

Regular Session, 2014

HOUSE BILL NO. 75

BY REPRESENTATIVE MONTOUCET

RETIREMENT/FIREFIGHTERS: Requires court order be provided to the Firefighters' Retirement System before the system can seize or garnish benefits of a member

1 AN ACT

2 To amend and reenact R.S. 11:2263, relative to the Firefighters' Retirement System; to
3 provide relative to the garnishment or seizure of benefits and refunds; to require
4 certain documentation relative to such garnishment or seizure; to provide relative to
5 the obligations of the system with respect to such garnishment or seizure; to provide
6 an effective date; 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. 11:2263 is hereby amended and reenacted to read as follows:

12 §2263. Exemption from execution

13 A. The right of a person to a pension, an annuity, or a retirement allowance,
14 to the return of contributions, the pension, annuity, or retirement allowance itself,
15 any optional benefit or any other right accrued or accruing to any person under the
16 provisions of this Subpart, and the ~~moneys~~ monies in the various funds created by
17 this Subpart are hereby exempt from any state or municipal tax and exempt from
18 levy and sale, garnishment, attachment, or any other process whatsoever, except as
19 provided in R.S. 11:292, and shall be unassignable except as in this Subpart
20 specifically otherwise provided.

1 B. Notwithstanding any provision of law to the contrary, including Chapter
 2 1 of Title XIII of the Louisiana Children's Code, any funds payable from the system
 3 shall be subject to the provisions of R.S. 11:292 only if a certified copy of a court
 4 order or judgment bearing the signature of the issuing court or administrative law
 5 judge is first provided to the system. If no certified copy of such order or judgment
 6 has been received by the system, the system shall continue to pay the entire amount
 7 of any benefit or refund of contributions to the former member, retiree, designated
 8 beneficiary, survivor benefit recipient, or the estate of a deceased member, as
 9 applicable. Until the system is in receipt of the certified order or judgment required
 10 by this Subsection, the system shall not be required to withhold any monies ordered
 11 garnished, and after receipt, the system shall only be required to enforce the
 12 garnishment prospectively.

13 Section 2. This Act shall become effective upon signature by the governor or, if not
 14 signed by the governor, upon expiration of the time for bills to become law without signature
 15 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If
 16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 17 effective on the day following such approval.

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)]

Montoucet

HB No. 75

Abstract: Requires that a court order be provided to the Firefighters' Retirement System (FRS) for implementation of seizure or garnishment of benefits.

Present law provides that any current or former member's or retiree's retirement allowance, benefit, or refund of accumulated contributions or any portion thereof payable to a spouse or former spouse under present law regarding a community property interest, is subject to garnishment or court-ordered assignment to pay child support.

Present law provides that any current or former member's or retiree's retirement allowance, benefit, or refund of accumulated contributions is subject to court-ordered garnishment to pay restitution or a fine for commission of a job-related felony offense committed by an elected official or public employee.

Proposed law provides that any funds payable from FRS are subject to present law only if a certified copy of a court order or judgment is provided to FRS bearing the signature of the issuing court or administrative law judge.

Proposed law provides that where no certified copy of an order or judgment has been received by FRS, the system shall continue to pay the entire amount of any funds due to the retiree, designated beneficiary, survivor benefit recipient, or the estate of a deceased member, as applicable. Further provides that upon receipt of the certified order or judgment, the system is only required to enforce the garnishment prospectively.

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

(Amends R.S. 11:2263)