

2024 Regular Session

HOUSE BILL NO. 42

BY REPRESENTATIVES FIRMENT, BUTLER, CARRIER, DESHOTEL, DEWITT,
FONTENOT, GADBERRY, JORDAN, LAFLEUR, LARVADAIN, PHELPS,
SCHAMERHORN, AND WYBLE AND SENATOR SEABAUGH

1 AN ACT

2 To amend and reenact R.S. 11:157(A)(1), 2220(B)(2)(e), 2225(A)(2)(a), and 2227(D)(2), to
3 enact R.S. 11:157(A)(3), 2227(J)(3) and (4), 2236, and 2237, and to repeal R.S.
4 11:2213(11)(a)(iv), 2220(J)(4), and 2221(K)(4)(b), relative to the Municipal Police
5 Employees' Retirement System; to provide for the composition of the board of
6 trustees of the system; to provide for employer participation in the retirement system;
7 to provide relative to collection of delinquent payments; to provide for severability;
8 to provide for liability exemption; to provide for an effective date; and to provide for
9 related matters.

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

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 11:157(A)(1), 2220(B)(2)(e), 2225(A)(2)(a), and 2227(D)(2) are
15 hereby amended and reenacted and R.S. 11:157(A)(3) and 2227(J)(3) and (4) are hereby
16 enacted to read as follows:

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

20 A.(1) Notwithstanding any other provision of law to the contrary and subject
21 to the provisions of Paragraph (3) of this Subsection, any employee as defined in
22 R.S. 11:2213 or 2252 who is employed by any employer as defined in R.S. 11:2213

1 or 2252 which has its employees covered under the federal Social Security program
 2 and which has not previously and specifically excluded its police officers or
 3 firefighters from coverage under this federal program may elect not to be or elect not
 4 to become a member of the applicable retirement system; however, the employer
 5 shall enroll the employee in the applicable retirement system at the time of
 6 employment, and the employee shall remain enrolled until he fulfills the
 7 requirements set forth in Paragraph (C)(1) of this Section. Any employee who elects
 8 not to be a member of the applicable retirement system shall be refunded his
 9 employee contributions which have been received by the system, without interest for
 10 the period for which he contributed to the system.

11 * * *

12 (3) For any employee eligible to participate in the Municipal Police
 13 Employees' Retirement System, the employee shall irrevocably elect not to be or
 14 elect not to become a member within thirty days of becoming eligible to participate
 15 in the system. If the employee fulfills the requirements set forth in Paragraph (C)(1)
 16 of this Section on the first day that he becomes eligible, then the employer shall not
 17 enroll the employee in the system.

18 * * *

19 §2220. Benefits; contribution limit

20 * * *

21 B. Benefits shall be payable to any survivor of an active contributing member
 22 who dies before retirement or a disability retiree who dies after retirement as
 23 specified in the following:

24 * * *

25 (2)

26 * * *

27 (e) Qualifying survivor's benefits are payable upon application therefor and
 28 become effective as of the day following the death of the member if the fully
 29 completed application is received by the system by the later of September 20, 2024,
 30 or one hundred and twenty days after the date of death. If the system does not
 31 receive a fully completed application by this deadline, the benefits become effective
 32 on the date the fully completed application is received and become payable not later

1 than the first month following thirty days from the date that the system receives the
 2 fully completed application for benefits. If survivor benefits are being paid on behalf
 3 of a deceased member at the time a survivor applies for benefits, that survivor's
 4 benefits shall become effective and payable on the first day of the next month
 5 following sixty days from the date that the system receives the survivor's completed
 6 application for benefits.

7 * * *

8 §2225. Administration

9 A.

10 * * *

11 (2)(a) The board shall consist of ~~fifteen~~ sixteen trustees as follows: Seven
 12 members, three of whom shall not be chiefs of police but shall be active contributing
 13 members of the system with ten or more years of creditable service, and four of
 14 whom shall be active contributing chiefs of police, with four or more years of
 15 creditable service provided that no municipal police department shall have more than
 16 one member and one chief of police on the board at the same time; two regular
 17 retirees of the system, one retired from Chiefs District I and one retired from Chiefs
 18 District II as those districts are comprised in Subparagraphs (b) and (c) of this
 19 Paragraph; three ex officio trustees to include the chairman of the Senate Committee
 20 on Retirement or his designee, the commissioner of administration or his designee,
 21 and the state treasurer or his designee; a member of the House Committee on
 22 Retirement appointed by the speaker of the House of Representatives or the
 23 member's designee; and ~~two~~ three mayors appointed by the Louisiana Municipal
 24 Association from municipalities having police departments participating in the
 25 system, to serve at the pleasure of the Louisiana Municipal Association. If a
 26 municipal police department has an active member and one chief of police on the
 27 board at the same time, then no mayor appointed by the Louisiana Municipal
 28 Association shall be from the same municipality as those trustees. At least one
 29 mayor appointed by the Louisiana Municipal Association shall be the mayor of a
 30 town or village having a population not exceeding two thousand five hundred
 31 according to the latest federal decennial census. The retired trustees shall be elected
 32 by the retired members of the system for a term of five years with the first retired

1 trustees' terms to commence on July 1, 1997. Whenever the term of a board member
 2 expires, the term of the newly elected board member shall be for a term of five years.
 3 The director of the retirement system shall be selected by the board of trustees.
 4 Election of members shall be under such rules and regulations as the board of
 5 trustees shall establish.

6 * * *

7 §2227. Method of financing

8 * * *

9 D. Pension accumulation fund:

10 The pension accumulation fund shall be the fund in which shall be
 11 accumulated all reserves for the payment of all pension and benefits payable from
 12 contributions made by employers. Contributions to and payments from the pension
 13 accumulation fund shall be made as follows:

14 * * *

15 (2) Delinquent payments due under ~~R.S. 11:2227(B)(1) and 2227(D)(1)~~
 16 Paragraph (B)(1) of this Section or Paragraph (1) of this Subsection may be
 17 recovered through ~~either~~ of the following actions:

18 (a) Through an action initiated in a court of competent jurisdiction against
 19 the political subdivision or instrumentality liable therefor together with interest
 20 charged at the legal rate computed from the date the payment became delinquent. All
 21 actions and claims instituted by the retirement system, its board of trustees, any
 22 current or past employee or member, or any other claimant, against any employer or
 23 member, to recover delinquent payments, benefits, or damages of any kind, are
 24 subject to a liberative prescription of three years.

25 ~~(a)(b)~~ Upon certification presentation to the state treasurer and written notice
 26 to the municipality by the director that a municipality's monthly report and payment
 27 of contributions is delinquent, of a final judgment from a court of competent
 28 jurisdiction, the state treasurer shall deduct the amount of the delinquent
 29 contributions in the judgment from any monies then available for distribution to or
 30 for the benefit of that municipality and shall transmit said amount directly to the
 31 board of trustees of the retirement system. Upon making such a deduction, the state
 32 treasurer shall immediately notify the municipality that the deduction has been made

1 and that the funds available for distribution to it are reduced accordingly. In like
2 manner, the director of the system, upon receipt of said funds, shall credit such funds
3 to the proper account affected thereby and shall notify the municipality thereof.

4 (c)(i) For municipalities with a population greater than two thousand five
5 hundred as of the last decennial census, the Board of Trustees by two-thirds vote
6 may certify to the state treasurer the amounts attributable to the delinquent employer.
7 Upon presentation of the certification the state treasurer shall deduct the amount of
8 the delinquent contributions from monies then available for distribution to or for the
9 benefit of that municipality and shall transmit said amount directly to the board of
10 trustees for the retirement system.

11 (ii) For municipalities with a population less than two thousand five hundred
12 of the last decennial census, upon presentation of a final judgment from a court of
13 competent jurisdiction the state treasurer shall deduct the amount of the delinquent
14 contributions in the judgment from monies then available for distribution to or for
15 the benefit of that municipality and shall transmit said amount directly to the board
16 of trustees for the retirement system.

17 ~~(b) Through an action initiated in a court of competent jurisdiction against~~
18 ~~the political subdivision or instrumentality liable therefor together with interest~~
19 ~~charged at the legal rate computed from the date the payment became delinquent.~~

20 * * *

21 J.

22 * * *

23 (3) For amounts that became delinquent on or before June 30, 2024, the board
24 of trustees may approve a payment plan for a term of up to fifteen years for the
25 delinquent amount together with interest charged at the legal rate from the date the
26 payment was due.

27 (4) An employer and employee may voluntarily agree to pay to the retirement
28 system an amount equal to the actuarial cost of purchase of the service credit for
29 which contributions were not paid calculated by the system's actuary pursuant to R.S.
30 11:158(C) to purchase service credit for employment prior to June 30, 2021.

1 §2236. Severability clause

2 If any provision of this Part or its application to any person or circumstances
3 is held invalid, the invalidity does not affect other provisions or applications of this
4 Part which can be given effect without the invalid provision or application, and to
5 this end the provisions of this Part are severable.

6 §2237. Exemption from civil liability

7 There shall be no liability on the part of and no action for damages against
8 a public official or head of any public body for any act performed in good faith in the
9 execution of his duties under this Part.

10 Section 2. R.S. 11:2213(11)(a)(iv), 2220(J)(4), and 2221(K)(4)(b) are hereby
11 repealed in their entirety.

12 Section 3. This Act shall become effective on June 30, 2024; if vetoed by the
13 governor and subsequently approved by the legislature, this Act shall become effective on
14 June 30, 2024, or on the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____