

Regular Session, 2010

HOUSE BILL NO. 229

BY REPRESENTATIVE PEARSON

RETIREMENT/PUBLIC SYSTEM: (Constitutional Amendment) Relative to public retirement systems, requires a 2/3 vote to enact any changes to retirement provisions having an actuarial cost

1 A JOINT RESOLUTION

2 Proposing to amend Article X, Section 29(E)(5) of the Constitution of Louisiana and to add  
3 Article X, Section 29(F) of the Constitution of Louisiana, to provide relative to  
4 benefit provisions for members of public retirement systems; to require a two-thirds  
5 vote for passage of a benefit provision having an actuarial cost; to provide for  
6 submission of the proposed amendment to the electors; and to provide for related  
7 matters.

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

11 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
12 elected to each house concurring, that there shall be submitted to the electors of the state of  
13 Louisiana, for their approval or rejection in the manner provided by law, a proposal to  
14 amend Article X, Section 29(E)(5) of the Constitution of Louisiana and to add Article X,  
15 Section 29(F) of the Constitution of Louisiana to read as follows:

16 §29. Retirement and Survivor's Benefits

17 Section 29.

18 \* \* \*

19 (E) Actuarial Soundness.

20 \* \* \*

1           (5)(a) All assets, proceeds, or income of the state and statewide public  
2 retirement systems, and all contributions and payments made to the system to  
3 provide for retirement and related benefits shall be held, invested as authorized by  
4 law, or disbursed as in trust for the exclusive purpose of providing such benefits,  
5 refunds, and administrative expenses under the management of the boards of trustees  
6 and shall not be encumbered for or diverted to any other purpose. The accrued  
7 benefits of members of any state or statewide public retirement system shall not be  
8 diminished or impaired.

9           (b) (F) Benefit Provisions; Legislative Enactment. ~~Future benefit~~ Benefit  
10 provisions for members of ~~the state and statewide public retirement systems~~ any  
11 public retirement system, plan, or fund that is subject to legislative authority shall be  
12 altered only by legislative enactment; No such benefit provisions having an  
13 actuarial cost shall be enacted unless approved by two-thirds of the elected members  
14 of each house of the legislature. ~~however, Furthermore,~~ no such benefit provision for  
15 any member of a state retirement system having an actuarial cost shall be approved  
16 by the legislature unless a funding source providing new or additional funds  
17 sufficient to pay all such actuarial cost within ten years of the effective date of the  
18 benefit provision is identified in such enactment. This ~~Subsubparagraph~~ Paragraph  
19 shall be implemented as provided by law.

20           Section 2. Be it further resolved that this proposed amendment shall be submitted  
21 to the electors of the state of Louisiana at the statewide election to be held on November 2,  
22 2010.

23           Section 3. Be it further resolved that on the official ballot to be used at said election  
24 there shall be printed a proposition, upon which the electors of the state shall be permitted  
25 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall  
26 read as follows:

27                     To require a two-thirds vote of the elected members of each house of the  
28                     legislature to enact any benefit provision for members of a Louisiana public

- 1 retirement system if the provision has an actuarial cost. (Amends Article X,  
2 Section 29(E)(5); Adds Article X, Section 29(F))

## 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)]

Pearson

HB No. 229

**Abstract:** Provides that any benefit provision for members of certain La. public retirement systems that has an actuarial cost shall not be approved except by 2/3 vote of each house of the legislature.

Present constitution generally provides that no bill shall become law without the favorable vote of a majority of the elected members of each house of the legislature.

Present constitution provides that benefit provisions for members of state and statewide retirement systems shall only be altered by legislative enactment. The state retirement systems are:

- (1) La. State Employees' Retirement System.
- (2) Teachers' Retirement System of La..
- (3) La. School Employees' Retirement System.
- (4) State Police Pension and Retirement System.

The statewide retirement systems are:

- (1) Assessors' Retirement Fund.
- (2) Clerks' of Court Retirement and Relief Fund.
- (3) District Attorneys' Retirement System.
- (4) Firefighters' Retirement System.
- (5) Municipal Employees' Retirement System of La..
- (6) Municipal Police Employees' Retirement System.
- (7) Parochial Employees' Retirement System of La..
- (8) Registrars of Voters Employees' Retirement System.
- (9) Sheriffs' Pension and Relief Fund.

Present law (Title 11) the "Louisiana Public Retirement Law", generally provides for the state and statewide retirement systems and numerous other, generally local, retirement systems.

Proposed constitution provides that any benefit provision for members of La. public retirement systems that are subject to legislative authority shall not be approved except by legislative enactment by 2/3 vote of the elected members of each house of the legislature if the benefit provision has an actuarial cost.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 2, 2010.

(Amends Const. Art. X, §29(E)(5); Adds Const. Art. X, §29(F))