

Regular Session, 2012

SENATE BILL NO. 36

BY SENATOR GUILLORY

MUNICIPAL EMPLOYEE RET. Provides for compliance with federal tax qualification requirements. (6/30/12)

1 AN ACT

2 To enact R.S.11:1755(G), 1769(F), 1785(D), and 1805(C), relative to Municipal Employees'
3 Retirement System of Louisiana; to provide for compliance with applicable federal
4 tax qualification requirements; to provide an effective date; and to provide for related
5 matters.

6 Notice of intention to introduce this Act has been published.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S.11:1755(G), 1769(F), 1785(D), and 1805(C) are hereby enacted to
9 read as follows:

10 §1755. Creditable service; service certificate; adjusted service date; repayment of
11 withdrawn contributions

12 * * *

13 **G. The qualified military service of a member who has been reemployed**
14 **under the terms of §414(u) of the United States Internal Revenue Code shall be**
15 **treated, for vesting and benefit accrual purposes, as service completed under**
16 **this Section, provided the member timely remits to the system any employee**
17 **contributions which would have been required but for the member's leave of**

1 **absence to perform qualified military service, in accordance with the terms of**
2 **federal law.**

3 * * *

4 §1769. Internal Revenue Code; qualification requirements

5 * * *

6 **F. As of January 1, 2012, any and all amendments required primarily**
7 **for the purpose of maintaining continued compliance with the United States**
8 **Internal Revenue Code and the regulations thereunder shall be enacted through**
9 **the Louisiana Administrative Code.**

10 * * *

11 §1785. Survivor benefits; eligibility

12 * * *

13 **D. Effective January 1, 2007, in the case of a member who dies while on**
14 **a leave of absence to perform qualified military service as described in §414(u)**
15 **of the United States Internal Revenue Code, the member's beneficiary shall be**
16 **entitled to any benefits that would have been provided, except those benefit**
17 **accruals relating to the period of qualified military service, under the plan had**
18 **the member resumed and then terminated employment on account of death, in**
19 **accordance with §401(a)(37) of the United States Internal Revenue Code.**
20 **However, the member's beneficiary shall be entitled to benefit accruals relating**
21 **to the period of qualified military service provided the member's beneficiary**
22 **timely remits to the system any employee contributions which would have been**
23 **required but for the member's leave of absence to perform qualified military**
24 **service, in accordance with the terms of federal law and R.S. 11:1755.**

25 * * *

26 §1805. Survivor benefits; eligibility

27 * * *

28 **C. Effective January 1, 2007, in the case of a member who dies while on**
29 **a leave of absence to perform qualified military service as described in §414(u)**

1 **of the United States Internal Revenue Code, the member's beneficiary shall be**
2 **entitled to any benefits that would have been provided, except those benefit**
3 **accruals relating to the period of qualified military service, under the plan had**
4 **the member resumed and then terminated employment on account of death, in**
5 **accordance with §401(a)(37) of the United States Internal Revenue Code.**
6 **However, the member's beneficiary shall be entitled to benefit accruals relating**
7 **to the period of qualified military service provided the member's beneficiary**
8 **timely remits to the system any employee contributions which would have been**
9 **required but for the member's leave of absence to perform qualified military**
10 **service, in accordance with the terms of federal law and R.S. 11:1755.**

11 Section 2. This Act shall become effective on June 30, 2012; if vetoed by the
12 governor and subsequently approved by the legislature, this Act shall become effective on
13 June 30, 2012, or on the day following such approval by the legislature, whichever is later.

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

DIGEST

Guillory (SB 36)

Present law provides for compliance with federal tax qualification requirements.

Proposed law provides for continued compliance with federal tax qualification requirements.

Effective June 30, 2012.

(Adds R.S. 11:1755(G), 1769(F), 1785(D), and 1805(C))