

2025 Regular Session

HOUSE BILL NO. 28

BY REPRESENTATIVE KERNER

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

RETIREMENT/FIREFIGHTERS: Provides relative to the Firefighters' Retirement System

1 AN ACT

2 To amend and reenact R.S. 11:2256(H)(1)(a) and (2)(b), relative to the Firefighters'
3 Retirement System; to provide relative to survivor benefits for children with a
4 disability; to provide for the designation of a beneficiary; and to provide for related
5 matters.

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 11:2256(H)(1)(a) and (2)(b) are hereby amended and reenacted to
11 read as follows:

12 §2256. Benefits; refund of contributions, application, and payment

13 * * *

14 H.(1)(a) A surviving eligible spouse who is receiving a survivor benefit
15 pursuant to Subsection B of this Section ~~may~~ may, no later than thirty days after the
16 member's death, designate his deceased spouse's child or children with a permanent
17 mental or physical disability, hereafter in this Subsection referred to as a child with
18 a disability, or the deceased member's dependent minor child or children, hereafter
19 in this Subsection referred to as a minor child, to receive a specified amount of
20 benefits payable to the surviving eligible spouse. Prior to any such payment to a

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

9 * * *

10 (2)

11 * * *

12 (b) If a surviving eligible spouse irrevocably designates a child with a
13 disability to receive a benefit as set forth in Paragraph (1) of this Subsection, that
14 benefit shall continue ~~unless the disabling condition is no longer medically~~
15 ~~determined to be permanent~~ through the life of the child.

16 * * *

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 28 Engrossed

2025 Regular Session

Kerner

Abstract: Provides relative to benefits of a child or children with a disability in the Firefighters' Retirement System.

Present law provides that a surviving eligible spouse may designate a portion of a deceased member's benefit to a child or children with a permanent mental or physical disability.

Proposed law requires the surviving eligible spouse to make the designation within 30 days following the death of the member.

Present law provides that if a surviving spouse irrevocably designates a child with a disability to receive a benefit, the benefit continues unless the disabling condition is medically determined to not be permanent.

Proposed law removes the condition that the disability be medically determined to not be permanent. Allows the benefit to continue for the life of the child.

(Amends R.S. 11:2256(H)(1)(a) and (2)(b))

Summary of Amendments Adopted by House

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

1. Removes provision requiring when benefits are to be paid to a child with a disability.
2. Adds a time frame for when a surviving eligible spouse has to designate a child or children with a permanent mental or physical disability to receive a portion of a deceased member's benefit.