

ACT No. 45

First Extraordinary Session, 2005

HOUSE BILL NO. 18

BY REPRESENTATIVE HUTTER

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AN ACT

To amend and reenact R.S. 11:163(A) and (C), relative to retirement service and salary credit for public employees on involuntary furlough or leave without pay; to allow certain employees to continue to earn service and salary credit while on such furlough or leave; to provide for payment therefor; to provide limitations; to provide for implementation; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:163(A) and (C) are hereby amended and reenacted to read as follows:

§163. Credit for involuntary furlough; credit for leave without pay

A.(1) Any member of a state or statewide public retirement system who is involuntarily furloughed without pay due to the temporary closure of his employer ~~or involuntarily furloughed or placed on leave without pay due to a gubernatorially declared disaster or emergency~~ shall be entitled to purchase service and salary credit for each day of service that he was furloughed or on such leave if such service was not credited to his account. There shall be no duplication of credit under the provisions of this Section.

(2)(a) Any member of a state or statewide public retirement system who is ~~involuntarily furloughed without pay or placed on leave without pay on or after August 29, 2005, due to a gubernatorially declared disaster or emergency~~ shall be entitled to purchase service and salary credit for each day of service during the ~~period beginning on August 29, 2005, and ending on June 30, 2006, that he was~~ furloughed or on such leave if such service was not credited to his account.

1 employer, shall be remitted by the employer to the system. The member shall remit
2 the contributions in either of the following ways:

3 (a) At the same time and in the same amount as such contributions would be
4 due to the system if paid by the employer. Should the employee be delinquent in
5 remitting such contributions, his delinquent payment shall be treated in the same
6 manner as a delinquent payment from the employer pursuant to the provisions of
7 R.S. 11:281; however, any such contributions from a member which would have
8 been due before the effective date of this Paragraph shall be considered to have been
9 made timely if received by the system on or before the date on which contributions
10 for service and salary credit for December 2005 are due.

11 (b) In a lump sum payment within thirty days of the member's return to
12 work; however, any payment made pursuant to the provisions of this Subparagraph
13 shall be remitted to the system on or before December 31, 2006. A delinquent
14 payment shall be treated in the same manner as a delinquent payment from the
15 employer pursuant to the provisions of R.S. 11:281.

16 Section 2. This Act is declared to be remedial, curative, and procedural and therefore
17 is to be applied retroactively as well as prospectively.

18 Section 3. 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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____