



2021 REGULAR SESSION INFORMATION BULLETIN

Issued by House Legislative Services
September 1, 2020

(1) Convening; Final Adjournment; Length	Convenes Noon, Monday, April 12, 2021 ; adjourns not later than 6:00 PM on Thursday, June 10, 2021 ; convenes for up to 45 legislative days during a 60 calendar day period (Const. Art. III, §2(A)(4)(a)).
(2) Subject Matter	<p>Limited to the following 3 classes of bills:</p> <p>Class I: Measure to enact a general appropriation bill: enact the comprehensive capital budget; make an appropriation; levy or authorize a new tax; increase an existing tax; levy, authorize, increase, decrease, or repeal a fee; dedicate revenue; legislate with regard to tax exemptions, exclusions, deductions, reductions, repeals, or credits; or legislate with regard to issuance of bonds.</p> <p>Class II: Local or special bills (those that are constitutionally required to be, and have been, advertised).</p> <p>Class III: Any other subject matter not covered by Class I or Class II.</p> <p><u>Note:</u> ALL Class III bills MUST be PREFILED, and no member may prefile more than 5 such bills. There is no limit for prefiling Class I or Class II bills, but only 5 such bills may be introduced after session begins (Const. Art. III, §2(A)(4)(b)).</p>
(3) Request and Prefiling Deadlines (a) Retirement bills – including constitutional amendments affecting retirement (b) Constitutional Amendments other than those affecting retirement (c) All other bills <i>(See Note 3 on reverse side.)</i>	<p>(a) Request deadline: 5:00 PM, Wednesday, February 24, 2021 (House Rule 7.2(F)). Prefile deadline: 5:00 PM, Friday, February 26, 2021 (Const. Art. III, §2(A)(2)(c)). However, see 5(a) below regarding retirement notice.</p> <p>(b) Request deadline: Noon, Wednesday, March 31, 2021 (House Rule 7.2(F)). Prefile deadline: Noon, Friday, April 2, 2021 (Const. Art. XIII, §1(A)).</p> <p>(c) Request deadline: 5:00 PM, Wednesday, March 31, 2021 (House Rule 7.2(F)). Prefile deadline: 5:00 PM, Friday, April 2, 2021 (Const. Art. III, §2(A)(2)(b)).</p>
(4) Bills for Session Introduction <i>See Note 1 on reverse side.)</i>	Request deadline: 6:00 PM, Tuesday, April 20, 2021 (House Rule 7.6(A)(3)). Introduction deadline: 6:00 PM, Wednesday, April 21, 2021 (Const. Art. III, §2(A)(2)(a) and (4)(a)).
(5) Constitutionally required advertisement (a) Retirement bills – including constitutional amendments <i>(See Note 2(c) on reverse side.)</i> (b) Local bills creating security districts <i>(See Note 2(b) on reverse side.)</i> (c) Local bills other than bills creating security districts <i>(See Note 2(a) on reverse side.)</i>	<p>(a) For first day introduction: notice must be submitted to <i>The Advocate</i> by Thursday, February 4, 2021. For Session introduction, a retirement bill must be submitted to <i>The Advocate</i> by Monday, February 15, 2021 (Const. Art. X, §29(C)).</p> <p>To be safe, for first-day introduction, local bills to create security districts should be requested by Wednesday, February 10, 2021; thereafter, opportunity to publish local notice is dependent on circumstances with local newspaper (Const. Art. III, §13(B)).</p> <p>To be safe, for first-day introduction, local bills should be requested by Wednesday, February 17, 2021; thereafter, opportunity to publish local notice is dependent on circumstances with local newspaper (Const. Art. III, §13(A)).</p>
(6) Statutorily required advertisement of bills affecting compensation of certain local officials <i>(See Note 2(e) on reverse side.)</i>	Publication on two separate days at least 30 days prior to introduction (Sheriffs (R.S. 13:5521(E)); School Board members (R.S. 17:56(D)); Registrar of Voters and confidential assistants (R.S. 18:55(B) and 59(D)); Assessor's salary or other emolument notice and Assessor's expense allowance notice (R.S. 47:1907.1 and 1908(D)). Deadline for notice to parishes and school boards of change to assessors' expense allowance: Thursday, April 1, 2021 (R.S. 47:1908(D)).
(7) Deadline for 3rd Reading/Final Passage	6:00 PM of the 42nd legislative day or the 57th calendar day (Monday, June 7, 2021), whichever occurs first (thereafter, if authorized by 2/3 vote of both houses (Const. Art. III, §2(A)(4)(a))).
(8) Effective date of Acts (a) Statutes (b) Constitutional Amendments	<p>August 1, 2021, unless bill provides otherwise (Const. Art. III, §19).</p> <p>20 days after governor's proclamation of the election results by which adopted, unless amendment otherwise provides (Const. Art. XIII, §1(C)).</p>

**CONSTITUTIONAL OR STATUTORY REQUIREMENTS
WITH RESPECT TO DATES AND LEGISLATIVE INSTRUMENTS**

1. **BILLS FOR SESSION INTRODUCTION:** A member may introduce not more than five additional bills after session begins. Joint Rule No. 18 provides that the following bills are not subject to this five-bill limit: general appropriation bill, judicial branch appropriation, legislative branch appropriation, capital outlay bill, omnibus bond authorization bill, supplemental appropriations bill, revenue sharing bill, and ancillary funds bill.

2. **NOTICE OF INTENTION TO INTRODUCE CERTAIN KINDS OF BILLS:**

(a) **LOCAL BILLS (except bills creating security districts):** Advertisement of intent to introduce a local bill must be published in the official journal of the locality on two separate days at least 30 days prior to introduction. Notice must state substance of the bill. If so instructed by author, staff will send notice to newspaper and obtain certification of publication. The newspaper will bill costs of publication directly to the author or person specified by author.

The SECOND notice must be published on or before the following dates for the following purposes:

- ◆ For prefilling and introduction on the first day of session: **Friday, March 12, 2021**
- ◆ For session introduction: **Sunday, March 21, 2021**

CAUTION: Many local journals are weekly publications, many have deadlines for receipt of the notice that are as much as a week before the notice is published the first time, and for weekly papers the date of second publication of the notice may have to be several days prior to the constitutional deadline. Consequently, in some cases, the deadline for submission of a notice to a newspaper is up to three weeks in advance of the above deadlines.

(b) **LOCAL BILLS CREATING SECURITY DISTRICTS:** Same as other local bills except Constitution requires publication on three separate days and requires inclusion of certain specific information in the notice itself.

(c) **RETIREMENT BILLS (including constitutional amendments):** Handled in same manner as local bills (*see (a) above*), except notice must be published in official state journal (*The Advocate*) on two separate days at least 60 days prior to introduction. The author or person the author specifies will be charged directly by *The Advocate* for the cost of publication. If bill affects only a city or other strictly local retirement system, LOCAL NOTICE also is necessary, as set forth in (a) above.

(d) **ASSESSOR'S EXPENSE ALLOWANCES:** R.S. 47:1908(D) prohibits change in the allowance unless notice of intent to do so is sent BY CERTIFIED MAIL BY THE ASSESSOR TO THE SCHOOL BOARD AND PARISH GOVERNING AUTHORITY AFFECTED, stating the amount of the change. Notice must be sent at least 10 days prior to the CONVENING of the legislative session. Evidence of notice must be exhibited to the legislature before passage of the bill. Bill must recite that notice was given. Author should obtain evidence of notice from assessor.

(e) **ASSESSOR'S COMPENSATION (R.S. 47:1907.1), SHERIFF'S COMPENSATION (R.S. 13:5521(E)), SCHOOL BOARD MEMBER'S COMPENSATION (R.S. 17:56(D)), AND PARISH PORTION OF REGISTRAR'S OF VOTERS COMPENSATION (R.S. 18:55(B) AND 59(D)):** The Sections cited prohibit introduction of a bill to change the compensation of an assessor, sheriff, and school board member, and the parish portion of the salary of a registrar of voters or a chief deputy registrar or a confidential assistant to a registrar unless notice has been published on two separate days at least 30 days before introduction, without cost to the state, in the official journal of the parish. If all assessors, sheriffs, or school board members (but not registrars of voters or their chief deputies or assistants) in the state are affected, then notice must also be published on two separate days at least 30 days before introduction without cost to the state in the official state journal (*The Advocate*). The notice (except registrars and their chief deputies or assistants) must state the amount of the change. The bill (except registrars, their chief deputies, or assistants) must recite that notice has been given, and certification of such publication must be attached to the bill. If advertisement is handled locally, author should obtain certification and transmit to Clerk or staff. If the author wishes, staff will send notice to newspaper and obtain certification of publication for attachment to the bill. The newspaper will bill costs of publication directly to the author or person author specifies.

3. **PREFILING OF BILLS AND RESOLUTIONS:** Bills, constitutional amendments, and resolutions may be prefiled for introduction with the Clerk of the House at any time between regular sessions but, customarily, prefilling does not begin until several weeks before each session. (No bills may be prefiled for the regular session after a general election for legislators until after certification of the election of the member and no bills may be prefiled for any session between the convening of the last regular session prior to the general election for legislators and certification of such member's election.) House research staff transmits legislative instruments to the Clerk of the House for prefilling upon direction of the author. The Clerk numbers instruments in order in which received and reproduces them for distribution and electronic publication. The Speaker refers each prefiled instrument to one of the 16 subject matter committees and notifies the author. Referrals of bills prefiled prior to one week before the session convenes are entered in the Interim Calendar. Within five days after publication of referral in the Interim Calendar, any member may notify the Speaker IN WRITING of his objection to the committee referral, stating reasons. In such cases, the House and Governmental Affairs Committee determines the committee to which the bill will be referred. Standing committees may hold pre-session hearings on prefiled instruments beginning on the 3rd Monday in January (House Rule 7.2).

4. **FISCAL NOTES:** Every bill, constitutional amendment, and resolution affecting the receipt, expenditure, or allocation of funds of the state or of a political subdivision, or which would authorize issuance of general obligation bonds or other general obligations of the state for capital outlay, must have attached to it, prior to committee consideration, a fiscal note giving a reliable estimate of the fiscal effect of the measure. House rules also require fiscal notes for consideration of such instruments on final passage. The author of a bill is responsible for obtaining a fiscal note from the legislative fiscal officer (in some cases, the legislative auditor). Staff will request a fiscal note on behalf of the author or the Clerk will order a fiscal note if he decides one is required. In addition, the chairman of the committee to which the measure is referred may request a fiscal note immediately upon referral of the measure (Joint Rule 4 and House Rule 7.16).

5. **ACTUARIAL NOTES:** Every bill, constitutional amendment, and resolution proposing a change in the law as to any state, municipal, or parochial retirement system funded in whole or part from public funds must have an actuarial note attached to it at the time of committee consideration. Legislative Actuary prepares actuarial notes (R.S. 24:521). The staff will request an actuarial note on behalf of the author. Procedure is similar to fiscal notes.

6. **APPROPRIATIONS TO PAY JUDGMENTS AGAINST STATE:** Appropriations Committee requires a certified copy of final judgment and proof of finality of judgment before any committee action on any such bill.

2021 Regular Session

HOUSE BILL NO. 29

BY REPRESENTATIVE JEFFERSON

*As Amended
In Senate*

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

RETIREMENT/FIREFIGHTERS: Provides relative to Firefighters' Retirement System's Deferred Retirement Option Plan and unfunded accrued liability

1 AN ACT

2 To amend and reenact R.S. ~~11:2252(5), 2257(C) and (K), 2262(D)(2)(b), and 2265(A)(2)~~
3 and to enact R.S. 11:2262(D)(2)(c) and 2262.1, relative to the Firefighters'
4 Retirement System; ~~to provide for the period of participation within the Deferred~~
5 ~~Retirement Option Plan~~; to provide with respect to unfunded accrued liability
6 payments when a fire department is fully or partially dissolved; to provide relative
7 to the assignment of employee contributions to loan repayment; to provide for
8 calculation of benefits; and to provide for related matters.

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

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. ~~11:2252(5), 2257(C) and (K), 2262(D)(2)(b), and 2265(A)(2)~~ are
14 hereby amended and reenacted and R.S. 11:2262(D)(2)(c) and 2262.1 are hereby enacted to
15 read as follows:

16 ~~§2252. Definitions~~

17 ~~The following words and phrases, as used in this Chapter, unless a different meaning~~
18 ~~is plainly required by context, shall have the following meaning:~~

19 * * *

1 ~~(5)(a) "Average~~ Except as provided in Subparagraph (b) of this Paragraph,
 2 ~~"average final compensation"~~ shall mean the average annual earned compensation
 3 ~~of an employee for any period of thirty-six successive or joined months of service~~
 4 ~~as an employee during which the said earned compensation was the highest. In case~~
 5 ~~of interruption of employment, the thirty-six month period shall be computed by~~
 6 ~~joining employment periods immediately preceding and succeeding the interruption.~~
 7 ~~The earnings to be considered for the thirteenth through the twenty-fourth months~~
 8 ~~shall not exceed one hundred fifteen percent of the earnings for the first through the~~
 9 ~~twelfth months. The earnings to be considered for the final twelve months shall not~~
 10 ~~exceed one hundred fifteen percent of the earnings of the thirteenth through the~~
 11 ~~twenty-fourth months.~~

12 ~~(b) For any member who elects to participate in the Deferred Retirement~~
 13 ~~Option Plan for longer than thirty-six months pursuant to R.S. 11:2257(C)(2),~~
 14 ~~"average final compensation"~~ shall mean the average annual earned compensation
 15 ~~of an employee for any period of sixty successive or joined months of service as an~~
 16 ~~employee during which the earned compensation was the highest. In case of~~
 17 ~~interruption of employment, the sixty-month period shall be computed by joining~~
 18 ~~employment periods immediately preceding and succeeding the interruption. The~~
 19 ~~earning to be considered for the thirteenth through the twenty-fourth months shall~~
 20 ~~not exceed one hundred fifteen percent of the earnings for the first through the~~
 21 ~~twelfth months. The earnings to be considered for the twenty-fifth through the~~
 22 ~~thirty-sixth months shall not exceed one hundred fifteen percent of the earnings for~~
 23 ~~the thirteenth through the twenty-fourth months. The earnings to be considered for~~
 24 ~~the thirty-seventh through the forty-eighth months shall not exceed one hundred~~
 25 ~~fifteen percent of the earnings for the twenty-fifth through the thirty-sixth months.~~
 26 ~~The earnings to be considered for the final twelve months shall not exceed one~~
 27 ~~hundred fifteen percent of the earnings of the thirty-seventh through the forty-eighth~~
 28 ~~months.~~

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§2257. Deferred Retirement Option Plan

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C.(1) The duration of participation in the plan shall be specified and shall not exceed ~~three years; the following:~~

(a) Three years for any member who has less than thirty years of creditable service.

(b) Five years for any member who has at least thirty years of creditable service. A member who chooses to participate in the plan for a period longer than three years shall have all benefits calculated using average final compensation as defined in R.S. 11:2252(5)(b).

(2) The decision made by the member regarding the duration of participation plan is irrevocable.

* * *

K.(1) If employment is not terminated at the end of the period specified for participation, the plan participant shall resume active contributing membership in the system, and upon termination of employment, he shall receive an additional retirement benefit based on his additional service rendered since termination of participation in the fund, using the normal method of computation of benefit.

(2) If the plan participant selects a period of participation that is less than or equal to thirty-six months, the additional benefit is subject to the following:

(a) If his period of additional service is less than thirty-six months, the average compensation figure used to calculate the additional benefit shall be that used to calculate his original benefit.

(b) If his period of additional service is thirty-six or more months, the average compensation figure used to calculate the additional benefit shall be based on his compensation during the period of additional service.

(3) If the plan participant selects a period of participation that is longer than thirty-six months, the additional benefit shall be calculated using a figure for average final compensation as defined by R.S. 11:2252(5)(b).

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~~(c)(4) The optional allowance applied to the additional retirement benefit shall be the same optional allowance selected in accordance with R.S. 11:2259 for the original benefit.~~

~~(d)(5) In no event shall the additional benefit exceed an amount which, when combined with the original benefit, equals one hundred percent of the average compensation figure used to compute the additional benefit.~~

~~(e)(6) If the plan participant dies or acquires a disability during the period of additional service, he shall be considered as having retired on the date of death or commencement of disability.~~

* * *

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§2262. Method of financing

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D. Pension accumulation fund

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

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(2)

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(b) Reasonable attorney fees and court costs shall be recoverable by the Firefighters' Retirement System:

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23

(i) If any amount of delinquent payments under Paragraph (B)(1) of this Section and Paragraph (1) of this Subsection are recovered by action in a court of competent jurisdiction against a political subdivision or instrumentality liable.

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(ii) In any concursus proceeding instituted pursuant to C.C.P. Art. 4651 et seq., wherein the Firefighters' Retirement System is named as a party.

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(c) Alternatively, at the request of the Firefighters' Retirement System, and upon due certification of delinquency to the state treasurer, such amounts shall be

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CODING: Words in struck through type are deletions from existing law; words underscored are additions.

1 deducted from any other monies payable to such subdivision or instrumentality by
2 any department or agency of the state and shall be remitted directly to the
3 Firefighters' Retirement System.

4 * * *

5 §2262.1. Dissolution of fire department; unfunded accrued liability; payment by
6 employer

7 A.(1) If an employer fully dissolves its fire department, the employer shall
8 remit to the system, beginning the first July immediately following the date of
9 dissolution, that portion of the unfunded accrued liability existing on the thirtieth of
10 June immediately prior to the date of dissolution of the fire department that is
11 attributable to such employer and calculated using the allocation percentage included
12 in the prior fiscal year's employer pension report produced according to requirements
13 established by the Governmental Accounting Standards Board. The amount due
14 pursuant to the provisions of this Paragraph shall include interest at the system's
15 valuation interest rate.

16 (2)(a) If an employer partially dissolves its fire department, the employer
17 shall be liable for a pro rata portion of the system's unfunded accrued liability. The
18 portion shall be calculated by applying the percentage decrease in the salaries paid
19 to participating employees by the employer on the thirtieth of June and salaries paid
20 to participating employees by the employer as of the thirtieth of June of the prior
21 year to the total payment that would have been required pursuant to the provisions
22 of Paragraph (1) of this Subsection if the employer had fully dissolved its fire
23 department. Payments required pursuant to the provisions of this Paragraph shall
24 include interest at the system's valuation interest rate.

25 (b) An employer shall be deemed to have partially dissolved its fire
26 department if either of the following occurs:

27 (i) The number of participating employees of the employer as of the thirtieth
28 of June is less than seventy percent of the number of participating employees of the
29 employer on the thirtieth of June of the prior year and either the number of

1 participating employees decreases by at least three or the number of participating
2 employees is zero.

3 (ii) The number of participating employees of the employer as of the thirtieth
4 of June is at least fifty fewer than the number of participating employees of the
5 employer as of the thirtieth of June of the prior year.

6 B.(1) Any amount due pursuant to Subsection A of this Section shall be
7 determined by the actuary employed by the system and shall be amortized over
8 fifteen years in equal payments with interest at the system's valuation rate. Payments
9 for withdrawals that occur on or after July 1, 2021, shall be payable beginning the
10 first of July of the second fiscal year following the determination by the actuary and
11 in the same manner as regular payroll payments to the system. Beginning on the first
12 of July of the fiscal year following withdrawal, interest shall accrue at the system's
13 actuarial valuation rate, compounded annually.

14 (2) If the number of participating employees of an employer subject to
15 Paragraph (A)(2) of this Section returns to at least the number of participating
16 employees as of the thirtieth of June immediately preceding the withdrawal, the
17 payments required by this Section shall cease on the first of July following the
18 determination by the actuary that a sufficient increase in participating employees has
19 occurred, and no further payments shall be due with respect to the withdrawal. Any
20 payments made pursuant to this Section shall be credited as an offset of any amounts
21 due by the employer attributable to any subsequent withdrawal that occurs within
22 fifteen years of the payments.

23 C. If an employer fails to make a payment timely, the amount due shall be
24 collected in any of the following manners:

25 (1) By action in a court of competent jurisdiction against the delinquent
26 employer. The amount due shall include interest calculated by the system's actuarial
27 valuation rate, compounded annually. The employer shall also be liable for any legal
28 and actuarial fees incurred by the system in the collection of amounts pursuant to this
29 Section.

1 to survivors' benefits as provided in R.S. 11:2256, his contributions shall be
2 delivered to the credit union as provided in this Section.

3 * * *

~~4 Section 2. Any person who has at least thirty years of creditable service and who is
5 participating in the Deferred Retirement Option Plan on the effective date of this Act may
6 extend his participation in the plan up to the five-year period provided for in this Act subject
7 to the other provisions of this Act including the average final compensation provisions. His
8 benefits shall be recalculated using average final compensation as defined in R.S.
9 11:2252(5)(b).~~

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 29 Reengrossed 2021 Regular Session Jefferson

Abstract: Provides for participation within the Firefighters' Retirement System (FRS) Deferred Retirement Option Plan (DROP) for up to five years and with respect to payments of the unfunded accrued liability (UAL) should a fire department fully or partially dissolve.

DROP Participation

Present law provides for participation within DROP for up to three years.

Proposed law provides for DROP participation to not exceed:

- (1) Three years for members with less than 30 years of creditable service.
- (2) Five years for members with at least 30 years of creditable service.

Proposed law allows a current DROP participant to select a longer participation period as authorized by proposed law.

Present law provides that FRS benefits are based on a 36-month period when compensation was highest.

Proposed law retains present law except that the benefits of a person who selects a DROP period longer than 36 months shall be based on a 60-month period when compensation was the highest.

Proposed law provides that the selection of a DROP participation period is irrevocable.

Dissolution of Fire Department and UAL Payment

Proposed law provides that if an employer dissolves or partially dissolves its fire department, then beginning on the first July following the dissolution, the employer shall pay the

department's portion of the UAL to the system according to the percent included in the prior fiscal year's employer pension report. Provides the amount due to the system shall include interest at the system's valuation interest rate.

Proposed law provides that if an employer partially dissolves its fire department, it shall pay a pro rata portion of the system's UAL.

Proposed law provides that a partially dissolved fire department meet one of the following criteria:

- (1) The number of participating employees of the employer as of June 30 is 70% less than June 30 of the previous year and either the number of participating employees decreases by at least three or participating employees is zero.
- (2) The number of participating employees of the employer, as of June 30 is at least 50 fewer than the previous year.

Proposed law provides that payments due to the system be determined by the system's actuary and amortized over 15 years in equal payments.

Proposed law provides that if the number of employees of a partially dissolved employer returns to the number participating prior to withdrawal, payments will cease and payments made will be credited as an offset of any amount due by the employer attributable to any subsequent withdrawal that occurs within 15 years of payment.

Collection of Unpaid Amounts

Present law provides for collection of funds if an employer fails to make payments by either:

- (1) Action in a court of competent jurisdiction against the employer. The employer is responsible for legal fees incurred by the system.
- (2) The board of trustees may submit a resolution and certification to the state treasurer of the name of the delinquent employer and amount owed. The state treasurer shall deduct monies payable to the employer and remit said monies directly to the system.

Proposed law provides that attorney fees and court costs are recoverable by FRS if delinquent payments are recovered in court or through a concursus proceeding.

Employee Contributions and Credit Loans

Present law authorizes a member of FRS to assign the accumulated contributions he has made to the system to a firefighters' credit union in consideration of a loan. If a member with less than 12 years of creditable service leaves employment, present law requires that his contributions be paid to the credit union.

Proposed law requires payment of such contributions to the credit union if the member has 12 or more years of creditable service and dies without a survivor who is entitled to benefits.

(Amends R.S. 11:2252(5), 2257(C) and (K), 2262(D)(2)(b), and 2265(A)(2); Adds R.S. 11:2262(D)(2)(c) and 2262.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Retirement to the original bill:

1. Provide that if a member chooses to participate in DROP for more than three years, his benefits are calculated using a five year final average compensation.
2. Provide that the decision of how long a member participates in DROP is irrevocable.
3. Provide for recovery of attorney fees and court costs through a concursus proceeding.
4. Relative to partial department dissolutions where the number of participating employees is less than 70% of what it was, change the number of employee positions that must be lost from two to three.

SENATE COMMITTEE AMENDMENTS

2021 Regular Session

Amendments proposed by Senate Committee on Retirement to Reengrossed House Bill No. 29 by Representative Jefferson

1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S." delete the remainder of the line and insert "11:2262(D)(2)(b)
3 and 2265(A)(2)"

4 AMENDMENT NO. 2

5 On page 1, lines 4 and 5, delete "to provide for the period of participation within the
6 Deferred Retirement Option Plan;"

7 AMENDMENT NO. 3

8 On page 1, line 13, after "R.S." delete the remainder of the line and insert "11:2262(D)(2)(b)
9 and 2265(A)(2) are"

10 AMENDMENT NO. 4

11 On page 1, delete lines 16 through 19 and delete pages 2 and 3 and on page 4, delete lines
12 1 through 10

13 AMENDMENT NO. 5

14 On page 8, delete lines 4 through 9

2021 Regular Session

HOUSE BILL NO. 28

BY REPRESENTATIVES ADAMS, BACALA, BEAULLIEU, FIRMENT, HARRIS, AND
NELSON

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

RETIREMENT/FIREFIGHTERS: Provides relative to beneficiaries within the Firefighters'
Retirement System

AN ACT

To amend and reenact R.S. 11:2252(6), 2256(B)(3) and (G), 2256.2(A) and (E), and
2259(A)(3) and to enact R.S. 11:2256.2(F) and 2259(A)(4), relative to the
Firefighters' Retirement System; to provide relative to members' beneficiaries; to
provide for payment of benefits to estate administrators; to provide relative to
certification of a child's disability; 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. 11:2252(6), 2256 (B)(3) and (G), 2256.2(A) and (E), and 2259(A)(3)
are here by amended and reenacted and R.S. 11:2256.2(F) and 2259(A)(4) are hereby
enacted to read as follows:

§2252. Definitions

The following words and phrases, as used in this Chapter, unless a different
meaning is plainly required by context, shall have the following meaning:

* * *

1 (6) "Beneficiary" shall mean any natural or juridical person or estate
2 administrator designated to receive a pension, an annuity, a retirement allowance, or
3 other benefit as provided by this Chapter.

4 * * *

5 §2256. Benefits; refund of contributions, application, and payment

6 * * *

7 B.

8 * * *

9 (3)(a) Benefits shall be payable as specified in this Paragraph to any
10 surviving child of a deceased member or retiree if the child has a total physical
11 disability or an intellectual disability. The surviving child of a deceased active
12 contributing member, a deceased disability retiree, or a deceased regular retiree,
13 whether under or over the age of eighteen years, shall be entitled to the same
14 benefits, payable in the same manner as are provided in this Section for minor
15 children, if the child has a total physical disability or an intellectual disability and
16 had such disability at the time of death of the member or retiree, and the child is
17 dependent upon the surviving spouse or other legal guardian for subsistence.
18 Benefits payable under the provisions of this Paragraph may be paid in trust as
19 provided in R.S. 11:2256.2.

20 (b) A medical determination of permanent mental or physical disability of
21 a member's child or children that is approved by the board of trustees pursuant to
22 R.S. 11:2259(A)(1)(Option 4) shall also be sufficient certification of such disability
23 for purposes of this Paragraph.

24 * * *

25 G. Notwithstanding any other provision of law to the contrary, the board of
26 trustees may implement a court order directing payment of any portion of a benefit
27 to a trust or estate administrator pursuant to the provisions of R.S. 11:2256.2.

Proposed law requires the estate administrator to notify the system in writing immediately upon the death of any legatee receiving a benefit. Provides that if payment is contested, the system shall withhold the disputed payment, institute a concursus action, and deposit the disputed benefit into registry of the court pending a final judgment.

Proposed law provides that if a member names a permanently disabled child to receive a benefit, then a medical determination of such disability shall be performed in immediate proximity to but before the member retires or enters into the Deferred Retirement Option Plan.

Proposed law provides if the FRS board has approved a medical determination of a member's mentally or physically disabled child or children for purposes of retirement benefits, then that determination is sufficient for the purpose of survivor benefits.

Proposed law provides that if the member requests the system to perform a medical determination of the disabled child and the member does not allocate at least half of his reduced benefit to the child, the member shall pay the cost of the medical determination.

(Amends R.S. 11:2252(6), 2256(B)(3) and (G), 2256.2(A) and (E), and 2259(A)(3); Adds R.S. 11:2256.2(F) and 2259(A)(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Retirement to the original bill:

1. Remove provisions pertaining to the removal of a former spouse as a beneficiary.
2. Add provisions making a disability determination for retirement purposes sufficient for survivor purposes.

1 ownership interests of the corporation and the corporation's ability to liquidate or discharge
2 its debts in bankruptcy; and

3 WHEREAS, the laws and the totality of facts and circumstances will be most
4 efficiently explored by a committee made up of persons familiar with the laws governing the
5 Firefighters' Retirement System and the laws governing corporations, taxation, and
6 bankruptcy.

7 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
8 authorize and direct the Firefighters' Retirement System to establish a committee composed
9 of members of the board of trustees of the Firefighters' Retirement System and up to five
10 additional members selected by the board from a list submitted by the system's executive
11 director.

12 BE IT FURTHER RESOLVED that the members of the committee shall not receive
13 any compensation, per diem, housing or travel expenses, or reimbursements for such service;
14 meetings of the committee shall comply with the Open Meetings Law.

15 BE IT FURTHER RESOLVED that any member of the board of trustees of the
16 Firefighters' Retirement System may decline to participate, and if so, that board member's
17 position will not be counted toward the committee's quorum requirements.

18 BE IT FURTHER RESOLVED that the committee shall operate from June 14, 2021,
19 until March 11, 2022, and shall submit a report of its findings, including any
20 recommendations for related legislation, to the House Committee on Retirement and the
21 Senate Committee on Retirement prior to the beginning of the 2022 Regular Session of the
22 Legislature.

23 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
24 executive director of the Firefighters' Retirement System.

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)]

HCR 61 Engrossed

2021 Regular Session

Kerner

Directs the Firefighters' Retirement System to form a committee to study the effects of allowing employees of private entities to become members of the system and to direct the committee to report to the House and Senate retirement committees prior to the 2022 R.S.