
DIGEST

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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)