

2015 Regular Session

HOUSE BILL NO. 47

BY REPRESENTATIVE ST. GERMAIN

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

PROPERTY/COMMUNITY: Prohibits certain post-divorce earnable compensation in the Firefighters' Retirement System from being included in a former spouse's portion of community property

1 AN ACT

2 To enact R.S. 11:2256.3, relative to retirement benefits received from the Firefighters'
3 Retirement System; to provide with respect to the calculation of the community
4 portion of such benefits; and to provide for related matters.

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

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 11:2256.3 is hereby enacted to read as follows:

10 §2256.3. Benefits; community portion

11 Notwithstanding any provision of law to the contrary, any increase in a
12 member's earnable compensation that occurs following termination of a community
13 of acquets and gains and that was conditioned on the member's passage of both a
14 written examination and a working test shall not be included in the calculation of a
15 former spouse's portion of community property.

16 Section 2. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 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)]

HB 47 Reengrossed

2015 Regular Session

St. Germain

Abstract: Prohibits inclusion of certain post-divorce earnable compensation in an ex-spouses's portion of a retirement benefit from the Firefighters' Retirement System (FRS).

Present law, relative to FRS, defines "earnable compensation" as the full amount of compensation earned by an employee on a regular tour of duty, including supplemental pay paid by the state, but not overtime. Present law further provides that a member's benefit calculation is based on the average of the highest three years of earnable compensation.

Proposed law prohibits inclusion of certain post-divorce earnable compensation in an ex-spouses's portion of the community property. Provides that a post-divorce increase in earnable compensation shall not be included in the calculation of a former spouse's portion of community property if such increase required the member to pass both a written examination and a working test.

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

(Adds R.S. 11:2256.3)

Summary of Amendments Adopted by House

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

1. Are solely technical.