

**ACT No. 288**

2019 Regular Session

HOUSE BILL NO. 14

BY REPRESENTATIVE CARPENTER

1 AN ACT

2 To amend and reenact R.S. 11:157(A) and (C) and to enact R.S. 11:157(D), relative to  
3 membership in the Firefighters' Retirement System and the Municipal Police  
4 Employees' Retirement System; to provide relative to rejoining the system and the  
5 purchase of service credit under certain circumstances; to provide for membership  
6 verification; 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. 11:157(A) and (C) are hereby amended and reenacted and R.S.  
12 11:157(D) is hereby enacted to read as follows:

13 §157. Firefighters' Retirement System; Municipal Police Employees' Retirement  
14 System; optional membership; refund of employee contributions; irrevocable  
15 election; reenrollment; membership verification information

16 A.(1) Notwithstanding any other provision of law to the contrary, any  
17 employee as defined in R.S. 11:2213 or 2252 who is employed by any ~~municipality,~~  
18 ~~parish, or fire protection district of this state~~ employer as defined in R.S. 11:2213 or  
19 2252 which has its employees covered under the federal Social Security program and  
20 which has not previously and specifically excluded its police officers or firefighters  
21 from coverage under this federal program; may elect not to be or elect not to become  
22 a member of ~~either~~ the applicable retirement system. Any ~~member of either~~  
23 ~~retirement system~~ employee who elects not to be a member of the applicable  
24 retirement system shall be refunded his employee contributions which have been

1 received by the system, without interest for the period for which he contributed to  
 2 the system.

3 (2) Notwithstanding any other provision of law to the contrary, any  
 4 employee as defined in R.S. 11:2213 who is employed on July 1, 2019, by any  
 5 employer as defined in R.S. 11:2213 which entered into an agreement under 42  
 6 U.S.C. 418(b)(5) after June 30, 1973, and before January 1, 1990, and who is not a  
 7 member of the Municipal Police Employees' Retirement System on July 1, 2019,  
 8 may elect not to become a member of the retirement system.

9 (a) All of the following shall apply to any employee described in this  
 10 Paragraph who elects not to be a member of the retirement system:

11 (i) Before such election can become valid, the employee shall execute and  
 12 file with the retirement system, on or before September 30, 2019, an affidavit stating  
 13 that his election not to be a member is of his own free will and is his own voluntary  
 14 act and deed.

15 (ii) The employee shall not be eligible to join the system while he is  
 16 employed by the same employer or by any employer whose employees are covered  
 17 under the federal Social Security program. An employee who returns to work with  
 18 any employer whose employees are not covered under the federal Social Security  
 19 program may not purchase credit for service for the period of time that he elected not  
 20 to be a member pursuant to this Paragraph.

21 (b) Any employee described in this Paragraph who does not file an affidavit  
 22 described in Item (a)(i) of this Paragraph on or before September 30, 2019, shall be  
 23 enrolled in the retirement system no later than October 1, 2019.

24 \* \* \*

25 C.(1) Any ~~member~~ employee who elects not to become a member of ~~either~~  
 26 the applicable retirement system set forth in Subsection A of this Section shall,  
 27 before such election can become valid, execute and file with the retirement system  
 28 an affidavit stating that his election not to be a member is of his own free will and  
 29 is his own voluntary act and deed.

1           (2) Any ~~member~~ employee who files such an affidavit shall not be eligible  
2           to rejoin the system while he is employed by the same ~~municipality, parish, or fire~~  
3           ~~protection district unless he repays his previously refunded employee contributions,~~  
4           ~~within sixty days of reenrollment in the system, in one lump sum, plus interest at the~~  
5           ~~board-approved actuarial valuation rate in effect at the time of such repayment,~~  
6           ~~calculated from the date of the refund until the date of repayment.~~ employer or by  
7           any other employer whose employees are covered under the federal Social Security  
8           program. An employee who returns to work with any other employer whose  
9           employees are not covered under the federal Social Security program may not  
10          purchase credit for service for the period of time that he elected not to be a member  
11          pursuant to Subsection A of this Section.

12                     D. For purposes of membership verification, the Department of Public Safety  
13                     and Corrections may provide the Firefighters' Retirement System and the Municipal  
14                     Police Employees' Retirement System with the name, address, and social security  
15                     number of each recipient of state supplemental pay.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_