN ACT

2 To amend and reenact R.S. 11:2256.1(A) and (B), relative to removal of a beneficiary by a  
3 member of the Firefighters Retirement System; to provide relative to the removal of  
4 former spouses; and to provide for related matters.

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

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 11:2256.1(A) and (B) are hereby amended and reenacted to read as  
10 follows:

11 §2256.1. Removal of former spouse as beneficiary; restoration of benefits

12 A. Notwithstanding any other provision of law to the contrary, any ~~active~~  
13 ~~member or~~ retiree ~~shall be authorized to~~ may remove a former spouse as a  
14 beneficiary of any benefits paid or payable to the former spouse from this system,  
15 provided the former spouse consents to such removal and the consent is evidenced  
16 by a certified court order issued in connection with a divorce proceeding relative to  
17 the ~~member or~~ retiree and former spouse.

18 B. The benefit payable to any ~~member or~~ retiree who provides for removal  
19 of a former spouse as a beneficiary pursuant to Subsection A of this Section shall be

1 restored to the maximum amount payable under R.S. 11:2256(A)(4), less any  
2 reduction required to account for the time that the former spouse was a beneficiary.

3 \* \* \*

4 Section 2. This Act shall become effective upon signature by the governor or, if not  
5 signed by the governor, upon expiration of the time for bills to become law without signature  
6 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If  
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
8 effective on the day following such approval.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Montoucet

HB No. 76

**Abstract:** Authorizes an active member of the Firefighters' Retirement System (FRS) to remove a former spouse as a designated beneficiary of retirement benefits without the spouse's consent.

Present law provides that an active member or retiree of FRS may remove a former spouse as a beneficiary of retirement benefits if the former spouse consents to such removal and the consent is evidenced by a certified court order issued in connection with a divorce. Proposed law retains present law as it applies to retirees of FRS. Proposed law authorizes active members of the system to remove a former spouse as a beneficiary without the former spouse's consent.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 11:2256.1(A) and (B))