

2021 Regular Session

HOUSE BILL NO. 28

BY REPRESENTATIVE ADAMS

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

RETIREMENT/FIREFIGHTERS: Provides relative to beneficiaries within the Firefighters' Retirement System

1 AN ACT

2 To amend and reenact R.S. 11:2252(6), 2256(G), 2256.1, 2256.2(A) and (E), and
3 2259(A)(3) and to enact R.S. 11:2256.2(F) and 2259(A)(4), relative to the
4 Firefighters' Retirement System; to provide relative to members' beneficiaries; to
5 provide for payment of benefits to estate administrators; and to provide for related
6 matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 11:2252(6), 2256(G), 2256.1, 2256.2(A) and (E), and 2259(A)(3) are
12 here by amended and reenacted and R.S. 11:2256.2(F) and 2259(A)(4) are hereby enacted
13 to read as follows:

14 §2252. Definitions

15 The following words and phrases, as used in this Chapter, unless a different
16 meaning is plainly required by context, shall have the following meaning:

17 * * *

18 (6) "Beneficiary" shall mean any natural or juridical person or estate
19 administrator designated to receive a pension, an annuity, a retirement allowance, or
20 other benefit as provided by this Chapter.

21 * * *

1 §2256. Benefits; refund of contributions, application, and payment

2 * * *

3 G. Notwithstanding any other provision of law to the contrary, the board of
4 trustees may implement a court order directing payment of any portion of a benefit
5 to a trust or estate administrator pursuant to the provisions of R.S. 11:2256.2.

6 §2256.1. Removal of ~~former spouse~~ as beneficiary; restoration of benefits

7 A.(1) Notwithstanding any other provision of law to the contrary, any retiree
8 may remove a former spouse as a beneficiary of any benefits paid or payable to the
9 former spouse from this system, provided the former spouse consents to such
10 removal and the consent is evidenced by a certified court order issued in connection
11 with a divorce proceeding relative to the retiree and former spouse.

12 ~~B.(2)~~ The benefit payable to any retiree who provides for removal of a
13 former spouse as a beneficiary pursuant to Paragraph (1) of this Subsection A of this
14 ~~Section~~ shall be restored to the maximum amount payable under R.S. 11:2256(A)(4),
15 less any reduction required to account for the time that the former spouse was a
16 beneficiary.

17 (3) The phrase "benefits paid or payable" as used in this Subsection shall
18 include but not be limited to benefits provided for in R.S. 11:2256, 2257, and 2258
19 and any death benefit accrued to the former spouse as part of the former community
20 property regime.

21 B.(1) Notwithstanding any other provision of law to the contrary, prior to the
22 receipt of any benefit by a named beneficiary, a retiree may remove any named
23 beneficiary and preempt the payment of any benefits payable to such person if the
24 named beneficiary being removed does not have a community property interest
25 relative to this system. The benefit payable to any retiree who removes a named
26 beneficiary pursuant to this Subsection shall be restored to the maximum amount
27 payable under R.S. 11:2256(A)(4), less any actuarial reduction required to account
28 for the time that the person was previously named as a beneficiary.

1 (4) For the purpose of this Subsection, the term "person" includes a trust or
2 estate administrator as provided in R.S. 11:2256.2.

3 * * *

4 Section 2. The cost of this Act, if any, shall be funded with additional employer
5 contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

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)]

HB 28 Original 2021 Regular Session Adams

Abstract: Provides relative to beneficiaries of members of the Firefighters' Retirement System (FRS).

Proposed law authorizes a member of FRS to add a beneficiary of any benefit to which he is entitled if the benefit is reduced to account for the actuarial impact of adding the beneficiary.

Present law authorizes a member to remove a former spouse as a beneficiary if the former spouse consents to the removal.

Proposed law authorizes a member to remove any beneficiary if no payments have been made to the beneficiary and the beneficiary does not have a community property interest relative to FRS.

Proposed law authorizes payment of benefits to an estate administrator on behalf of a spouse or child if the spouse or child is a legatee and the testament contains a provision for informal acceptance. Provides procedures for such payments.

Proposed law requires the estate administrator to notify the system in writing immediately upon the death of any legatee receiving a benefit. Provides that if payment is contested, the system shall withhold the disputed payment, institute a concursus action, and deposit the disputed benefit into registry of the court pending a final judgment.

Proposed law provides that if a member names a permanently disabled child to receive a benefit, then a medical determination of such disability shall be performed in immediate proximity to but before the member retires or enters into the Deferred Retirement Option Plan.

Proposed law provides that if the member requests the system to perform a medical determination of the disabled child and the member does not allocate at least half of his reduced benefit to the child, the member shall pay the cost of the medical determination.

(Amends R.S. 11:2252(6), 2256(G), 2256.1, 2256.2(A) and (E), and 2259(A)(3); Adds R.S. 11:2256.2(F) and 2259(A)(4))