

Regular Session, 2012

HOUSE BILL NO. 39

BY REPRESENTATIVE MONTOUCET

1 AN ACT

2 To enact R.S. 11:2254(E), 2256(B)(5), and 2271(7), relative to the Firefighters' Retirement
3 System; to provide for compliance with federal tax qualification requirements; to
4 provide relative to benefits accrued during military service; and to provide for related
5 matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article X, Section 29(C) of the Constitution
8 of Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 11:2254(E), 2256(B)(5), and 2271(7) are hereby enacted to read as
11 follows:

12 §2254. Creditable service

13 * * *

14 E. The qualified military service of a member who has been reemployed in
15 accordance with 26 U.S.C. 414(u) shall be treated for vesting and benefit accrual
16 purposes as service completed under Subsection A of this Section if the member
17 timely remits to the system any employee contributions which would have been
18 required but for the member's leave of absence to perform qualified military service
19 in accordance with the terms of federal law.

20 * * *

1 §2256. Benefits; refund of contributions, application, and payment

2 * * *

3 B.

4 * * *

5 (5) Effective January 1, 2007, if a member dies while on a leave of absence
6 to perform qualified military service as described in 26 U.S.C. 414(u), his
7 beneficiary is entitled to any benefit, except benefits that accrued during the period
8 of qualified military service, that would have been provided under the plan had the
9 member resumed and then terminated employment due to death, in accordance with
10 26 U.S.C. 401(a)(37); however, the member's beneficiary is entitled to benefits that
11 accrued during the period of qualified military service if the beneficiary timely
12 remits to the system any employee contributions which would have been required but
13 for the member's leave of absence to perform qualified military service in accordance
14 with the terms of federal law and R.S. 11:2254.

15 * * *

16 §2271. Tax qualification provisions

17 The Firefighters' Retirement System shall be a tax-qualified governmental
18 plan as provided in the Internal Revenue Code of 1986, as amended. In accordance
19 with the requirements of the Internal Revenue Code, the following provisions shall
20 apply to the retirement system:

21 * * *

22 (7) Amendments to the retirement system required for the purpose of
23 maintaining continued compliance with the Internal Revenue Code and the
24 regulations thereunder that do not require legislative action shall be promulgated as
25 rules in accordance with the Administrative Procedure Act.

1 Section 2. This Act shall become effective on July 1, 2012; if vetoed by the governor
2 and subsequently approved by the legislature, this Act shall become effective on July 1,
3 2012, or on the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____