

Regular Session, 2011

SENATE BILL NO. 141

BY SENATORS QUINN AND APPEL

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

MILITARY AFFAIRS. Clarifies current law relative to state supplemental pay. (7/1/11)

1 AN ACT

2 To amend and reenact R.S. 29:405(A)(2), and to enact R.S. 29:405(A)(4), relative to  
3 compensation under the Military Service Relief Act; to provide for payment of  
4 supplemental pay during active duty service; to clarify that supplemental pay shall  
5 be maintained and shall not be denied under certain circumstances; to provide for an  
6 effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 29:405(A)(2) is hereby amended and reenacted and R.S.  
9 29:405(A)(4) is hereby enacted to read as follows:

10 §405. Compensation

11 A.(1) \* \* \*

12 (2) Notwithstanding the provision of any other law to the contrary, the  
13 payment of state supplemental pay or extra compensation paid by the state to any  
14 peace officer as defined in R.S. 40:2402(1) and provided for in R.S. 33:2218.2 and  
15 2218.8 and R.S. 40:1457 and 2405 and to any firefighter as provided for in R.S.  
16 33:2002 shall be continued to be paid to each employee and shall not be **denied**,  
17 suspended, or terminated during the period of time that the peace officer or

1 firefighter is on active duty service in the uniformed services of the United States  
2 pursuant to a declaration of war, congressional authorization or presidential  
3 proclamation under the War Powers Resolution (50 U.S.C. 1541 et seq.), national  
4 emergency, or call of the governor as provided by law.

5 \* \* \*

6 **(4) Notwithstanding the provision of any other law to the contrary, the**  
7 **payment of state supplemental pay or extra compensation paid by the state to**  
8 **any peace officer as defined in R.S. 40:2402(1) and provided for in R.S.**  
9 **33:2218.2 and 2218.8 and R.S. 40:1457 and 2405 and to any firefighter as**  
10 **provided for in R.S. 33:2002 shall be payable commencing one year from his**  
11 **date of hire in the event he is deployed prior to such date, provided he is**  
12 **otherwise eligible pursuant to R.S. 33:2218.2(2)(a). Payments shall be**  
13 **maintained during the period of time that the peace officer or firefighter is on**  
14 **active duty service in the uniformed services of the United States pursuant to**  
15 **a declaration of war, congressional authorization or presidential proclamation**  
16 **under the War Powers Resolution (50 U.S.C. 1541 et seq.), national emergency,**  
17 **or call of the governor as provided by law.**

18 \* \* \*

19 Section 2. The provisions of this Act shall be remedial in nature and given retroactive  
20 application.

21 Section 3. This Act shall become effective on July 1, 2011; if vetoed by the governor  
22 and subsequently approved by the legislature, this Act shall become effective on July 1,  
23 2011, or on the day following such approval by the legislature, whichever is later.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Lauren B. Bailey.

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#### DIGEST

Present law provides that the payment of state supplemental pay or extra compensation paid by the state to any peace officer as defined in present law (R.S. 40:2402(1)) and provided for in present law and to any firefighter as provided for in present law (R.S. 33:2002) shall be continued to be paid to each employee and shall not be suspended or terminated during the period of time that the peace officer or firefighter is on active duty service in the uniformed services of the United States pursuant to a declaration of war, congressional

authorization or presidential proclamation under the War Powers Resolution (50 U.S.C. 1541 et seq.), national emergency, or call of the governor as provided by law.

Proposed law retains present law and provides that supplemental pay shall not be denied during such time as the peace officer or firefighter is on active duty.

Proposed law further provides that such supplemental pay shall be payable commencing one year from his date of hire in the event he is deployed prior to such date, provided he is otherwise eligible pursuant to current law. Provides that payments shall be maintained during the period of time that the peace officer or firefighter is on active duty service.

Effective July 1, 2011.

(Amends R.S. 29:405(A)(2); adds R.S. 29:405(A)(4))