

Regular Session, 2012

HOUSE BILL NO. 9

BY REPRESENTATIVES LIGI AND CHAMPAGNE

RETIREMENT BENEFITS: (Constitutional Amendment) Authorizes the legislature to provide for forfeiture of retirement benefits by public officials and employees who are convicted of felony acts associated with their positions

1 A JOINT RESOLUTION

2 Proposing to add Article X, Section 29(G) of the Constitution of Louisiana, to provide
3 relative to public retirement systems and persons in such systems; to provide for
4 legislative authority with respect to the forfeiture of retirement benefits by persons
5 who are convicted of certain felonies; to provide for submission of the proposed
6 amendment to the electors; and to provide for related matters.

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

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

14 §29. Retirement and Survivor's Benefits

15 Section 29.

16 * * *

17 (G) Forfeiture of Retirement Benefits; Felony Convictions. The receipt of
18 a public retirement benefit shall be expressly conditioned upon the rendition of
19 honorable service by the public official or employee. Notwithstanding any provision
20 of this constitution or of any home rule charter to the contrary, the legislature may
21 provide for the forfeiture of all or part of the benefits from a public retirement

1 system, plan, or fund in this state by any person who holds or held any public office
 2 or employment and who is convicted of a felony associated with and committed
 3 during his service in such public office or employment. The legislature may provide
 4 for the application of all or part of any forfeited benefits to the unfunded accrued
 5 liability of the system, plan, or fund. The provisions of this Paragraph shall be
 6 applied only to persons employed, re-employed, or elected on or after January 1,
 7 2013. The provisions of this Paragraph shall be applied only to benefits earned on
 8 or after January 1, 2013.

9 Section 2. Be it further resolved that this proposed amendment shall be submitted
 10 to the electors of the state of Louisiana at the statewide election to be held on November 6,
 11 2012.

12 Section 3. Be it further resolved that on the official ballot to be used at the election,
 13 there shall be printed a proposition, upon which the electors of the state shall be permitted
 14 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
 15 follows:

16 Do you support an amendment to provide for the forfeiture of public
 17 retirement benefits by any public servant who is convicted of a felony
 18 associated with and committed during his public service? (Adds Article X,
 19 Section 29(G))

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)]

Ligi

HB No. 9

Abstract: Authorizes the legislature to provide for the forfeiture of public retirement benefits for any person convicted of a felony related to his public office or employment.

Present constitution prohibits diminishing or impairing members' accrued benefits in any state or statewide retirement system.

Proposed constitutional amendment authorizes the legislature to provide for the forfeiture of retirement benefits by any person who is a member of a public retirement system and who has been convicted of a felony related to his office. Authorizes the legislature to apply forfeited benefits toward the system's unfunded accrued liability.

Further provides that any forfeiture provision shall apply only to persons employed, re-employed, or elected on or after Jan. 1, 2013. Provides that only benefits earned on or after Jan. 1, 2013, shall be subject to forfeiture.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 6, 2012.

(Adds Const. Art. X, §29(G))

Summary of Amendments Adopted by House

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

1. Provides that forfeiture will apply only to persons employed, re-employed, or elected on or after Jan. 1, 2013.
2. Provides that forfeiture will apply only to benefits earned on or after Jan. 1, 2013.

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill.

1. Added provision in ballot language specifying that the forfeiture of benefits applies to a felony committed during public service.