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## DIGEST

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Jones

HB No. 38

**Abstract:** Requires retirement systems to notify each other when certain retirees return to work.

Present law authorizes a member of a retirement system or an eligible survivor of a member of a retirement system to combine years of service in different state, municipal, and parochial systems so that the employee or survivor may attain eligibility for retirement, disability, or survivor benefits.

Present law provides that each employer shall pay the benefits due to the employee for credit in such employer's system. Further provides that no employee who retires under a reciprocal recognition of benefits agreement shall receive benefits from any system while he is reemployed in a state, municipal, or parochial system.

Proposed law provides if a retiree under the provisions of present law returns to active service in any state, municipal, or parochial system, and the employing agency notifies the system that such retiree is a reemployed retiree, then the hiring system is responsible for notifying all other retirement systems from which the member is receiving benefits so that any benefit payments otherwise due can be stopped.

Further requires a prospective employee to list on his employment application all La. public retirement systems from which he is receiving a retirement benefit. Requires the employee to certify that the list is true, accurate, and complete to the best of his knowledge.

Further provides that if a prospective employee who certifies he is receiving benefits is hired, the employer must forward to each listed retirement system, within 10 calendar days, a copy of the employee's completed employment application.

Proposed law further provides that any class of persons who meet certain criteria established in proposed law shall not have to pay back benefits received in error. Provides that application of this provision shall not be considered a breach of any system trustee's fiduciary duty.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 11:142(M))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Retirement to the original bill.

1. Adds requirements that the employee identify the retirement systems from which he is receiving benefits and that the employing agency notify its retirement system of receipt of such benefits. Provides that such notice from the employing agency triggers the system-to-system notification otherwise required by proposed law.
2. Provides that application of proposed law shall not be considered a violation of any trustee's fiduciary duty.