

Regular Session, 2012

HOUSE BILL NO. 38

BY REPRESENTATIVE JONES

1 AN ACT

2 To enact R.S. 11:142(M), relative to the payment of retirement benefits; to provide for
3 reports when such benefits should be stopped; to provide for certification by the
4 employee; to provide relative to the fiduciary duty of affected boards; to provide
5 relative to the recovery of erroneously paid benefits; and to provide for related
6 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. 11:142(M) is hereby enacted to read as follows:

12 §142. Reciprocal recognition of credited service in state, parochial, and municipal
13 systems

14 * * *

15 M.(1) If a retired member covered by the provisions of this Section returns
16 to active service in any state, municipal, or parochial system, and the employing
17 agency notifies the system that such member is a reemployed retiree, then the system
18 in which the retiree becomes a member by virtue of the return shall be responsible
19 for notifying all other retirement systems from which benefits are certified as being
20 received, pursuant to Paragraph (2) of this Subsection, by the member so that any
21 benefit payments otherwise due can be stopped pursuant to Subsection D of this
22 Section.

23 (2)(a) A prospective employee shall be required to list on his employment
24 application all Louisiana public retirement systems from which he is receiving a

1 retirement benefit. The prospective employee shall sign immediately beneath such
2 list a certification attesting that the list is true, complete, and accurate to the best of
3 the employee's knowledge.

4 (b) If a prospective employee certifies that he is receiving benefits from any
5 Louisiana public retirement system, within ten calendar days of his employment a
6 copy of his employment application containing such certification shall be sent by the
7 employer to all such retirement systems certified on the application.

8 Section 2. Notwithstanding any provision of law to the contrary, any retired member
9 of the Municipal Employees' Retirement System who paid into that system for at least fifteen
10 years and who was also a member of the Louisiana State Employees' Retirement System and
11 paid into that system for at least three and one-half years and who retired under a reciprocal
12 retirement agreement with said systems prior to the effective date of this Act and who
13 erroneously received retirement benefits while reemployed shall not be required to refund
14 such erroneously received retirement benefits to any system. The application of this Section
15 shall not be considered a violation of any trustee's fiduciary duty.

16 Section 3. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____