

RULE 6.8(A) REPORT
OF THE HOUSE COMMITTEE ON CIVIL LAW AND PROCEDURE
ON HOUSE BILL NO. 9

May 1, 2012

Date

I. SUMMARY OF JOINT RESOLUTION

This report is for House Bill No. 9 of the 2012 Regular Session by Representative Ligi, proposing to add Const. Art. X, Section 29(G) of the Constitution.

Provides for the forfeiture of public retirement benefits by any public servant who is convicted of a felony associated with his public service.

II. CONCLUSION

The proposed measure cannot be accomplished statutorily.

Due to the requirement of Const. Art. I, Section 4, relative to the taking of property, and Art. X, Section 29, relative to encumbering all assets, proceeds, or income of the state and statewide public retirement systems and all contributions and payments made to the system, a provision for the forfeiture of such funds would have to be accomplished by an amendment to the constitution.

III. OTHER PENDING MEASURES

Total joint resolutions introduced: 49

Total joint resolutions reported
by other standing committees: 16

HB42 by Representative Champagne adds a Section 29(G) which is similar to the provision added by HB9 and which creates a substantive conflict.

SB17 by Senator Peacock adds a Section 29(G) but is substantively unrelated and therefore creates only a technical conflict.

IV. RECOMMENDATION

With Amendments X

Without Amendments