

2023 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 69

BY REPRESENTATIVES MIKE JOHNSON, GAROFALO, JEFFERSON, KNOX, AND
LAFLEUR

A CONCURRENT RESOLUTION

To urge and request the House Committee on Retirement and Senate Committee on Retirement to study and make recommendations regarding benefit options for future employees of the state of Louisiana to avoid penalties associated with the Government Pension Offset and Windfall Elimination Program.

WHEREAS, the Congress of the United States of America has enacted both the Government Pension Offset (GPO), reducing the spouse and survivor Social Security benefit and the Windfall Elimination Provision (WEP), reducing the earned Social Security benefits payable to any person who also receives a public pension benefit; and

WHEREAS, the GPO negatively affects a spouse or survivor receiving a federal, state, or local government retirement or pension benefit who would also be entitled to a Social Security benefit earned by a spouse; and

WHEREAS, the GPO formula unfairly reduces the spouse or survivor Social Security benefit by two-thirds of the amount of federal, state, or local government retirement or pension benefit received by the spouse or survivor, in many cases completely eliminating the Social Security benefit even though the spouse paid Social Security taxes for many years; and

WHEREAS, the GPO has a harsh effect on hundreds of thousands of citizens and undermines the original purpose of the Social Security dependent/survivor benefit; and

WHEREAS, according to recent Social Security Administration figures, more than half a million individuals nationally are affected by the GPO; and

WHEREAS, the WEP applies to those persons who have earned federal, state, or local government retirement or pension benefits, in addition to working in employment covered under Social Security and paying into the Social Security system; and

WHEREAS, the WEP unfairly reduces the earned Social Security benefit using an averaged indexed monthly earnings formula and may reduce Social Security benefits for affected persons by as much as one-half of the retirement benefit earned as a public servant in employment not covered under Social Security; and

WHEREAS, the WEP causes hardworking individuals to lose a significant portion of the Social Security benefits that they earned themselves; and

WHEREAS, according to recent Social Security Administration figures, more than one and a half million individuals nationally are affected by the WEP; and

WHEREAS, in certain circumstances, both the WEP and GPO can be applied to a qualifying survivor's benefit, each independently reducing the available benefit and in combination eliminating a large portion of the total Social Security benefit available to the survivor; and

WHEREAS, because of the calculation characteristics of the GPO and WEP, the have a disproportionately negative effect on employees working in lower-wage government jobs, like policemen, firefighters, teachers, and state employees; and

WHEREAS, Louisiana is making every effort to improve the quality of life of its citizens and to encourage them to live here, yet the current GPO and WEP provisions compromise their quality of life; and

WHEREAS, the number of people affected by GPO and WEP is growing everyday as more and more people reach retirement age; and

WHEREAS, individuals drastically affected by the GPO and WEP may have no choice but to return to work after retirement in order to make ends meet, but the earnings accumulated during this return to work can further reduce Social Security benefits the individual is entitled to; and

WHEREAS, the GPO and WEP are established in federal law, and repeal of the GPO and WEP can only be enacted by congress; and

WHEREAS, the Legislature of Louisiana adopted House Concurrent Resolution No. 11 of the 2022 Regular Session memorializing congress to support H.R. 82 of the 117th Congress and other state legislators to do the same in order to reduce or eliminate the GPO and WEP.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the House Committee on Retirement and the Senate Committee on Retirement to study and make recommendations regarding benefit options for future employees of the state of Louisiana to avoid penalties associated with the Government Pension Offset and Windfall Elimination Program.

BE IT FURTHER RESOLVED that the committees are requested to solicit testimony from the attorney general of Louisiana, the state and statewide retirement systems, members of Louisiana's congressional delegation, and others.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE