

2021 Regular Session

HOUSE RESOLUTION NO. 166

BY REPRESENTATIVE KERNER

**RETIREMENT/FIREFIGHTERS:** Directs the Firefighters' Retirement System to form a committee to study issues related to allowing employees of private entities to participate in the system

## 1 A RESOLUTION

2 To authorize and direct the Firefighters' Retirement System to form a committee to study the  
3 effects of allowing employees of private nonprofit or quasi governmental entities to  
4 become members of the system.

5       WHEREAS, from the date of inception of the Firefighters' Retirement System, there  
6       have been requests and inquiries made regarding the authority for employees of private  
7       nonprofit or quasi governmental entities to participate as members of the system; and

8 WHEREAS, the Firefighters' Retirement System is approved by the Internal Revenue  
9 Service to operate as a "qualified plan", which authorizes the deferral of taxes for each  
10 member of the system, and more specifically allows the system to operate based on an  
11 exemption from Title I and Title IV of the Employee Retirement Income Security Act  
12 (ERISA); and

13 WHEREAS, the Firefighters' Retirement System is also recognized by the Internal  
14 Revenue Service to operate as a "governmental plan", which confers favorable tax treatment  
15 to the municipalities, parishes, and fire protection districts which make up the employer base  
16 of the system; and

17 WHEREAS, there is a need to explore the issue of allowing private employees to  
18 participate in the Firefighters' Retirement System and to explore the issue of a private  
19 corporation being included in the system's employer base, more particularly the factors of

1 ownership interests of the corporation and the corporation's ability to liquidate or discharge  
2 its debts in bankruptcy; and

3 WHEREAS, the laws and the totality of facts and circumstances will be most  
4 efficiently explored by a committee made up of persons familiar with the laws governing the  
5 Firefighters' Retirement System and the laws governing corporations, taxation, and  
6 bankruptcy.

7 THEREFORE, BE IT RESOLVED that the House of Representatives of the  
8 Legislature of Louisiana does hereby authorize and direct the Firefighters' Retirement  
9 System to establish a committee composed of members of the board of trustees of the  
10 Firefighters' Retirement System and up to five additional members selected by the board  
11 from a list submitted by the system's executive director.

12 BE IT FURTHER RESOLVED that the members of the committee shall not receive  
13 any compensation, per diem, housing or travel expenses, or reimbursements for such service;  
14 meetings of the committee shall comply with the Open Meetings Law.

15 BE IT FURTHER RESOLVED that any member of the board of trustees of the  
16 Firefighters' Retirement System may decline to participate, and if so, that board member's  
17 position will not be counted toward the committee's quorum requirements.

18 BE IT FURTHER RESOLVED that the committee shall operate from June 14, 2021,  
19 until March 11, 2022, and shall submit a report of its findings, including any  
20 recommendation for related legislation to the House Committee on Retirement prior to the  
21 beginning of the 2022 Regular Session of the Legislature.

22 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
23 executive director of the Firefighters' Retirement System.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HR 166 Original

2021 Regular Session

Kerner

Directs the Firefighters' Retirement System to form a committee to study the effects of allowing employees of private entities to become members of the system and to direct the committee to report to the House retirement committee prior to the 2022 R.S.