

**ACT No. 79**

2016 Regular Session

HOUSE BILL NO. 38

BY REPRESENTATIVES MONTOUCET AND REYNOLDS

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AN ACT

To amend and reenact R.S. 11:157(A) and (C), relative to membership in the Firefighters' Retirement System; to provide relative to reenrollment in the system by employees covered by Social Security; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:157(A) and (C) are hereby amended and reenacted to read as follows:

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

A. Notwithstanding any other provision of law to the contrary, any employee; as defined in R.S. ~~11:2252(9)~~ or R.S. ~~11:2213(11)~~; 11:2213 or 2252 who is employed by any municipality, parish, or fire protection district of this state which has its employees covered under the federal Social Security program and which has not previously and specifically excluded its police officers or firefighters from coverage under this federal program, may elect not to be or elect not to become a member of either ~~state~~ retirement system. Any member of either ~~state~~ retirement system who elects not to be a member shall be refunded his employee contributions which have been received by the system, without interest for the period for which he contributed to the system.

\* \* \*

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

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

14                  Section 2. This Act shall become effective upon signature by the governor or, if not  
 15                  signed by the governor, upon expiration of the time for bills to become law without signature  
 16                  by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 17                  vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 18                  effective on the day following such approval.

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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: \_\_\_\_\_