

2023 Regular Session

HOUSE BILL NO. 43

BY REPRESENTATIVES FIRMENT, ILLG, JEFFERSON, KNOX, AND NELSON

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

RETIREMENT/FIREFIGHTERS: Provides for nonrecurring lump-sum supplemental payment to certain eligible retirees and beneficiaries

1 AN ACT

2 To enact R.S. 11:2256(H) and 2256.3, relative to the Firefighters' Retirement System; to  
3 provide with respect to benefits of designated surviving children; to provide for  
4 payment of benefits; to provide with respect to a nonrecurring lump-sum  
5 supplemental payment to certain retirees and beneficiaries; to provide relative to  
6 eligibility for and calculation of such payment; to provide for an effective date; and  
7 to provide for related matters.

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 11:2256(H) and 2256.3 are hereby enacted to read as follows:

13 §2256. Benefits; refund of contributions, application, and payment

14 \* \* \*

15 H.(1)(a) A surviving eligible spouse who is receiving a survivor benefit  
16 pursuant to Subsection B of this Section, may designate his deceased spouse's child  
17 or children with a permanent mental or physical disability, hereafter in this  
18 Subsection referred to as a child with a disability, or the deceased member's  
19 dependent minor child or children, hereafter in this Subsection referred to as a minor  
20 child, to receive a specified amount of benefits payable to the surviving eligible

1 spouse. Prior to any such payment to a minor child or child with a disability, the  
2 system's actuary shall certify that the benefit to be paid to the minor child or child  
3 with a disability plus the remaining benefit to be paid to the surviving eligible spouse  
4 is of equivalent value to the total benefits that would otherwise be payable to the  
5 surviving eligible spouse. Any benefit paid to a child with a disability pursuant to  
6 Subparagraph (B)(2)(a) of this Section shall be factored to mitigate any reduction of  
7 the surviving spouse's benefit that may be related to designating such child as a  
8 beneficiary pursuant to this Subsection.

9 (b) The designation made pursuant to Subparagraph (a) of this Paragraph is  
10 irrevocable on and after the date that the first of any benefit payment pursuant to  
11 Subparagraph (a) of this Paragraph becomes due.

12 (c) If a surviving eligible spouse designates a child with a disability to  
13 receive a benefit pursuant to this Subsection, the surviving eligible spouse shall  
14 furnish the system such medical documentation as required, within the sole  
15 discretion of the board of trustees, to determine the existence and medical certainty  
16 of any claimed permanent mental or physical disability. The surviving eligible  
17 spouse is responsible for furnishing the medical evidence of disability, including all  
18 costs thereof. Within the board of trustee's sole discretion, and upon receipt of  
19 written consent of the surviving eligible spouse, the cost of any such additional  
20 medical processes may be deducted from the benefits payable to the surviving  
21 eligible spouse or child or children or all of the foregoing beneficiaries.

22 (2)(a) If a surviving eligible spouse irrevocably designates a minor child to  
23 receive a benefit as set forth in Paragraph (1) of this Subsection, the benefits of a  
24 surviving child shall cease upon the child's attaining the age of majority or upon  
25 marriage, whichever occurs first. Additionally, an unmarried minor child, who  
26 graduates from high school and enrolls, on a full-time basis, in an institute of higher  
27 education shall have his benefit continued as long as he remains enrolled on a  
28 full-time basis and remains unmarried; however, the benefit payments shall not

1 extend past four additional years nor past the surviving child's twenty-second  
2 birthday.

3 (b) If a surviving eligible spouse irrevocably designates a child with a  
4 disability to receive a benefit as set forth in Paragraph (1) of this Subsection, that  
5 benefit shall continue unless the disabling condition is no longer medically  
6 determined to be permanent.

7 (3)(a) If a child that has been designated to receive a benefit as set forth in  
8 Paragraph (1) of this Subsection predeceases the surviving eligible spouse, the  
9 surviving eligible spouse's benefits shall be increased to account for the forgone  
10 payment of benefits to such child, less any actuarial reduction related to the period  
11 in which the child was alive and subject to receipt of benefits pursuant to the  
12 designation.

13 (b) If the surviving eligible spouse predeceases any designated child, then  
14 the benefits payable to the child shall continue for the duration specified in  
15 Paragraph (2) of this Subsection.

16 (c) If the surviving eligible spouse predeceases a designated child, and the  
17 child dies prior to receiving benefits for the duration specified in Paragraph (2) of  
18 this Subsection, then the benefits payable to such deceased child shall revert to any  
19 other surviving designated child on a prorated basis. The benefit payable shall  
20 continue until the last surviving child or children are no longer eligible pursuant to  
21 the provisions of this Subsection.

22 (4) Any active contributing member may prefile with the system prior to  
23 retirement, on forms prescribed by the system, a notarized statement whereby a  
24 surviving eligible spouse consents to legally waive in advance, in whole or in part,  
25 any portion of benefits payable to the surviving eligible spouse. The prescribed form  
26 shall include a hold harmless clause whereby the system is acknowledged to be an  
27 administrator only and not liable for any consequences of relinquished rights or  
28 obsolescence of or failure to update any forms prefiled by the member.



## 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 43 Engrossed

2023 Regular Session

Firmment

**Abstract:** Requires payment of a nonrecurring lump-sum supplemental payment to retirees and beneficiaries of the Firefighters' Retirement System (FRS).

Proposed law grants a nonrecurring lump-sum supplemental payment to the following FRS retirees and beneficiaries:

- (1) Any retiree or disability retiree who has received a benefit for at least five years on June 30, 2023.
- (2) Any nonretiree beneficiary, if benefits were paid to the beneficiary and/or the retiree for at least five years on June 30, 2023.

Proposed law provides that each FRS retiree and beneficiary to whom proposed law applies shall receive the supplemental payment in the amount that is equal to the lesser of:

- (1) The retiree or beneficiary's current monthly benefit.
- (2) \$2,500.00.

Proposed law requires that any cost of proposed law be funded with additional employer contributions.

Proposed law provides that a surviving eligible spouse of a deceased member of the system receiving a benefit may designate a minor child or child with a disability to receive a portion of his benefit. Provides that such a designation is irrevocable. Provides relative to the duration of such benefit payments under various circumstances.

Proposed law provides that any active contributing member may submit notarized forms, in advance of retirement, waiving part or all of the benefit to the surviving spouse.

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

(Adds R.S. 11:2256(H) and 2256.3)

Summary of Amendments Adopted by House

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

1. Add provisions relative to a surviving spouse designating a child to receive a portion of his benefit.