

2017 Regular Session

HOUSE BILL NO. 8

BY REPRESENTATIVE ABRAHAM

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

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

1 AN ACT

2 To amend and reenact R.S. 11:191(A) and 2253(A)(1)(a)(i) and to enact R.S. 11:191(D) and
3 2253(A)(1)(a)(iii) and (iv), relative to the Firefighters' Retirement System; to provide
4 with respect to membership in the system under conditions of dual-employment; to
5 provide relative to membership in another retirement system; to provide for
6 retroactive application; 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. 11:191(A) and 2253(A)(1)(a)(i) are hereby amended and reenacted
12 and R.S. 11:191(D) and 2253(A)(1)(a)(iii) and (iv) are hereby enacted to read as follows:

13 §191. Dual employment

14 A. Any person who is employed in more than one public employment within
15 this state, except as provided in ~~Subsection C~~ Subsections C and D of this Section,
16 and who, by reason of such employment is eligible, as a condition of such
17 employment, to be a member of the public retirement system or fund applicable to
18 employees in each of such public employments, shall be a contributing member of
19 each such retirement system or fund during the term of his employment. In no event

1 shall such person be allowed to earn more than one year of service credit in any one
2 year. Service credit earned in more than one retirement system or fund in any one
3 year shall not be transferred or recognized reciprocally to attain more than one year
4 of service credit in any one system in any one year.

5 * * *

6 (D)(1) The provisions of Subsection A of this Section do not apply to
7 membership in the Firefighters' Retirement System.

8 (2) The prohibitions on membership in the Firefighters' Retirement System
9 set forth in R.S. 11:2253(A)(1)(a) do not make a person eligible for membership in
10 any other public retirement system or fund.

11 * * *

12 §2253. Membership

13 A. The membership of the retirement system shall be composed as follows:

14 (1)(a)(i) Except as otherwise provided in R.S. 11:2252(12), and except as
15 ~~provided further in this Paragraph~~, any person who becomes an employee as defined
16 in R.S. 11:2252 on and after January 1, 1980, shall become a member as a condition
17 of his employment.

18 * * *

19 (iii) Notwithstanding the provisions of R.S. 11:191 or any other provision
20 of law to the contrary, any employee who is simultaneously employed by more than
21 one employer shall become a member of the system as an employee of only one
22 employer. If such an employee retires from this system, he shall thereafter be
23 deemed to have returned to work during any period that he remains employed by
24 another employer, and the provisions of R.S. 11:2256(A)(5) shall apply to such
25 employee.

26 (iv) Notwithstanding the provisions of R.S. 11:191 or any other provision of
27 the law to the contrary, a person who is a member of any other Louisiana public
28 retirement system or fund when he becomes an employee shall not be included in the

1 membership of this system while he remains a member of the other Louisiana public
2 retirement system or fund.

3 * * *

4 Section 2. The provisions of this Act shall be given prospective and retroactive
5 application.

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 8 Original

2017 Regular Session

Abraham

Abstract: Prohibits dual-enrollment in the Firefighters' Retirement System (FRS) and enrollment in another La. retirement system for employees first covered by FRS.

Present law requires a person who is employed by more than one public employment and who is eligible for membership in a state or statewide retirement system as a condition of such employment to be a member of each such retirement system. Proposed law provides that present law does not apply to membership in FRS.

Proposed law requires that a covered employee simultaneously employed by more than one covered employer shall become a member of FRS as an employee of only one employer. Proposed law provides that if such an employee retires from one employment, any continued employment with a covered employer shall be governed by present law return-to-work provisions. Proposed law provides that a person who is a member of any other La. public retirement system when he becomes a covered-employee shall not become a member of FRS while he remains a member of the other retirement system. Proposed law further provides that limitations of FRS membership provided in proposed law do not make a person eligible for membership in any other public retirement system as otherwise required under present law.

Requires prospective and retroactive of proposed law.

(Amends R.S. 11:191(A) and 2253(A)(1)(a)(i); Adds R.S. 11:191(D) and 2253(A)(1)(a)(iii) and (iv))

