

2020 Regular Session

HOUSE BILL NO. 11

BY REPRESENTATIVE CARPENTER

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.
21 11:2259; within the same time period allowed above, the member may change the
22 option selected or the beneficiary of the option selected or both.

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

* * *

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

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

* * *

22 (d) If any active contributing member who is eligible for retirement dies
 23 before retiring, the member's ~~designated beneficiary~~ surviving eligible spouse shall
 24 automatically be paid benefits as though the member had retired on the date of ~~the~~
 25 death and elected Option 2 of R.S. 11:2259, naming the member's ~~designated~~
 26 ~~beneficiary~~ surviving eligible spouse as the option beneficiary ~~of the option.~~ If a
 27 member has no surviving eligible spouse, the designated beneficiary shall be the
 28 option beneficiary. This benefit shall be payable even ~~though~~ if the member ~~may~~ has
 29 not ~~have~~ completed one year of membership service at the date of death. Any person
 30 entitled to benefits under this Subparagraph may decline such benefits and elect to

1 receive benefits under Subparagraph (a) or (b) of this Paragraph, whichever is
2 applicable.

3 * * *

4 Section 2. R.S. 11:2256(B)(1)(f) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____