

2021 Regular Session

HOUSE BILL NO. 28

BY REPRESENTATIVES ADAMS, BACALA, BEAULLIEU, FIRMENT, HARRIS, AND  
NELSON

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(B)(3) and (G), 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; to provide relative to  
6 certification of a child's disability; and to provide for related 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 (B)(3) and (G), 2256.2(A) and (E), and 2259(A)(3)  
12 are here by amended and reenacted and R.S. 11:2256.2(F) and 2259(A)(4) are hereby  
13 enacted 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 \* \* \*

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

4   \*       \*       \*

5           §2256. Benefits; refund of contributions, application, and payment

6   \*       \*       \*

7           B.

8   \*       \*       \*

9           (3)(a) Benefits shall be payable as specified in this Paragraph to any  
10           surviving child of a deceased member or retiree if the child has a total physical  
11           disability or an intellectual disability. The surviving child of a deceased active  
12           contributing member, a deceased disability retiree, or a deceased regular retiree,  
13           whether under or over the age of eighteen years, shall be entitled to the same  
14           benefits, payable in the same manner as are provided in this Section for minor  
15           children, if the child has a total physical disability or an intellectual disability and  
16           had such disability at the time of death of the member or retiree, and the child is  
17           dependent upon the surviving spouse or other legal guardian for subsistence.  
18           Benefits payable under the provisions of this Paragraph may be paid in trust as  
19           provided in R.S. 11:2256.2.

20           (b) A medical determination of permanent mental or physical disability of  
21           a member's child or children that is approved by the board of trustees pursuant to  
22           R.S. 11:2259(A)(1)(Option 4) shall also be sufficient certification of such disability  
23           for purposes of this Paragraph.

24   \*       \*       \*

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





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 if the FRS board has approved a medical determination of a member's mentally or physically disabled child or children for purposes of retirement benefits, then that determination is sufficient for the purpose of survivor benefits.

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(B)(3) and (G), 2256.2(A) and (E), and 2259(A)(3); Adds R.S. 11:2256.2(F) and 2259(A)(4))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Retirement to the original bill:

1. Remove provisions pertaining to the removal of a former spouse as a beneficiary.
2. Add provisions making a disability determination for retirement purposes sufficient for survivor purposes.