

Regular Session, 2014

SENATE BILL NO. 411

BY SENATORS MORRELL, PETERSON AND GARY SMITH AND
REPRESENTATIVE LEGER

FUNDS/FUNDING. Provides for state supplemental pay for certain EMS practitioners.

1 AN ACT

2 To enact Chapter 48 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 33:9691 through 9696, relative to state supplemental pay for emergency
4 medical services practitioners; to provide for additional pay for certain municipal and
5 parish emergency medical personnel; to create a special fund for the purpose; to
6 provide a method of disbursing such funds; to create a board of review; to provide
7 for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 48 of Title 33 of the Louisiana Revised Statutes of 1950,
10 comprised of R.S. 33:9691 through 9696, is hereby enacted to read as follows:

11 **CHAPTER 48. SUPPLEMENTAL PAY FOR**
12 **EMERGENCY MEDICAL SERVICE PRACTITIONERS**

13 **§9691. Purpose**

14 **The Chapter is enacted by the legislature in the exercise of the police**
15 **power of the state, to promote the public welfare and safety, by providing better**
16 **emergency medical services for residents and guests.**

17 **§9692. Extra compensation**

1 A. In addition to the compensation paid by any municipality or parish
2 to any EMS practitioner, every EMS practitioner employed full-time by any
3 municipality or parish which employs one or more EMS practitioners who
4 devotes his full working time to emergency medical services shall be paid by the
5 state extra compensation in the amount of five hundred dollars per month for
6 each full-time EMS practitioner who has completed or who hereafter completes
7 one year of service.

8 B. For purposes of this Chapter, a municipal or parish EMS practitioner
9 entitled to additional pay out of state funds shall mean and shall be refer to as
10 any person employed on a full-time basis by a municipality or parish and all of
11 whose compensation out of public funds is paid solely from the municipality or
12 parish for full-time work as an EMS practitioner for the performance of
13 primary duties which encompass direct emergency medical response to provide
14 prehospital emergency care to the sick and injured.

15 C. Notwithstanding any law to the contrary, the state shall not be liable
16 for any action of an EMS practitioner based on the payments of the
17 supplemental pay provided for in this Chapter.

18 §9693. Definitions

19 A. For purposes of this Chapter, an "emergency medical service
20 practitioner" or "EMS practitioner" means an individual who is a licensed
21 emergency medical responder, licensed emergency medical technician, licensed
22 advanced emergency medical technician, or a licensed paramedic.

23 B. For purposes of this Chapter, the phrase "mayor or police jury
24 president" shall include the chief executive officer of a city-parish consolidated
25 government.

26 §9694. Special fund

27 For the payment of the supplemental salaries provided by R.S. 33:9692,
28 there is hereby created a special fund in the treasury of the state of Louisiana,
29 to which the appropriations shall be credited, and the funds credited shall be

1 and remain dedicated to the payment of supplemental salaries as provided in
2 R.S. 33:9692.

3 §9695. Disbursement of funds

4 A. The funds credited and dedicated to the special fund created in R.S.
5 33:9694, shall be disbursed upon warrants, drawn by the mayors or police jury
6 presidents of the respective municipalities or parishes, which warrants shall
7 have attached to them a detailed list of the names of the employees for whose
8 benefit any particular warrant is drawn, together with the completed years of
9 service of such employees.

10 B. The mayors or police jury presidents shall forward the warrants to
11 the secretary of the Department of Public Safety and Corrections, Public Safety
12 Services, and, after obtaining approval of the board as provided in R.S. 33:9696,
13 the secretary shall cause to be prepared and shall sign individual checks
14 representing the amount to be paid out of state funds to each employee in
15 accordance with the provisions of this Subsection. Each check shall show the
16 legislative appropriation from which payment is made and shall note that it
17 represents additional compensation paid by the state under the provisions of
18 this Chapter. The secretary shall deliver the checks to the individual employees
19 in whose favor they are drawn by mail or by such other means as he shall
20 determine.

21 C. The mayor, police jury president, or other municipal officer of the
22 municipalities or parish employing the EMS practitioner entitled to additional
23 compensation from the state under the provisions of this Chapter, who is
24 charged with the responsibility of preparing the payrolls for the municipality
25 or parish, shall include the additional compensation paid by the state to the
26 EMS practitioner in the calculation and deduction from the pay of the EMS
27 practitioner the sums required by state or federal law to be withheld by an
28 employer, such as federal income tax and social security tax or contributions to
29 state or local retirement systems. Any officials charged with withholding sums

1 from the pay of the EMS practitioner shall be further charged with the
2 responsibility of transmitting the sums withheld in accordance with the law or
3 laws requiring the withholding.

4 D. The additional compensation paid by the state to municipal and
5 parish EMS practitioners as herein provided shall be included in the calculation
6 and computation of the total wages paid to the municipal or parish EMS
7 practitioner in the determination of employer contributions to any retirement
8 system or pension fund of which the EMS practitioner may be a member as well
9 as in the determination of retirement eligibility and benefits which may accrue
10 to the EMS practitioner under any retirement system or pension fund, as well
11 as in the determination of any other employee benefits, sick leave, or disability
12 pay to which the EMS practitioner might be entitled with the exception of
13 workers' compensation benefits pursuant to R.S. 23:1021 et seq.

14 E. As used in this Section, reference to "mayor" or "police jury
15 president" includes his designee.

16 **§9696. Board of review; powers and duties**

17 A. There is hereby created a board of review which shall be composed
18 of three members, one of whom shall be the commissioner of administration or
19 a representative of the division of administration selected by him; one of whom
20 shall be a member of the Louisiana Municipal Association selected by the
21 president of the association; and one of whom shall be a member of the Police
22 Jury Association of Louisiana selected by the president of the association.

23 B. Whenever any question arises as to the eligibility of any person to
24 receive additional pay out of state funds as provided by this Chapter, the
25 question, together with all of the facts relating thereto, shall be submitted to the
26 board of review created by Subsection A of this Section for determination, and
27 the decision of the board with regard to eligibility shall be final.

28 Section 2. This Act shall take effect and become operative if and when the proposed
29 amendment of Article X, Section 10(A)(1)(b) of the Constitution of Louisiana contained in

1 the Act which originated as Senate Bill No. 285 of this 2014 Regular Session of the
2 Legislature is adopted at the statewide election to be held on November 4, 2014, and
3 becomes effective.

The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

DIGEST

Morrell (SB 411)

Proposed law provides that in the exercise of the police power of the state, to promote the public welfare and safety, by providing better emergency medical services for residents and guests, the state will provide supplemental pay for emergency medical service practitioners.

Proposed law provides that in addition to the compensation paid by any municipality or parish to any EMS practitioner, every EMS practitioner employed full-time by any municipality or parish which employs one or more EMS practitioners who devotes his full working time to emergency medical services shall be paid by the state extra compensation in the amount of \$500 per month for each full-time EMS practitioner who has completed one year of service.

Proposed law provides that for purposes of proposed law, a municipal or parish EMS practitioner entitled to additional pay out of state funds means any person employed on a full-time basis by a municipality or parish and all of whose compensation out of public funds is paid solely from the municipality or parish for full-time work as an EMS practitioner for the performance of primary duties which encompass direct emergency medical response to provide prehospital emergency care to the sick and injured.

Proposed law provides that notwithstanding any law to the contrary, the state will not be liable for any action of the EMS practitioners based on the payments of the supplemental pay.

Proposed law provides that for the purposes of proposed law, an "emergency medical service practitioner" or "EMS practitioner" means an individual who is a licensed emergency medical responder, licensed emergency medical technician, licensed advanced emergency medical technician, or a licensed paramedic.

Proposed law provides that for purposes of proposed law, the phrase "mayor or police jury president" shall include the chief executive officer of a city-parish consolidated government.

Proposed law creates a special fund in the treasury for the payment of the supplemental salaries to which appropriations shall be credited, and the funds credited shall be dedicated to the payment of the supplemental salaries.

Proposed law provides that the funds credited and dedicated to the special fund will be disbursed upon warrants, drawn by the mayors or police jury presidents of the respective municipalities or parishes, which warrants shall have attached to them a detailed list of the names of the employees for whose benefit any particular warrant is drawn, together with the completed years of service of such employees.

Proposed law requires the mayors or police jury presidents to forward the warrants to the secretary of DPS&C, Public Safety Services, and, after obtaining approval of the board of review, the secretary shall prepare and sign individual checks representing the amount to be paid out of state funds to each employee. Requires that each check show the legislative

appropriation from which payment is made and note that it represents additional compensation paid by the state. Requires the secretary to deliver the checks to the individual employees by mail or by such other means as he determines.

Proposed law directs the mayor, police jury president, or other municipal officer of the municipalities or parish employing the EMS practitioner entitled to supplemental pay, who is charged with the responsibility of preparing the payrolls for the municipality or parish, to include the additional compensation paid by the state to such EMS practitioner in the calculation and deduction from the pay of such EMS practitioner the sums required by state or federal law to be withheld by an employer, such as federal income tax and social security tax or contributions to state or local retirement systems. Provides that the official charged with withholding sums from the pay of the EMS practitioner be further charged with the responsibility of transmitting the sums so withheld in accordance with the law or laws requiring the withholding.

Proposed law provides that the additional compensation paid by the state to municipal and parish EMS practitioners shall be included in the calculation and computation of the total wages paid to the municipal or parish EMS practitioner in the determination of employer contributions to any retirement system or pension fund of which the EMS practitioner may be a member as well as in the determination of retirement eligibility and benefits which may accrue to the EMS practitioner under any retirement system or pension fund, as well as in the determination of any other employee benefits, sick leave, or disability pay to which the EMS practitioner might be entitled with the exception of workers' compensation benefits.

Proposed law creates a board of review composed of three members, one of whom shall be the commissioner of administration or a representative of the division of administration selected by him; one of whom shall be a member of the Louisiana Municipal Association selected by the president of the association; and one of whom shall be a member of the Police Jury Association of Louisiana selected by the president of the association.

Proposed law provides that whenever any question arises as to the eligibility of any person to receive supplemental pay, the question, together with all of the facts relating thereto, shall be submitted to the board of review for determination, and that the decision of the board with regard to eligibility be final.

Effective if and when the proposed amendment of Article X, Section 10(A)(1)(b) of the Constitution of Louisiana contained in the Act which originated as Senate Bill No. 285 of the 2014 RS is adopted at the statewide election to be held on November 4, 2014, and becomes effective.

(Adds R.S. 33:9691-9696)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Makes technical change from drafting number to bill number of companion constitutional amendment.