

2016 Regular Session

HOUSE BILL NO. 38

BY REPRESENTATIVE MONToucET

RETIREMENT/FIREFIGHTERS: Provides relative to reenrollment in the Firefighters' Retirement System by employees covered by Social Security

1 AN ACT

2 To amend and reenact R.S. 11:157(A) and (C), relative to membership in the Firefighters'
3 Retirement System; to provide relative to reenrollment in the system by employees
4 covered by Social Security; 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. 11:157(A) and (C) are hereby amended and reenacted to read as
10 follows:

11 §157. Firefighters' Retirement System; Municipal Police Employees' Retirement
12 System; optional membership; refund of employee contributions; irrevocable
13 election; reenrollment

14 A. Notwithstanding any other provision of law to the contrary, any
15 employee; as defined in R.S. ~~11:2252(9)~~ or R.S. ~~11:2213(11)~~, 11:2213 or 2252 who
16 is employed by any municipality, parish, or fire protection district of this state which
17 has its employees covered under the federal Social Security program and which has
18 not previously and specifically excluded its police officers or firefighters from
19 coverage under this federal program, may elect not to be or elect not to become a
20 member of either ~~state~~ retirement system. Any member of either ~~state~~ retirement

1 system who elects not to be a member shall be refunded his employee contributions
2 which have been received by the system, without interest for the period for which he
3 contributed to the system.

4 * * *

5 C.(1) Any member who elects not to become a member of either retirement
6 system set forth in Subsection A of this Section shall, before such election can
7 become valid, execute and file with the retirement system an affidavit stating that his
8 election not to be a member is of his own free will and is his own voluntary act and
9 deed.

10 (2) Any member who files such an affidavit ~~of election with the Municipal~~
11 ~~Police Employees' Retirement System~~ shall not be eligible to rejoin the system while
12 he is employed by the same municipality, parish, or fire protection district ~~which has~~
13 ~~its employees covered under the federal Social Security program,~~ unless he repays
14 his previously refunded employee contributions, within sixty days of ~~re-enrollment~~
15 reenrollment in the system, in one lump sum, plus interest at the board-approved
16 actuarial valuation rate in effect at the time of such repayment, calculated from the
17 date of the refund until the date of repayment.

18 Section 2. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 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)]

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Abstract: Requires an employee covered by Social Security who wishes to rejoin the Firefighters' Retirement System (FRS) to repay previously refunded employee contributions plus interest.

Present law authorizes an employee who would otherwise be in FRS or the Municipal Police Employees' Retirement System (MPERS) and who is employed by a municipality, parish, or fire protection district that has its police officers or firefighters covered by Social Security, to decide not to be a member of the appropriate retirement system. Requires that employee contributions to the retirement system be refunded without interest to an employee who decides not to be a member.

Proposed law retains present law.

Present law provides that an employee who decided not to be a member of MPERS is not eligible to rejoin MPERS while he is employed by the same municipality unless he repays his previously refunded employee contributions plus interest at the board-approved actuarial valuation rate. Present law makes no provision for an employee who wishes to rejoin FRS. Proposed law provides for rejoining FRS subject to the same requirements as apply to MPERS.

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

(Amends R.S. 11:157(A) and (C))