

ACT No. 140

2021 Regular Session

HOUSE BILL NO. 28

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

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 * * *

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 B.

4 * * *

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

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

20 * * *

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

24 §2256.2. Designation of benefits ~~to be paid in trust~~ payable to trust or estate
25 administrator

26 A. A member may designate all or a portion of any benefit paid in
27 accordance with ~~R.S. 11:2256 or 2259~~ this Chapter to be paid in trust to ~~his surviving~~
28 ~~minor child or his child with a physical or mental disability regardless of such child's~~
29 ~~age~~ any beneficiary, if the terms of the trust so provide and if the system is provided

1 with a certified copy of the trust document. Such benefit or designated portion of a
2 benefit shall be paid to the trust for addition to the trust property.

3 * * *

4 E. A member may designate all or a portion of any benefit paid in
5 accordance with this Chapter to be paid monthly to a court-appointed estate
6 administrator on behalf of the member's surviving spouse, children, or both, for the
7 purpose of probating a valid testament wherein such spouse, children, or both are
8 named as legatees and the testament contains a provision for informal acceptance.
9 For payment to be made to an estate administrator, the system shall be furnished a
10 certified copy of the testament. This system's actuary shall determine the
11 methodology for calculating the amount and duration of monthly benefits payable
12 to the estate administrator based on the provisions of the testament. Such benefit or
13 designated portion that is paid to the estate administrator shall not be treated as an
14 addition to the estate assets and shall not be accessible to creditors for payment of
15 any estate debt or the estate administrator's fees. The estate administrator shall pay
16 such monthly benefits to the appropriate legatee in accordance with the instructions
17 set forth in the testament. The estate administrator shall immediately notify this
18 system in writing of the death of any legatee receiving benefits pursuant to this
19 Subsection. If payment of a benefit or portion pursuant to this Subsection is
20 contested by any party, the system shall withhold all disputed benefit payments and
21 institute a concursus action and deposit such benefits into the registry of the court
22 until there is a final binding legal agreement or judgement regarding the proper
23 payment.

24 F. For purposes of this Section only, the term "child" means the issue of a
25 marriage of a member of this system, the legally adopted child of a member of this
26 system, a child born outside of marriage of a female member of this system, or the
27 child of a male member of this system if acknowledged or filiated pursuant to the
28 provisions of the Civil Code.

29 * * *

1 §2259. Optional allowances

2 A.

3 * * *

4 (3) If a member nominates his child or children diagnosed with a permanent
5 mental or physical disability to receive a benefit pursuant to Option 4 of this
6 Subsection, the medical determination of such disability shall be performed in
7 immediate proximity to, but before the effective date of, such member's retirement
8 or entry into the Deferred Retirement Option Plan. If a member requests the system
9 to perform a medical determination of disability for his child or children and the
10 member does not allocate to the child or children at least one-half of his reduced
11 benefit, at the discretion of the board of trustees, the member shall have the cost of
12 the medical determination deducted from his retirement benefit.

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

15 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____