

2021 Regular Session

HOUSE RESOLUTION NO. 166

BY REPRESENTATIVE KERNER

A RESOLUTION

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

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

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

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

WHEREAS, there is a need to explore the issue of allowing private employees to participate in the Firefighters' Retirement System and to explore the issue of a private corporation being included in the system's employer base, more particularly the factors of ownership interests of the corporation and the corporation's ability to liquidate or discharge its debts in bankruptcy; and

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

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

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

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

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES