

ACT No. 337

2023 Regular Session

HOUSE BILL NO. 43

BY REPRESENTATIVES FIRMENT, BROWN, BUTLER, GLOVER, HORTON, ILLG,
JEFFERSON, MIKE JOHNSON, TRAVIS JOHNSON, KNOX, MCFARLAND,
DUSTIN MILLER, NELSON, AND THOMPSON

AN ACT

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

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

Be it enacted by the Legislature of Louisiana:

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

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

* * *

H.(1)(a) A surviving eligible spouse who is receiving a survivor benefit pursuant to Subsection B of this Section, may designate his deceased spouse's child or children with a permanent mental or physical disability, hereafter in this Subsection referred to as a child with a disability, or the deceased member's dependent minor child or children, hereafter in this Subsection referred to as a minor child, to receive a specified amount of benefits payable to the surviving eligible spouse. Prior to any such payment to a minor child or child with a disability, the system's actuary shall certify that the benefit to be paid to the minor child or child with a disability plus the remaining benefit to be paid to the surviving eligible spouse

1 is of equivalent value to the total benefits that would otherwise be payable to the
2 surviving eligible spouse. Any benefit paid to a child with a disability pursuant to
3 Subparagraph (B)(2)(a) of this Section shall be factored to mitigate any reduction of
4 the surviving spouse's benefit that may be related to designating such child as a
5 beneficiary pursuant to this Subsection.

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

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

19 (2)(a) If a surviving eligible spouse irrevocably designates a minor child to
20 receive a benefit as set forth in Paragraph (1) of this Subsection, the benefits of a
21 surviving child shall cease upon the child's attaining the age of majority or upon
22 marriage, whichever occurs first. Additionally, an unmarried minor child, who
23 graduates from high school and enrolls, on a full-time basis, in an institute of higher
24 education shall have his benefit continued as long as he remains enrolled on a
25 full-time basis and remains unmarried; however, the benefit payments shall not
26 extend past four additional years nor past the surviving child's twenty-second
27 birthday.

28 (b) If a surviving eligible spouse irrevocably designates a child with a
29 disability to receive a benefit as set forth in Paragraph (1) of this Subsection, that

1 benefit shall continue unless the disabling condition is no longer medically
2 determined to be permanent.

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

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

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

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

25 (5) If any colorable issue or cause of action arises as it relates to the
26 provisions of this Subsection, the system may place the entire matter in concursus
27 for the interested parties to assert their positions in court. All costs related to such
28 concursus shall be paid by the parties in defense, and no cost shall be allocated to the
29 system.

30 * * *

- 1 §2256.3. Nonrecurring lump-sum supplemental payment in 2023
- 2 A. A nonrecurring lump-sum supplemental payment shall be paid to the
- 3 following retirees and beneficiaries:
- 4 (1) Any retiree who has received a benefit for at least one year on June 30,
- 5 2023.
- 6 (2) Any nonretiree beneficiary if the retiree or beneficiary or both combined
- 7 have received a benefit for at least one year on June 30, 2023.
- 8 B. The supplemental payment paid pursuant to the provisions of this Section
- 9 shall be paid no later than August 1, 2023.
- 10 C. Each retiree or beneficiary to whom this Section applies shall receive a
- 11 nonrecurring lump-sum supplemental payment in an amount that is equal to the
- 12 lesser of:
- 13 (1) The retiree or beneficiary's current monthly benefit.
- 14 (2) Two thousand five hundred dollars.

15 Section 2. The cost of this Act, if any, shall be funded with additional employer
16 contributions.

17 Section 3. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.