

Regular Session, 2011

ACT No. 354

HOUSE BILL NO. 393

BY REPRESENTATIVE GUILLORY

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

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AN ACT

To enact R.S. 11:1151(H), 1151.1(J), 1165.1, 1302.1, 1315, 1945(D), 1965(C), and 1975(C) and to repeal R.S.11:1141(D), 1141.1, 1141.2, 1141.3, 1153, 1336, 1337, and 1338, relative to the Louisiana School Employees' Retirement System, the State Police Pension and Retirement System, and the Parochial Employees' Retirement System; to provide relative to compliance with applicable federal tax qualification requirements; to provide an effective date; 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. 11:1151(H), 1151.1(J), 1165.1, 1302.1, 1315, 1945(D), 1965 (C), and 1975(C) are hereby enacted as follows:

§1151. Survivor benefits; members hired on or before December 31, 2010

* * *

H. In the case of a death of a member occurring on or after January 1, 2007, while performing qualified military service, as defined in Section 414(u) of the Internal Revenue Code, eligibility for survivor benefits under this Section shall be determined as if the member had resumed employment and then terminated employment on account of death. The retirement system will credit the member's qualified military service as service for vesting purposes and for eligibility computation purposes as though the member, if eligible to, had met the definition of

1 employee under the retirement system and had resumed employment under the
 2 Uniformed Services Employment and Reemployment Rights Act (Chapter 43 of
 3 Title 38, United States Code) immediately prior to the member's death. The time
 4 spent by the member in unqualified military service shall not count for benefit
 5 accrual purposes (creditable service) but will count only for eligibility purposes
 6 under this Section.

7 §1151.1. Survivors' benefits; members hired on or after January 1, 2011

8 * * *

9 J. In the case of a death of a member occurring on or after January 1, 2007,
 10 while performing qualified military service, as defined in Section 414(u) of the
 11 Internal Revenue Code, eligibility for survivor benefits under this Section shall be
 12 determined as if the member had resumed employment and then terminated
 13 employment on account of death. The retirement system will credit the member's
 14 qualified military service as service for vesting purposes and for eligibility
 15 computation purposes as though the member, if eligible to, had met the definition of
 16 employee under the retirement system and had resumed employment under the
 17 Uniformed Services Employment and Reemployment Rights Act (Chapter 43 of
 18 Title 38, United States Code) immediately prior to the member's death. The time
 19 spent by the member in unqualified military service shall not count for benefit
 20 accrual purposes (creditable service) but will count only for eligibility purposes
 21 under this Section.

22 * * *

23 §1165.1. Compliance with Internal Revenue Code provisions.

24 The retirement system shall take all actions necessary to comply with the
 25 provisions of the Internal Revenue Code applicable to qualified governmental
 26 retirement plans. The board shall promulgate rules in accordance with the
 27 Administrative Procedure Act to incorporate such Internal Revenue Code provisions
 28 into the retirement system's plan, and the plan provisions shall thereafter consist of
 29 this Chapter together with such properly promulgated rules.

30 * * *

1 §1302.1. Compliance with Internal Revenue Code provisions

2 The retirement system shall take all actions necessary to comply with the
3 provisions of the Internal Revenue Code applicable to qualified governmental
4 retirement plans. The board shall promulgate rules in accordance with the
5 Administrative Procedure Act to incorporate such Internal Revenue Code provisions
6 into the retirement system's plan, and the plan provisions shall thereafter consist of
7 this Chapter together with such properly promulgated rules.

8 * * *

9 §1315. Death while performing qualified military service

10 In the case of a death of a member occurring on or after January 1, 2007,
11 while performing qualified military service, as defined in Section 414(u) of the
12 Internal Revenue Code, eligibility for survivor benefits under this Section shall be
13 determined as if the member had resumed employment and then terminated
14 employment on account of death. The retirement system will credit the member's
15 qualified military service as service for vesting purposes and for eligibility
16 computation purposes as though the member, if eligible to, had met the definition of
17 employee under the retirement system and had resumed employment under the
18 Uniformed Services Employment and Reemployment Rights Act (Chapter 43 of
19 Title 38, United States Code) immediately prior to the member's death. The time
20 spent by the member in unqualified military service shall not count for benefit
21 accrual purposes (creditable service) but will count only for eligibility purposes
22 under this Section.

23 * * *

24 §1945. Survivor benefits; eligibility

25 * * *

26 D. In the case of a death of a member occurring on or after January 1, 2007,
27 while performing qualified military service, as defined in Section 414(u) of the
28 Internal Revenue Code, eligibility for survivor benefits under this Section shall be
29 determined as if the member had resumed employment and then terminated
30 employment on account of death. The retirement system will credit the member's

1 qualified military service for vesting purposes and for eligibility computation
 2 purposes as though the member, if eligible to, had met the definition of employee
 3 under the retirement system and had resumed employment under the Uniformed
 4 Services Employment and Reemployment Rights Act (Chapter 43 of Title 38, United
 5 States Code) immediately prior to the member's death. The time spent by the
 6 member in qualified military service shall not count for benefit accrual purposes
 7 (creditable service) but will count only for eligibility purposes under this Section.

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§1965. Survivor benefits; eligibility

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11 C. In the case of a death of a member occurring on or after January 1, 2007,
 12 while performing qualified military service, as defined in Section 414(u) of the
 13 Internal Revenue Code, eligibility for survivor benefits under this Section shall be
 14 determined as if the member had resumed employment and then terminated
 15 employment on account of death. The retirement system will credit the member's
 16 qualified military service for vesting purposes and for eligibility computation
 17 purposes as though the member, if eligible to, had met the definition of employee
 18 under the retirement system and had resumed employment under the Uniformed
 19 Services Employment and Reemployment Rights Act (Chapter 43 of Title 38, United
 20 States Code) immediately prior to the member's death. The time spent by the
 21 member in qualified military service shall not count for benefit accrual purposes
 22 (creditable service) but will count only for eligibility purposes under this Section.

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§1975. Survivor benefits; eligibility

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26 C. In the case of a death of a member occurring on or after January 1, 2007,
 27 while performing qualified military service, as defined in Section 414(u) of the
 28 Internal Revenue Code, eligibility for survivor benefits under this Section shall be
 29 determined as if the member had resumed employment and then terminated
 30 employment on account of death. The retirement system will credit the member's

1 qualified military service as service for vesting purposes and for eligibility
 2 computation purposes as though the member, if eligible to, had met the definition of
 3 employee under the retirement system and had resumed employment under the
 4 Uniformed Services Employment and Reemployment Rights Act (Chapter 43 of
 5 Title 38, United States Code) immediately prior to the member's death. The time
 6 spent by the member in unqualified military service shall not count for benefit
 7 accrual purposes (creditable service) but will count only for eligibility purposes
 8 under this Section.

9 Section 2. The provisions of R.S.11:1141(D), 1141.1, 1141.2, 1141.3, 1153, 1336,
 10 1337, and 1338 are hereby repealed in their entirety.

11 Section 3. This Act shall become effective on July 1, 2011; if vetoed by the governor
 12 and subsequently approved by the legislature, this Act shall become effective on July 1,
 13 2011, 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: _____