SLS 13RS-213 ENGROSSED

Regular Session, 2013

SENATE CONCURRENT RESOLUTION NO. 1

BY SENATOR CORTEZ

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Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

RETIREMENT SYSTEMS. Suspends Chapter 7 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, comprised of R.S. 1399.1 through 1399.7.

A CONCURRENT RESOLUTION

2	To suspend until July 1, 2014, the provisions of Chapter 7 of Subtitle II of Title 11 of the
3	Louisiana Revised Statutes of 1950, comprised of R.S. 11:1399.1 through 1399.7.
4	Notice of intention to introduce this Resolution has been published.
5	WHEREAS, Act No. 483 of the 2012 Regular Session of the Louisiana Legislature
6	is presently being challenged in the courts by the Retired State Employees Association for
7	failure of the Legislature to approve the Act by a favorable vote of two-thirds of the elected
8	members of each house; and
9	WHEREAS, Judge William A. Morvant of the Nineteenth Judicial District Court of
10	the State of Louisiana ruled on January 24, 2013, that Act No. 483 of the 2012 Regular
11	Session of the Louisiana Legislature was enacted unconstitutionally for lack of two-thirds
12	majority vote; and
13	WHEREAS, notice of appeal to the Supreme Court of Louisiana on behalf of the
14	State of Louisiana has been given; and
15	WHEREAS, the division of administration on behalf of the State of Louisiana, as the
16	employer for state employees, has requested a private letter ruling from the Internal Revenue
17	Service (IRS) determining the Social Security equivalency of the plan created by Act No.
18	483 of the 2012 Regular Session of the Louisiana Legislature; and

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WHEREAS, it is extremely unlikely that a private letter ruling will be issued prior to July 1, 2013; and

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WHEREAS, due to the uncertainty of the law's effectiveness, the legislature finds it is appropriate to avoid unnecessary and considerable costs and potential harm to future state employees that may result from proceeding with implementation of a plan that has been deemed unconstitutional by the Nineteenth Judicial District Court of the State of Louisiana.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends the provisions of Chapter 7 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, comprised of R.S. 11:1399.1 through 1399.7.

BE IT FURTHER RESOLVED that it is the intent of the legislature that any provisions contained in Act No. 483 of 2012 Regular Session of the Louisiana Legislature that are not being suspended by the provisions of this Resolution shall continue in force and effect and shall be interpreted as though they had not been amended by such Act until June 30, 2014.

BE IT FURTHER RESOLVED that the suspension shall become effective immediately upon adoption of this resolution, and shall extend through June 30, 2014.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Margaret M. Corley.

DIGEST

Cortez SCR No. 1

Suspends the implementation date of the cash balance plan. This law became effective on June 30, 2012, and provides for the establishment of a second tier of membership in Louisiana State Employees' Retirement System, Teachers' Retirement System of Louisiana, and Louisiana School Employees' Retirement System. Persons who begin state employment in non-hazardous duty positions on or after July 1, 2013, will be in the cash balance plan.

Effective immediately upon adoption, through June 30, 2014.

(Suspends Chapter 7 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, comprised of R.S. 11:1399.1 through 1399.7)